

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Social hosting
- 130.02 Curfew
- 130.03 Firearms; discharge
- 130.04 Disorderly conduct

- 130.99 Penalty

§ 130.01 SOCIAL HOSTING.

(A) *Purpose and findings.* The City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The City Council finds that:

(1) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under 21 years of age are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement;

(2) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions;

(3) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user;

(4) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent is present and condones the activity and, in some circumstances, provides the alcohol;

(5) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption;

(6) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs; and

(7) There are times when a legal adult or responsible party is under 21 years of age and is/are present and condone the activity and in some circumstances provide the alcohol.

(B) *Authority.* This section is enacted pursuant to M.S. § 412.221, subd. 32, as it may be amended from time to time.

(C) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOL. Ethyl alcohol, hydrated oxide of ethyl or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE. Alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains 0.5% or more of alcohol by volume, and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

EVENT or **GATHERING.** Any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

HOST. To aid, conduct, allow, entertain, organize, supervise, control or permit a gathering or event.

PARENT. Any person having legal custody of a juvenile:

- (a) As natural, adoptive parent or step-parent;
- (b) As a legal guardian; or
- (c) As a person to whom legal custody has been given by order of the court.

PERSON. Any individual, partnership, co-partnership, corporation or any association of one or more individuals.

RESIDENCE or **PREMISES.** Any home, yard, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park or any other place of assembly, public or private, whether occupied on a temporary or permanent basis whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented or used with or without permission or compensation.

UNDERAGE PERSON. Any individual under 21 years of age.

(D) *Prohibited acts.*

(1) It is unlawful for any person(s) to:

(a) Host or allow an event or gathering;

(b) At any residence, premises, or on any other private or public property;

(c) Where alcohol or alcoholic beverages are present; and/or

(d) When the person knows or reasonably should know that an underage person will or does:

1. Consume any alcohol or alcoholic beverage;

2. Possess any alcohol or alcohol beverage with the intent to consume it; and/or

3. The person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

(2) A person is criminally responsible for violating division (D)(1) above if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act.

(3) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

(E) *Exceptions.*

(1) This section does not apply to conduct solely between an underage person(s) and his and/or her parents while present in the parent's household.

(2) This section does not apply to legally protected religious observances.

(3) This section does not apply to retail intoxicating liquor or 3.2% malt liquor licenses, municipal liquor store or bottle club permit holders who are regulated by M.S. § 340A.503, subd. (b)(1), as it may be amended from time to time.

(4) This section does not apply to situations where underage person(s) are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(5) This chapter does not apply to enforcement activities supervised by a law enforcement agency.

(F) *Enforcement.* This section can be enforced by any licensed police officer in the city. (Ord. 80, passed 6-4-2012) Penalty, see § 130.99

§ 130.02 CURFEW.

(A) Except as hereinafter provided, it is unlawful for any minor under the age of 18 years to loiter, idle or be in or upon the public streets, parks, playgrounds or other public grounds, public places and public buildings or places of amusement, entertainment or refreshment, vacant lot or other unsupervised places, between the hours of 10:00 p.m. and 6:00 a.m. on all nights or days; provided that, the provisions of this section shall not apply to any minor when in the company of his or her parent, guardian or other adult person having the care and custody of such minor, or where such minor is upon some necessary business or errand by permission or direction of his or her parent, legal guardian or other adult person having the care and custody of such minor.

(B) Except as herein after provided, it is unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 18 years to permit such minor to loiter, idle or be in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, or places of amusement, entertainment or refreshment, vacant lots or other unsupervised places during the time prohibited by this section; provided that, the provisions of this section shall not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor or when the minor is upon some necessary business or errand by permission or direction of his or her parent or guardian or other adult person having the care and custody of such minor.

(C) Except as hereinafter provided, it is unlawful for any person operating or in charge of any place of amusement, entertainment or refreshment to permit any such minors as are referred to in division (A) above to remain in such places during the times prohibited by this section; provided that, the provisions of this section shall not apply when such minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or where such minor is upon some necessary business or errand by permission or direction of his or her parent or guardian or other person having the care and custody of such minor.

(D) (1) The Mayor or Chief of Police, upon the request of the Superintendent of the public school the city, may designate certain nights during the school years as "School Nights" at such times as said school shall be engaged in athletic, musical, dramatic or school activities for the benefit or entertainment of the students. The Mayor or Chief of Police, upon the request of any minister or priest of any church in the city, may designate certain nights during the school year as "Youth Nights" at such times as said churches shall be engaged in athletic, musical, dramatic, social or religious activities for the benefit or entertainment of minors.

(2) The provisions of divisions (A), (B) and (C) above shall not apply to any student under the age of 18 years or to his or her parent, guardian or other adult person having the care and custody of such minor who is lawfully going to, attending or returning from any such school or church function on any designated "School Night" or "Youth Night".

(E) Any minor under the age of 18 years who shall violate the provisions of this section shall be deemed delinquent child, as defined in M.S. § 260B.007, as it may be amended from time to time. (Ord. passed 8-4-2003; Ord. 66, passed 3-1-2004) Penalty, see § 130.99

§ 130.03 FIREARMS; DISCHARGE.

(A) The term *FIREARMS*, as used herein, shall mean any gun, including a pistol, from which shot or a projectile is discharged by means of an explosive, gas or compressed air.

(B) No person or persons shall fire or discharge any firearm of any description within the corporate limits of the city.

(C) This section shall not prohibit the carrying and use of firearms by duly authorized police officers and law enforcement officers within the city, or the carrying and use of firearms by any person at any rifle range or trap shooting area, a permit for which has been issued by the Chief of Police. (Ord. 38, passed 11-5-1973) Penalty, see § 130.99

§ 130.04 DISORDERLY CONDUCT.

The doing of any of the following acts without authority of law by any persons is hereby declared to be disorderly conduct:

(A) Willfully disturbing any assembly or meeting not lawful in its character or the peace and quiet of any family or neighborhood;

(B) Willfully and lewdly exposing his or her person or the private parts thereof, or procuring another to do so expose himself or herself, and any open and gross lewdness or lascivious behavior or any act of public indecency;

(C) Using profane, vulgar or indecent language in or about any public building, store or place of business, or upon any of the streets, alleys or sidewalks of the city so as to be audible and offensive; and/or

(D) Appearing upon any public streets or other public place in an intoxicated condition. (Ord. 4, passed 4-2-1934) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Violation of § 130.01(D) of this chapter is a misdemeanor.

(C) (1) Any parent, legal guardian or other adult person who violate the provisions of § 130.02(B) of this chapter shall, upon conviction thereof, be guilty of a misdemeanor.

(2) Any person, firm or corporation operating or in charge of any place of amusement, entertainment or refreshment who shall violate the provisions of § 130.02(C) of this chapter shall, upon conviction thereof, shall be guilty of a misdemeanor.

(D) Any person violating any provision of § 130.03 of this chapter shall, upon conviction thereof, be punished by a fine of not more than \$300 or in default thereof by imprisonment for a term not exceeding 90 days.

(E) Disorderly conduct is hereby prohibited and anyone doing any of the acts set out in § 130.04 of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not to exceed \$100 or by imprisonment in the county jail for not to exceed 90 days, or by both, together with the cost of prosecution in addition.

(Ord. 4, passed 4-2-1934; Ord. 38, passed 11-5-1973; Ord. 66, passed 3-1-2004; Ord. 80, passed 6-4-2012)