

Section 1300 General Offenses

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1300.01 Damage to Property; graffiti**Subdivision 1 Definitions.**

For this 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 members of the general public and which contains references to sexual activity, diagrams relating to sexual activity or sexual organs, references to any 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, lamppost or other city property, or of the exterior surface of any wall, fence, door, building or other structure, whether publicly or privately owned.

Owner. Means and included 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.

Subdivision 2 Conduct Prohibited

- A. 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.
- B. It shall be unlawful for any parent or legal guardian to knowingly permit any minor child in his or her custody to violate Subdivision 1 of this section.

- C. 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 future condition of restitution or reparation imposed by a court upon a minor for violation of this section; provided, that the 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 there from, including sentencing or collection actions, as provided by law.

Subdivision 3 Removal by Owner

- A. 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 inscriptions or representation within thirty (30) days from the date of the notice in which to remove the graffiti.
- B. 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 thirty (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 the placement of the graffiti and the owner can show 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 (6) months time to remove the 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 Subdivision 1 and 2 of this Section.
- C. List of contactors 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 decency of work performed by anyone selected by owner or the effectiveness of 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 there from.

Subdivision 4 Removal by the City

The city shall have the right but not the duty to remove graffiti from the existing exterior of private property of 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 thirty (30) days of the date of the invoice sent to the owner. The owner must also sign a statement authorizing removal by 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 specific 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 § 1300.99 of this Section.

If the city performs the graffiti removal pursuant to Subdivision 4 of this Section, it shall be entitled to a lien and to file a notice against the property upon which the work was performed for the cost of the removal.

Subdivision 5 Penalty

Upon finding of guilty for violation of Subdivision 3 A of this Section, an offender shall be punished as provided in §1300.99. Each and every day that the graffiti is permitted to remain beyond the time specified in Subdivision 3 B of this Section shall constitute a separate violation.

Subdivision 6 Compliance by the City of Blackduck

It is the intention of the city that the 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.

A designed 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 a minimum the location of the graffiti, charges filed against or conviction of offenders where relevant, the date and methods of graffiti removal undertaken by the city and the cost of the removal.

Penalty see § 1300.99

1300.02 Discharging Firearms

Subdivision 1 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 one-hundred (100) yards thereof, unless the person is upon his or her own land.

Subdivision 2 Hunting near a city park

No person shall hunt, shoot, or kill game within ½ mile of a city park unless the City Council had granted permission to kill game not desired within the limits prohibited by this division.

Subdivision 3 Discharges of firearms prohibited by 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.

Subdivision 4 Discharging firearms on highways prohibited

No person shall discharge a firearm upon or over a public road or highway.

Subdivision 5 Exemptions

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 the 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.

If any of the above provisions are found to be in conflict with M.S. § 624.77, as it may be amended from time to time, the provisions of that statute shall prevail.

Subdivision 6 Penalty

See §1300.99

1300.03 Curfew for Minors

Subdivision 1 Purpose

The curfew for minors established but this section is maintained for four primary reasons:

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

Subdivision 2 Definitions

For this 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 by 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 minor, restaurants, and pool halls.

Primary Care or Primary Custody - A person who is responsible for providing food, 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.

Subdivision 3 Hours

- a. *Minors under the age of 16 years old.* - No minor under the age of shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings, nor in or upon places neither 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.
- b. *Minors ages 16 to 18 years* - No Minor of the ages of 16 to 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 midnight and 5:00 a. m. the following day, official city time.
- c. *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 constructed to diminish or impair the control of the adult person having the primary care or custody of the minor.

Subdivision 4 Exceptions.

The provisions of this section shall apply in the following situations:

- 1) To a minor accompanied by his or her parent or guardian, or other person having the primary care and custody of the minor;
- 2) To a minor who is upon a emergency errand at the direction of his or her parent, guardian, or other adult person having the primary care and custody of a minor;
- 3) To a minor who is any of the places described in these citation 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 minors 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 by public or parochial school activities, or who is participating in or traveling directly to or from an official activity sponsored 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 the First Amendment rights of free speech, freedom of assembly, or freedom of rights.
- 7) To a minor 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.
- 8) To a minor who is married or has been married, or is otherwise legally emancipated.

Subdivision 5 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.

Subdivision 6 Duties of other persons

No person operating or in charge of any place of amusement, entertainment, or refreshments shall permit any minor to remain in his or her place of business during the hour 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 apply.

Subdivision 7 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.

Subdivision 8 Penalty

See §1300.99

1300.04 Discharge of Fireworks

Subdivision 1 Conduct Prohibited

No person shall hereafter explode, burn, or fire off any rocket, fire cracker, Roman candle, or other species of fire-works, or pyrotechnic display, within the corporate limits of the City of Blackduck.

Subdivision 2 Special Provisions

Any person, corporation or association desiring to fire and salute, or exhibit any display of fire-works or to operate any shooting gallery or exhibition, within the limits of the City shall obtain permission therefor from the City Council, which permission shall be in writing, and shall designate the place where and the time when such salute shall be fired or such display of fireworks shall take place or such shooting gallery shall be convicted or exhibition given.

