

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

131. EXCLUSION ZONES AND PROHIBITIONS FOR CERTAIN ACTIVITIES

CHAPTER 130: GENERAL OFFENSES

Section

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§ 130.01 CURFEW FOR MINORS.

(A) *Purpose.* The curfew for minors established by this section is maintained for 4 primary reasons:

- (1) To protect the public from illegal acts of minors committed during the curfew hours;
- (2) To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;
- (3) To protect minors from criminal activity that occurs during the curfew hours; and
- (4) To help parents control their minor children.

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

EMERGENCY ERRAND.

(a) A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household.

(b) The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or Fire Department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

OFFICIAL CITY TIME. The time of day as determined by reference to the master clock used by the Police Department.

PLACES OF AMUSEMENT, ENTERTAINMENT, OR REFRESHMENT. Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering

to minors, restaurants, and pool halls.

PRIMARY CARE or **PRIMARY CUSTODY.** The person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

SCHOOL ACTIVITY. An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

(C) *Hours.*

(1) *Minors under the age of 16 years.* No minor under the age of 16 years shall be in or upon the public streets, alleys, parks, playgrounds, or other public grounds, public places, or public buildings; nor in or upon places of amusement, entertainment, or refreshment; nor in or upon any vacant lot, between the hours of 10:30 p.m. and 5:00 a.m. the following day, official city time.

(2) *Minors ages 16 years to 18 years.* No minor of the ages of 16 or 17 years shall be in or upon the public streets, alleys, parks, playgrounds, or other public grounds, public places, or public buildings; nor in or upon places of amusement, entertainment, or refreshment; nor in or upon any vacant lot, between the hours of 12:00 a.m. midnight and 5:00 a.m. the following day, official city time.

(D) *Effect on control by adult responsible for minor.* Nothing in this section shall be construed to give a minor the right to stay out until the curfew hours designated in this section if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this section be construed to diminish or impair the control of the adult person having the primary care or custody of the minor.

(E) *Exceptions.* The provisions of this section shall not apply in the following situations:

(1) To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor;

(2) To a minor who is upon an emergency errand at the direction of his or her parent, guardian, or other adult person having the primary care and custody of the minor;

(3) To a minor who is in any of the places described in this section if in connection with or as required by an employer engaged in a lawful business, trade, profession, or occupation; or to a minor traveling directly to or from the location of the business, trade, profession, or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work;

(4) To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the city, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor;

(5) To a minor who is passing through the city in the course of interstate travel during the hours of curfew;

(6) To a minor who is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or freedom of religion;

(7) To minors on the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's designated law enforcement provider about the minor's presence; or

(8) To a minor who is married or has been married, or is otherwise legally emancipated.

(F) *Duties of person legally responsible for minor.* No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this section by the minor.

(G) *Duties of other persons.* No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section unless the minor is accompanied by his or her parent, guardian, or other adult person having primary care or custody of the minor, or unless 1 of the exceptions to this section applies.

(H) *Defense.* It shall be a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the city's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(I) A law enforcement officer must look into whether a minor has an affirmative defense before making an arrest.
Penalty, see § 130.99

§ 130.02 DISORDERLY CONDUCT.

(A) The doing of any of the following acts without authority of law by any person or persons within the City of North Oaks is hereby declared to be disorderly conduct:

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

(2) Surreptitiously looking, gazing, staring, or peeping in the windows of the home or place of dwelling of another with the intent to intrude upon or interfere with the privacy of the members of the household thereof;

(3) Rioting, fighting, quarreling, reveling, and any other conduct calculated to disturb a neighborhood or annoy travelers or others: and/or

(4) Assaulting any person or persons, or engaging in any battery or affray.

(B) Disorderly conduct is hereby prohibited.
(Ord. 36, passed 11-8-1962; Am. Ord. passed 4-13-1995) Penalty, see § 130.99

§ 130.03 DISCHARGING FIREARMS.

(A) *Shooting upon, over or near a cemetery.* No person shall, without permission from the proper officials, discharge a firearm upon or over a cemetery or within 100 yards thereof, unless the person is upon his or her own land.

(B) *Hunting near a city park.* No person shall hunt, shoot, or kill game within 1/2 mile of a city park unless the City Council has granted permission to kill game not desired within the limits prohibited by this division.

(C) *Discharge of firearms prohibited in certain places.* No person shall discharge a firearm on a lawn, park, playground, orchard, or other ground appurtenant to a school, church, or an inhabited dwelling, the property of another, or a charitable institution. This section does not prevent or prohibit the owner thereof from discharging firearms upon his or her own land.

