

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

131. PREDATORY OFFENDERS

132. SOCIAL HOSTING

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Damage to property; graffiti
- 130.02 Weapons
- 130.03 Discharging firearms
- 130.04 Curfew for minors
- 130.05 Fireworks
- 130.06 Trespass
- 130.07 Adoption of state=s Criminal Code

- 130.99 Penalty

' 130.01 DAMAGE TO PROPERTY; GRAFFITI.

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

GRAFFITI. In addition to its usual and customary meaning of defacing walls or structures with messages or slogans, **GRAFFITI** shall also mean any letter, numeral, figure, emblem, insignia, picture, outline, character, spectacle, delineation, announcement, word, phrase, diagram, symbol, sketch, inscription or representation, wherein the contents thereof are visible to any member of the general public and which contains references to sexual activity, diagrams relating to sexual activity or sexual organs, references to criminal activities or groups which promote or are involved in criminal activity, swearing or fighting words, defamatory materials about any person, references to relationships, or any marking of any kind whatsoever which results in damage to, defacing of, marring of, or discoloring of any sidewalk, street, or other public surface, any vehicle, any equipment, lamp, lamp post or other city property, or of the exterior surface of a wall, fence, door, building or other structure, whether publicly or privately owned.

OWNER. Means and includes the owner of record of the subject property, whether public or private, at the time of the placement or discovery of the graffiti or at a subsequent time, the beneficial owner under a land trust, the contract purchaser, or that person or persons or trust in whose name the general taxes for the last preceding year were paid, except that **OWNER** shall not include the city.

Blooming Prairie - General Offenses**(B) *Conduct prohibited.***

(1) It is unlawful for any person to inscribe, draw, or otherwise place or cause to be placed any graffiti upon the surface of any building, structure, wall or surface of other property that is publicly or privately owned.

(2) It shall be unlawful for any parent or legal guardian to knowingly permit any minor child in his or her custody or control to violate division (B)(1) of this section.

(3) The parent or legal guardian of a minor defendant who resides with the parent or legal guardian at the time of the offense may be held liable for any fine or condition of restitution or reparation imposed by a court upon a minor for violation of this section; provided, that minor has not paid the fine or made restitution or reparation within the time ordered by the court; and further provided that the parent or legal guardian has been served with summons or notice to appear whether in the original cause or in any subsequent proceedings arising therefrom, including sentencing or collection actions, as provided by law.

(C) *Removal by owner.*

(1) *Owner=s responsibility.* It shall be the duty of the owner of the structure or wall or other private property upon which any graffiti is placed or made to remove, eradicate, or eliminate the inscription or representation within 30 days of the occurrence unless granted additional time by the City Council.

(2) *Notice to remove graffiti.* In the event the owner has failed to eliminate the graffiti, the owner shall be notified by certified mail or personal notice that he or she has 30 days from the date of the notice in which to remove the graffiti. In the event that charges have been filed against the person believed responsible for placement of the graffiti and the owner can show to the city that there is a reasonable likelihood that the person will be required to make restitution or restore the premises to its previous condition, the owner may be given additional time to meet the removal requirements. In no event shall the owner be granted more than a total of six months= time to remove graffiti, but any extensions shall be based solely upon a reasonable likelihood of apprehension and conviction of the person responsible. In the absence of the reasonable likelihood, the owner is responsible for removal within the time allowed in divisions (C)(1) and (2) of this section.

(3) *List of contractors and cleaning materials.* The city may make available a list of contractors in the business of removing graffiti and list of cleaning materials generally recognized in the industry as effective in the removal of graffiti. By providing lists of contractors and cleaning materials, the city does not guarantee the quality or adequacy of work performed by anyone selected by owner or the effectiveness or safety of the materials listed, and the city expressly disclaims responsibility or liability for the quality or adequacy of the work or materials or any claims for damage or injury arising therefrom.

(D) *Removal by the city.*

(1) The city shall have the right but not the duty to remove graffiti from the exterior of private property if the owner informs the city of the presence of the graffiti and of the owner's inability to remove it. Prior to the city entering any private property to remove graffiti, the owner must sign a statement authorizing removal by the city and agreeing to pay the reasonable costs of the removal and to allow the recording of a lien against the real estate upon which the work was performed if the cost is not paid to the city within 30 days of the date of the invoice sent to the owner. The owner must also sign a release holding the city harmless from any claims or suits brought for damages pursuant to any adverse or injurious effects of such chemicals or from the actions taken by the city or its employees to remove the graffiti prior to the city commencing work on the property. If the property owner does not remove the graffiti within the time specified or extended time requested and granted by the city or if the city is unable to perform the work at the request of the owner, the owner shall be subject to the penalties listed in division (E) of this section.