Subdivision 3 Penalty

See §1300.99

1300.05 Lurking and Loitering**Subdivision 1 Purpose**

Lurking, Loitering, or being concealed in, upon, or near the public streets, highways, roads, alleys, parks, playgrounds, sidewalks, or other public grounds on public buildings, places of amusement, entertainment or refreshment, vacant lots, parking lots and spaces, or other unsupervised places or any property, whether public or private, not his own, is prohibited:

1. When conduct results in the making of a noise, riot, disturbance, or improper diversion to the annoyance or disturbance of another.
2. When conduct tends to reasonably to is likely to arouse alarm, anger, fear, resentment, in another, or
3. When such conduct is with intent to do any mischief or to commit any crimes or unlawful act, or
4. When such persons shall collect in groups or crowds in, upon, or near any streets, sidewalk or public place in said city so as to interfere with or obstruct public travel or movement or parking.
5. When such conduct results in the defacement or destruction of or causes ant damage to any part of the premises or to any property located thereon.
6. When such scatters, litters, throws, or otherwise disposes or deposits any refuse, garbage, or rubbish onto the premises except into receptacles provided for such purposes.
7. When such persons shall use profane, abusive, indecent or threatening language towards any person and persons, including peace officers.
8. When such persons shall collect singly or in groups at or about business premises which is closed.
9. When such persons or persons shall stand or linger about the doorway of a building in such a manner as to obstruct or partially obstruct the free and uninterrupted ingress or egress to or from such building or in such a manner as to annoy the owner or occupant of such building or the owner or occupant of any adjacent premises.
10. Further, it is unlawful for any adult, parent, or guardian to knowingly or negligently permit their juvenile child to violate this ordinance. The second violation by a juvenile of this ordinance shall be prima facie evidence that the

adult, parent, or guardian knowingly or negligently permitted the juvenile to violate this ordinance.

Subdivision 2 Definitions:

1. *Premises*- as it is defined as any land, parcel sidewalk, and boulevard. Street, highway, alley, thoroughfare, park, playground. Restaurant, café, church school, car or parking lot or parking areas drive in, or any building used for business purposes, or any hallway, or other location whether public or private in the City of Blackduck.
2. *Lurking Loitering* “Lurking “ or “Loitering” includes:
 - a. The obstruction of free and unhampered by a passage of pedestrians or vehicles on the public places within the City of Blackduck.
 - b. Interfering with any person lawfully on the premises by obstructing passage.
 - c. Refusing to move when so requested by a peace officer when such peace officer reasonably makes such request to preserve or to promote public peace and order.

Subdivision 3 Responsibility of Parents

It shall be unlawful for the parent guardian, or other adult persons having care and custody of a minor under the age of 16 years to knowingly permit such minor to loiter or lurk on any premises as described in this ordinance in the City of Blackduck. This restriction shall not apply to a minor who is accompanied by his or her parent, guardian, or other adult person having care and custody of the minor of where the minor is upon a legitimate business activity or errand directly by his parent, guardian or custodian.

Subdivision 4 Loitering Prohibited.

Lurking or Loitering in the City of Blackduck is prohibited.

Subdivision 5 Penalties.

See §1300.99

1300.06 Disorderly Conduct

Subdivision 1 Purpose

It is unlawful for any purpose, in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke any assault or breach of the peace, to do the following:

1. Engage in brawling or fighting;
2. Disturb an assembly or meeting, not unlawful in its character;
3. Engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others;
4. Willfully and lewdly expose his person or the private parts thereof or procure another to so expose himself or to engage in any open or gross lewdness or lascivious behavior or any act of public indecency;
5. Urinate or defecate in a place other than:

- a. If on public property, in a plumbing fixture provided for that purpose;
 - b. If on the private property of another, in a plumbing fixture provided for that purpose; or
 - c. If on private property not owned or controlled by another, within a building;
6. Use a sound amplifier upon streets and public property without prior written permission from the city;
 7. Use a flash or spotlight in a manner so as to annoy or endanger others;
 8. Cause defacement, destruction, or otherwise damage to any premises or any property located thereon;
 9. Strew, scatter, litter, throw, dispose of or deposit any refuse, garbage, or rubbish onto any premises except into rec obstacles provided for such purpose;
 10. Enter any motor vehicle of another without the consent of the owner or operator;
or
 11. Fail or refuse to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner or person in charge thereof or by any law enforcement agent or official. However, this subsection shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of his official duty, nor shall it include the spouse, children, employee or tenant of such owner or occupier.
 12. It is unlawful for the owner or other person in charge of rental living units to knowingly or repeatedly permit thereon conduct prohibited by subsection (a) of this section.

Subdivision 2 Penalty

See. §1300.99

1300.99 Penalty**Subdivision 1 Generally**

Whoever violated any provisions of this chapter for which no other penalty has been established shall be punished as provided in §100.99