

CHAPTER 17

OFFENSES, MORALS, AND CONDUCT

PENALTY FOR MISDEMEANOR

17.101. Penalty for misdemeanor. Any person found guilty of conduct defined in any provision of this code as a misdemeanor shall, upon conviction thereof, be punished by a fine not to exceed \$300 or by imprisonment not to exceed 90 days or both.

- (1) If a lesser penalty is prescribed by any provision, that penalty shall prevail.
- (2) Where any statute or code adopted by reference as a part of this code prescribes a lesser penalty, the penalty required by the statute or code shall prevail.
(Ordinance 173, sec. 1,2, / /73)

CURFEW

17.301. Definitions. For the purpose of this ordinance, the following words shall have the following definitions or meanings:

- (1) Curfew Hours - means 10:00 P.M. on any day of the week until 6:00 A.M. of the following day.
- (2) Emergency - means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (3) Establishment - means any privately owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.
- (4) Guardian - means:
 - a. a person who, under court order, is the guardian of the person of a minor; or
 - b. a public or private agency with whom a minor has been placed by a court.
- (5) Minor - means any person under sixteen (16) years of age.
- (6) Operator - means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- (7) Parent - means a person who is:
 - a. a natural parent, adoptive parent, or step-parent of another person; or

- b. at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- (8) Public Place - means any place to which the public or a substantial group of the public has access and includes, but is not limited to: parks, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
- (9) Remain - means to:
 - a. linger or stay; or
 - b. fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
- (10) Serious Bodily Injury - means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

17.302. Restrictions.

- (1) It shall be unlawful for any minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (2) It shall be unlawful for any parent or guardian of a minor to knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours. The term "knowingly" includes knowledge which a parent or guardian should reasonably be expected to have concerning the whereabouts of a minor in the legal custody of that parent or guardian.
- (3) It shall be unlawful for any owner, operator, or any employee of an establishment to knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

17.303. Exceptions. The following shall constitute valid exceptions to the operation of the curfew. That the minor was:

- (1) accompanied by the minor's parent or guardian;
- (2) on an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) in a motor vehicle involved in interstate travel;
- (4) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) involved in an emergency;

- (6) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Long Prairie, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Long Prairie, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) married or had been married.

17.304. Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3 is present.

17.305. Penalties.

- (1) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.
- (2) Any minor who is convicted of a violation of this ordinance after the case has been referred for prosecution in the trial court under Minnesota Statutes §260.125, and any adult person having the care and custody of such minor, is guilty of a petty misdemeanor and shall be punished by a fine not to exceed \$200.00.

17.306. That within six months after the initial enforcement of this ordinance, the City Clerk shall review this ordinance and report and make recommendations to the City Council concerning the effectiveness of and the continuing need for the ordinance. The City Clerk's report shall specifically include the following information:

- (1) The practicality of enforcing the ordinance and any problems with enforcement identified by the police department.

17.307. That the terms and provisions of this ordinance are severable. If any provision of this ordinance is, for any reason, held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance. It is intended that the Curfew Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional.

17.308. That this ordinance shall take effect immediately from and after its passage and publication according to law.

DEFINING AND PROHIBITING LOITERING.

17.801. Definitions. For the purpose of this ordinance, the following words shall have the following definitions or meanings:

- (1) Loitering. The word "loitering" is defined as the failure or refusal on the part of any person to vacate or leave any premises after being requested or ordered either orally or in writing to do so, for cause, by the owner, agent, manager or person in charge thereof, or by any law enforcement agent or official, and shall also include the return at any time hereafter to any such premises after having been so requested or ordered to vacate or leave such premises, or the failure or refusal when requested or ordered as herein provided to stop or cease the behavior, act or conduct set forth in Section 1:
 - a. provided however, that this definition shall not include any person on such premises who may be the owner or tenant of any part thereof, nor shall it include the wife, children, employee, or tenant of such owner or occupier.

- (2) Cause. The word "cause" is defined as any behavior, act, or course of conduct on the part of any person which may or is likely to result in a disturbance of the peace, including but not limited to the following:
 - a. the making or production of any unnecessary noise by shouting or by any other means or mechanisms including the blowing of any automobile or other vehicle horn;
 - b. any improper use of flash or spotlights;
 - c. the drinking or display of any beer or intoxicating liquor or wine in or about any premises in which such drinking or display is prohibited by law;
 - d. the defacement or destruction of, or causing otherwise of damage to any premises or of any property located thereon;
 - e. the strewing, scattering, littering, throwing, disposal or deposit of any refuse, garbage or rubbish on or unto any premises except into receptacles provided for such purpose;
 - f. the discharge of any fireworks, caps, pistols, firearms or any other device or mechanism designed to create noise;
 - g. the use of profane, abusive, indecent or threatening language towards any person including peace officers;
 - h. inciting to or committing assault or battery;
 - i. soliciting for any illegal or immoral purposes;

- j. any unexplained lingering in or about premises after closing hours;
- k. any obstructing of traffic either pedestrian or vehicular except in cases of emergency;
- l. spitting on a public or private sidewalk;
- m. standing or lingering about the doorway of any building in such a manner as to obstruct or partially obstruct the free and uninterrupted ingress to or egress from such building or in such manner as to annoy the owner or occupant thereof or the owner or occupant of any adjacent premises;
- n. lingering on, near, under or about any public bridge, including approaches thereto or abutment thereof;
- o. lingering near or about any public buildings, reservoir, dam or public works;
- p. or any other behavior which is otherwise forbidden by law.

- (3) Premises. The word "premises" is defined as any land, lot, parcel, sidewalk, boulevard, street, highway, alley, thorough-fare, park, playground, restaurant, cafe, church, school, car or parking lot, drive-in, building used for business, commercial or industrial purposes, place, washroom or toilet, apartment hallway or other location whether public or private in the City of Long Prairie.

17.802. Loitering Prohibited. Loitering in the City of Long Prairie is prohibited.

17.803. Penalty. Any person violating any provision of Sections 17.801 - 17.802 shall be guilty of a petty misdemeanor.
(Ordinance No. 79-7-2, Sections 17.801 - 17.803, 7/2/79)

PROHIBITING BREACH OF PEACE

17.901. It shall be unlawful for any person, in the public or private place, to engage in, or prepare, attempt, offer or threaten to engage in, or assist or conspire with another to engage in, or congregate because of, any riot, fight, brawl, tumultuous conduct, act of violence, or any other conduct which disturbs the peace and quiet of another, save for participation in a recognized athletic contest.

17.902. Any person who violate any provision of Section 17.901 shall be guilty of a misdemeanor.
(Ordinance No. 78-4-17-2. 4/17/78)