(D) *Discharging firearms on highways prohibited.* No person shall discharge a firearm upon or over a public road or highway.

(E) *Exceptions.* This section shall not prohibit the firing of a military salute or the firing of weapons by persons of the nation's armed forces acting under military authority, and shall not apply to law enforcement officials in the proper enforcement of the law, or to any person in the proper exercise of the right of self defense, or to any person otherwise lawfully permitted by proper federal, state or local authorities to discharge a firearm in a manner contrary to the provisions of this section.

(F) If any of the above provisions are found to be in conflict with M.S. § 624.717, as it may be amended from time to time, the provisions of that statute shall prevail.
Penalty, see § 130.99

§ 130.04 TRESPASS.

(A) No person shall enter upon any real property situated within the city without the express consent of the owner or owners of the property. Consent given on any occasion to enter upon the property shall not be implied or deemed to be consent to enter upon the property on any other occasion or occasions.

(B) No person shall manipulate, operate, open, or otherwise move any gate or any similar device situated within the city without the express consent of the owner or owners of the gate or device. Consent given on any occasion to manipulate, operate, open, or otherwise move any gate or device shall not be implied or deemed to be consent to open or move the gate or device on any other occasion or occasions.

(C) No person shall assist, aid, or abet another in the violation of the provisions of this section.

(D) This section shall take effect and be in force from and after its passage and publication.
(Ord. 10, passed 9-20-1957; Am. Ord. passed 4-13-1995) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) *Generally.* Whoever violates any provision of this chapter for which no other penalty has been established shall be punished as provided in § 10.99.

(B) *Curfew penalties.*

(1) *Minors.* Any minor found to be in violation of § 130.01 may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. Ch. 260B, as it may be amended from time to time.

(2) *Adults.* Any adult person found to be in violation of § 130.01 shall be guilty of a misdemeanor.

CHAPTER 131: EXCLUSION ZONES AND PROHIBITIONS FOR CERTAIN ACTIVITIES

Section

- 131.010 Purpose
- 131.020 Definitions
- 131.030 Restrictions
- 131.040 Exceptions
- 131.050 Criminal Penalties

131.010: PURPOSE: The City of North Oaks considers the safety of its residents, its children in particular, to be of critical importance and the potential threat of designated predatory offenders in close proximity to them to be an unacceptable risk. This chapter is intended to exclude sex offenders and predators from locations throughout the City of North Oaks to help protect the welfare and safety of the residents and reduce the risk presented by the presence of predatory offenders in close proximity to the public, children in particular, in areas that the City has control over.

131.020: DEFINITIONS:

- a. Predatory offender: A person who is required to register as a predatory offender under Minn. Stat. §243.166.

131.030: A predatory offender shall not do any of the following:

- a. Be present upon or within 500 feet of any school, school bus stop, church or place of worship, public or private park, or public or private wooded space, or any public or private trails.
- b. Be present on or in any vehicle or other conveyance owned, leased, or contracted by a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee when the vehicle is in use to transport students to or from a school or school-related activities, unless enrolled as a student at the school or unless the vehicle is simultaneously made available to the public as a form of public transportation.
- c. Be present upon the real property of any child care facility without the written permission of the child care facility administrator.
- d. Be present upon or within 500 feet of the real property boundary of a child care facility.

- e. Operate, manage, be employed by, or act as a contractor or volunteer, or attend or participate in any public or private fair or carnival including but not limited to the Garden Club Sale, North Oaks Community Fair and Parade, Bonfire Dance and Fireworks, the Hill Farm Historical Society Ice Cream Social and Farm Fest.
- f. Operate, manage, be employed by, or act as a contractor or volunteer at any place enumerated in section 131.030 a. above.

131.040: EXCEPTIONS:

A predatory offender:

- a. Who, as of the date of enactment of this ordinance, resides in a dwelling located within 500 feet of the real property boundary of, child care facility, or place intended primarily for the use by the public as specified in section 131.030.a shall not be in violation of section 131.030 for having an established residence within the exclusion zone. Nothing in this provision shall permit conduct which is otherwise prohibited as enumerated in section 131.030.a.
- b. Who is the parent or legal guardian of a minor shall not be in violation of section 131.030 solely during the period of time reasonably necessary to transport the offender's own minor child or ward to or from a place specified in section 131.030.
- c. Who is legally entitled to vote shall not be in violation of section 131.030 solely for the period of time reasonably necessary to exercise the right to vote in a public election if the polling location of the offender is located in a place specified in section 131.030.

131.050: CRIMINAL PENALTIES: Any person violating any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor.
(Ord. 117, passed 06-09-2016) Penalty, see § 130.99