(2) If the city performs the graffiti removal pursuant to division (D)(1) of this section, it shall be entitled to a lien and to file a notice of lien against the property upon which the work was performed for the cost of the removal.

(E) *Penalty.*

(1) Upon a finding of guilty for violation of division (B) of this section, an offender shall be punished as provided in ' 130.99. Additionally, the court may, as a condition of probation, supervision, or conditional discharge, require that the party guilty of violating the provisions of division (B) of this section make full and complete restitution to the owner of the property for expenses incurred in the removal of the graffiti or, with the consent of the owner, restore the structure, wall, building or surface to its previous condition. In addition, the court may order as a further penalty community service in the form of time to be spent in cleaning property that has been defaced by graffiti in any location in the city.

(2) Upon a finding of guilty for violation of division (C)(1) of this section, an offender shall be punished as provided in ' 130.99. Each and every day that graffiti is permitted to remain beyond the time specified in division (C)(2) of this section shall constitute a separate violation.

(F) *Compliance by the city.*

(1) It is the intention of the city that graffiti discovered upon city property or public property under the jurisdiction and control of the city will be removed within the time periods for graffiti removal imposed upon other governmental bodies and owners of private property under this section. The City Council shall have the authority to order and direct the removal of graffiti.

(2) A designated city officer, or his or her designee, shall provide, no less than semi-annually, a written report to the City Council of graffiti incidents involving city property and removal efforts by the city. The report shall include at a minimum the location of the graffiti, charges filed against or

convictions of offenders where relevant, the date and methods of graffiti removal undertaken by the city and the cost of the removal.

Penalty, see ' 130.99

' 130.02 WEAPONS.

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

CROSSBOWS and **BOWS**. Any instrumentality designed to fire a missile, dart, projectile, arrow or a similar device by the use of tension upon a string, spring, wire, cable or tether, and shall include handbows, footbows, crossbows gun bows or any other similar device whether or not the same were designed and manufactured for such a purpose or designed for some other purpose, but put to such a use.

DANGEROUS INSTRUMENTALITIES. Any instrument or device designed to throw, hurl, shoot, project or toss any stone, missile, projectile, marble or other object including, but not limited to: sling shots; sling bows; spear throwers; or other devices that are manufactured and designed for that purpose or designed for some other purpose, but put to such a use.

FIREARMS. Any form of shotgun, rifle, pistol or combination thereof designed to shoot a bullet, pellet, slug or projectile by an explosion of gunpowder in any form, and whether the instrument be specifically designed or manufactured for such purposes, or designed for some other purpose, but put to such a use.

PELLET GUNS and **BB GUNS**. Any form of gun or similar device designed to shoot a pellet, BB, buckshot or other projectile by the use of compressed gas, tension or springs whether the device was designed and manufactured for such purpose or designed for some other purpose, but put to such use. This definition shall be understood to include splat ball guns.

SWORDS, KNIVES AND SIMILAR DEVICES. Any instrument, including swords, knives, daggers, hunting knives, spears, cleavers, hatchets, stilettos, razor blades, razors and other devices designed for stabbing, cutting, cleaving or chipping, whether or not designed or manufactured for that purpose or designed for some other purpose, but put to such a use.

(B) It shall be unlawful for any person within the city limits to discharge, fire or shoot any firearm, BB gun, pellet gun, crossbow or bow. Discharge or use of any of the above prohibited instruments shall also be prohibited notwithstanding that the discharge or use occurred outside the city limits, if the items are shot into the city, causing any object discharged or used to pass through or into the city whether or not they actually strike or alight there.

(C) All firearms whatsoever shall be unloaded at all times within the city. In addition to being unloaded, all such firearms shall be encased in a gun case, holster, gun box, gun bag or other completely enclosed container. Any firearms in a holster shall be strapped or fastened to the holster and not available for immediate removal without the loosening or unfastening or a securing strap or clip.

(D) All bows or crossbows shall be unloaded and unstrung at all times within the city. It shall not be deemed a violation of this section to target shoot handbows within the city; provided, the target shooting is under conditions and circumstances as not to endanger any person or property and conducted in a safe and reasonable manner.

(E) It shall be unlawful for any person to shoot or discharge any pellet gun or BB gun within the city. All pellet guns and BB guns shall be unloaded and uncocked at all times. In the case of pellet guns, the guns shall not contain any compressed gas, gas cylinders or devices used as a propellant while in the city.

(F) All swords and knives and other described items of this category shall be used in the city only for lawful and reasonable purposes for which type were intended. At all other times, the items shall be sheathed, stored in a safe place and not exposed to public view.

(G) (1) It shall be unlawful to discharge, use or set off in any fashion any dangerous instrumentality within the city, including the use or discharges that cause any projectile to be thrown, hurled or passed into the city whether or not the same lands there.

(2) Any dangerous instrumentality to be transported in public, or in any motor vehicle, shall be encased as to prevent its use.

(3) Any dangerous instrumentality which is strung or capable of use, not stored or contained in a form of container to prevent its immediate use, shall be considered a violation of this section.

(H) Any item described in division (A) above shall, at all times and places, be stored in a safe and reasonable manner so as to not be available to children, incompetents or other persons not of the sufficient mental capacity to handle the items.

(I) This section shall not be construed to authorize or permit the ownership and possession of any otherwise unlawful items including, but not limited to: switch blade knives; spring bladed stiletos; zip guns; machine guns; or other fully automatic firearms, sawed-off shotguns or other illegal devices prohibited by federal law, state statutes or local ordinance.

(Ord. 94-1, passed 1-3-1994) Penalty, see ' 130.99

' 130.03 DISCHARGING FIREARMS.

(A) *Shooting upon, over or near a cemetery.* Except as provided by M.S. ' 97A.137, as it may be amended from time to time, for wildlife management areas that are 40 acres or greater, 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.

Blooming Prairie - General Offenses

(B) *Hunting near a city park.* Except as provided by M.S. ' 97A.137, as it may be amended from time to time, for wildlife management areas that are 40 acres or greater, no person shall hunt, shoot, or kill game within one-half 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 CURFEW FOR MINORS.

(A) *Purpose.* The curfew for minors established by this section is maintained for four 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 task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor=s household. 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, 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, 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, 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 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;

Blooming Prairie - General Offenses

(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 one 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.

Penalty, see ' 130.99

' 130.05 FIREWORKS.

(A) The use, display, possession, discharge or sale of any fireworks not expressly permitted by M.S. ' 624.20, subd. 1(b), (c), as it may be amended from time to time, is strictly prohibited.

(B) All use, display or discharge of those non-explosive, non-aerial pyrotechnic entertainment devices only containing the limited amounts of pyrotechnic chemical compositions described in and permitted by M.S. ' 624.20, subd. 1(b), (c), as it may be amended from time to time, hereinafter referred to as permitted consumer fireworks, is strictly prohibited in:

(1) The area on, below, above or within or in close proximity to: recreational areas, roadways, streets, highways, bicycle lanes, pedestrian paths, sidewalks, rights-of-way, lakes, rivers, waterways and all other property owned or leased by the city, the county in which the city is located, the State of Minnesota or the federal government and located in whole or in part within the city limits;

(2) Private property within the city limits that has conspicuously posted a written sign or notice that no fireworks discharge is allowed;

(3) Within 300 feet of any consumer fireworks retail sales facility or storage area that has posted a written sign or notice that no fireworks discharge is allowed; and

(4) Any property, area, or structure that, by its physical condition or the physical conditions in which it is set, would constitute a fire or personal safety hazard.

(C) All other use, display or discharge of permitted consumer fireworks must be conducted in a manner that minimizes the risk of fire or injury to other persons or property.

' 130.06 TRESPASS.

(A) It shall be unlawful and an act of trespass to enter upon the premises of swimming pool property within the fenced area thereof in the city without prior authorization during hours in which the pool is not open for public use.

(B) Whoever intentionally does any of the following may be sentenced in accordance with the provisions of ' 130.99(D)(2) of this chapter:

(1) Enters upon the premises of any public school building within the city at any time other than during school hours and/or other than for authorized purposes;

(2) Enters upon the premises of any public school property at any time without claim of right and loiters thereupon or refuses to depart therefrom upon demand of the administrator thereof or his or her authorized agent; or

(3) Without authorized permission, drives any motorized vehicle upon any public school property for non-school purposes.

(Ord. 71-1-A, passed - -1971; Ord. 72-6, passed 7-5-1972) Penalty, see ' 130.99

' 130.07 ADOPTION OF STATE=S CRIMINAL CODE.

The regulatory provisions of M.S. Ch. 609, as it may be amended from time to time, to the extent of those provisions therein which relate to misdemeanors are hereby adopted as a criminal ordinance regulating the city and are hereby incorporated in and made a part of this section as completely as if set out here in full.

(Ord. 72-4, passed - -1972) 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 ' 130.03 may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. ' 260B.198, as it may be amended from time to time.

(2) *Adults.* Any adult person found to be in violation of ' 130.03 shall be guilty of a misdemeanor.

(C) Any violation of ' 130.02 of this chapter shall constitute a misdemeanor and be punishable accordingly.

(D) (1) Any person who shall commit an act of trespass, as defined in ' 130.06(A) of this chapter, shall be guilty of a misdemeanor and, upon conviction therefor, shall be punished by a fine of not to exceed \$300 or by imprisonment for not to exceed 90 days.

(2) Any person who shall commit an act of trespass, as defined in ' 130.06(B) of this chapter, shall be guilty of a misdemeanor and, upon conviction therefor, shall be punished by a fine of not to exceed \$300 or by imprisonment for not to exceed 90 days or both.

(E) Any violation of the statutes adopted by reference in ' 130.07 of this chapter is a violation of ' 130.07 of this chapter when it occurs within the city. Any person thus violating any provision of ' 130.07 of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not to exceed \$300 or by imprisonment in the city or county jail for a period of 90 days; but, if a minimum fine or imprisonment is prescribed by the state=s Criminal Code of 1963 for an offense, the penalty shall apply to a person convicted of the same offense under ' 130.07 of this chapter.

(Ord. 71-1-A, passed - -1971; Ord. 72-4, passed - -1972; Ord. 72-6, passed 7-5-1972; Ord. 94-1, passed 1-3-1994)

CHAPTER 131: PREDATORY OFFENDERS

Section

- 131.01 Purpose
- 131.02 Findings
- 131.03 Definitions
- 131.04 Prohibited acts
- 131.05 Exceptions
- 131.06 Renting in exclusion zones prohibited

- 131.99 Penalty

' 131.01 PURPOSE.

The City Council intends to serve the city=s compelling interest to promote, protect and improve the health, safety and welfare of its citizens under this chapter. It is the express intent of the City Council to further that interest by creating areas around locations where children regularly congregate in concentrated numbers within which certain predatory offenders are prohibited from establishing temporary or permanent residence; and, by mitigating the concentration of certain predatory offenders, as recommended by M.S. ' 244.052, subd. 4(a), as it may be amended from time to time, by prohibiting certain predatory offenders from establishing temporary or permanent residence within close proximity to one another.

(Ord. 17-01, passed 3-13-2017)

' 131.02 FINDINGS.

The City Council finds that repeat predatory offenders present a real threat to the public safety and especially to that of children. Certain predatory offenders are likely to use physical violence and present a high risk to repeat their offenses and most predatory offenders have committed many more offenses and have many more victims than are ever reported and prosecuted. This makes dealing with the danger posed to the public safety and especially that of children by those certain predatory offenders extremely important.

(Ord. 17-01, passed 3-13-2017)

131.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DESIGNATED PREDATORY OFFENDER. Any person who is required to register as a predatory offender under M.S. ' 243.166, as it may be amended from time to time, and who has been categorized as a Level III predatory offender under M.S. ' 244.052, subd. 3, as it may be amended from time to time, a successor statute or a similar statute from another state.

LICENSED CHILD CARE CENTER. A child care center currently licensed by the county's Health and Human Services or its representatives.

PERMANENT RESIDENCE. A place where a person abides, lodges or resides for 14 or more consecutive days.

PUBLIC PARK/PLAYGROUND. Any city-owned, or privately-owned but open to the public, area, designed, equipped and set aside for children's play and includes in that area such facilities as play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation and related structures.

SCHOOL. A public or non-public school, elementary or secondary school.

TEMPORARY RESIDENCE. A place where a person abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.
(Ord. 17-01, passed 3-13-2017)

131.04 PROHIBITED ACTS.

(A) *Prohibited location of residence.* It is unlawful for any designated predatory offender to establish permanent residence or temporary residence within 1,000 feet of any of the following:

- (1) Public or private school;
- (2) Licensed child care provider, including, but not limited to, in home care providers which are licensed by the state and/or county;
- (3) Public park/playground;
- (4) Place of worship which provides regular educational programs;

- (5) Designated public trails;
- (6) Public or private gymnasiums;
- (7) Libraries;
- (8) Public beaches;
- (9) Sporting facilities (baseball fields, football fields, hockey rinks, soccer fields and the like) where children are known to congregate; and
- (10) The permanent or temporary residence of any other designated predatory offender.

(B) *Measurement of distance.* For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of the properties listed in division (A) above.

(Ord. 17-01, passed 3-13-2017) Penalty, see ' 131.99

' 131.05 EXCEPTIONS.

This section does not apply under the following circumstances:

(A) The designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to M.S. ' ' 243.166 and 243.167, as they may be amended from time to time, or a successor statute, prior to enactment of this chapter;

(B) The designated predatory offender was a minor when he or she committed the offense and was not convicted as an adult;

(C) The designated predatory offender is a minor;

(D) The designated predatory offender has been granted a risk reduction level by the End of Confinement Review Committee, pursuant to M.S. ' 244.052, subd. 3(i), as it may be amended from time to time;

(E) The school, licensed child care center or public playground within 1,000 feet of the person=s permanent residence was opened after the designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to M.S. ' ' 243.166 and 243.167, as they may be amended from time to time, or a successor statute;

Bloomington Prairie - General Offenses

(F) The residence is also the primary residence of the designated predatory offender=s parents, grandparents, siblings or spouse, and was the predatory offender=s parents, grandparents, siblings or spouse established this residence prior to enactment of this chapter; or

(G) The residence is a property purchased, leased or contracted with and licensed by the state=s Department of Corrections prior to enactment of this chapter.
(Ord. 17-01, passed 3-13-2017)

' 131.06 RENTING IN EXCLUSION ZONES PROHIBITED.

(A) It shall be unlawful for any property owner to knowingly rent or lease real estate to any designated predatory offender if the property is in the prohibited zone established in ' 131.04 of this chapter. If a property owner discovers or is informed that a tenant is a designated offender after a rental agreement is entered into, the property owner shall commence eviction proceedings against the designated offender and take action to ensure that the designated offender is not residing in the exclusion zone.

(B) A property owner violation of this prohibition shall be punishable as set forth in ' 131.99 of this chapter.
(Ord. 17-01, passed 3-13-2017) Penalty, see ' 131.99

' 131.99 PENALTY.

Any person who violates this chapter shall be punished according to the laws of the state. A violation of this chapter shall constitute a misdemeanor. Each day a person maintains a temporary or permanent residence in violation of this chapter constitutes a separate violation.
(Ord. 17-01, passed 3-13-2017)

CHAPTER 132: SOCIAL HOSTING

Section

- 132.01 Purpose and findings
- 132.02 Authority
- 132.03 Definitions
- 132.04 Prohibited acts
- 132.05 Exceptions
- 132.06 Enforcement

- 132.99 Penalty

132.01 PURPOSE AND FINDINGS.

(A) 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 gathering where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol.

(B) The City Council finds the following.

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

(2) Prohibiting underage consumption serves 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(s) is/are present and condone the activity and in some circumstances provide 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.
(Ord. 2010-02, passed 8-9-2010)

' 132.02 AUTHORITY.

This chapter is enacted pursuant to M.S. ' 145A.05, as it may be amended from time to time.
(Ord. 2010-02, passed 8-9-2010)

' 132.03 DEFINITIONS.

For the purpose of this chapter, 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 or physical custody of a juvenile or parenting time:

- (1) As natural, adoptive parent or step-parent;
- (2) As a legal guardian; or
- (3) 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, farm, field, land, apartment, manufactured home, condominium, hotel or motel room, recreational vehicle or camper, 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.
(Ord. 2010-02, passed 8-9-2010)

' 132.04 PROHIBITED ACTS.

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

- (1) Host or allow an event or gathering;
- (2) At any residence, premises or on any other private or public property;
- (3) Where alcohol or alcoholic beverages are present;
- (4) When the person know or reasonably should know that an underage person will or does:
 - (a) Consume any alcohol or alcoholic beverage; or
 - (b) Possess any alcohol or alcoholic beverage with the intent to consume it.

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

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

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

(Ord. 2010-02, passed 8-9-2010) Penalty, see ' 132.99

' 132.05 EXCEPTIONS.

(A) This chapter does not apply to conduct solely between an underage person and his or her parents or guardian while present at the parent or guardian=s household.

Bloomington Prairie - General Offenses

(B) This chapter does not apply to legally protected religious observances.

(C) This chapter does not apply to retail intoxicating liquor licenses or 3.2% malt liquor licensees, municipal liquor stores or bottle club permit holders who are regulated by M.S. ' 340A.503, subd. 1(a)(1), as it may be amended from time to time.

(D) This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.
(Ord. 2010-02, passed 8-9-2010)

' 132.06 ENFORCEMENT.

This chapter shall be enforced by any law enforcement officer.
(Ord. 2010-02, passed 8-9-2010)

' 132.99 PENALTY.

A violation of this chapter is a misdemeanor, as defined by the laws of the state.
(Ord. 2010-02, passed 8-9-2010)