

TITLE XIII: GENERAL OFFENSES AND ADMINISTRATIVE OFFENSES

Chapter

130. GENERAL OFFENSES

131. ADMINISTRATIVE OFFENSES

CHAPTER 130: GENERAL OFFENSES

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§ 130.01 DANGEROUS WEAPONS AND ARTICLES.

(A) *Acts prohibited.*

(1) *Prohibition.* It is unlawful for any person to:

- (a) Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another;
- (b) Intentionally point a gun of any kind capable of injuring or killing a human being and whether loaded or unloaded at or toward another;
- (c) Manufacture or sell for any unlawful purpose any weapon known as a slung-shot (sling shot) or sand club;
- (d) Manufacture, transfer or possess metal knuckles or a switch blade knife opening automatically;
- (e) Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another;
- (f) Sell or have in his or her possession any device designed to silence or muffle the discharge of a firearm;
- (g) Permit, as a parent or guardian, any child under 14 years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind or any ammunition or explosive;
- (h) Furnish a minor less than 18 years of age with a firearm, air gun, ammunition or explosive without the written consent of his or her parent or guardian or of the Police Department;
- (I) Possess, sell, transfer or have in possession for sale or transfer any weapon commonly known as a throwing star or nun chuck. For the purposes of this division (A)(1):

1. A **THROWING STAR** means a circular metallic device with any number of points projecting from the edge;

2. A **NUN CHUCK** means a pair of wood sticks or metallic rods separated by chain links attached to one end of each such stick or rod; and

3. A **SHARP STUD** means a circular piece of metal attached to a wrist band, glove, belt or other material which protrudes one-fourth inch or more from the material to which it is attached and with the protruding portion pyramidal in shape, sharp or pointed.

4. **METAL KNUCKLES** mean a set of metal finger rings or guards attached to a transverse piece and worn over the front of the doubled fist for use as a weapon.

5. A **SWITCH BLADE KNIFE** means a knife having the blade spring operated so that pressure on a release catch causes it to fly open including stiletto type knives.

(2) *Exception.* Nothing in division (A)(1) of this section shall prohibit the possession of the articles therein mentioned if the purpose of the possession is for public exhibition by museums or collectors of art.

(Ord. passed 12-1-86)

(B) *Discharge of firearms and explosives.*

(1) It is unlawful for any person to fire or discharge any cannon, gun, pistol or other firearm, firecracker, skyrocket or other fireworks (except fireworks permitted by Minnesota Statutes), air gun, air rifle or other similar device commonly referred to as a B.B. gun.

(2) The Chief of Police may, in writing, however, authorize the use of a firearm for destroying an animal which is a dangerous threat to persons or property.

(3) The authorization shall specify the type and caliber of gauge of firearm to be used.

(C) *Possession and sale of fireworks.* It is unlawful for any person to sell, possess or have in possession for the purpose of sale, except as allowed in division (B) of this section, any firecrackers, sky rockets or other fireworks, except for those fireworks that are permitted by Minnesota Statutes.

(D) *Exposure of unused container.* It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, ice box or other container sufficiently large to retain any child and with doors which fasten automatically when closed to expose the same accessible to children without removing the doors, lids, hinges or latches.

(Ord. passed 12-1-86)

(1986 Code, § 10.02) (Am. Ord. 139, 2nd Series, passed 6-2-03) Penalty, see § 130.99

§ 130.02 DANGEROUS TRESPASSES AND OTHER ACTS.

It is unlawful for any person to:

(A) Smoke in the presence of explosives or inflammable materials or in a building or area in which "No Smoking" notices have been prominently posted;

(B) Interfere with or obstruct the prevention or extinguishing of any fire or disobey the lawful orders of a law enforcement officer or firefighter present at the fire;

(C) Show a false light or signal or interfere with any light, signal or sign controlling or guiding traffic upon a highway, railway track or navigable water;

(D) Place an obstruction upon a railroad track;

(E) Expose another or his or her property to an obnoxious or harmful gas, fluid or substance with intent to injure, molest or coerce;

(F) Trespass or permit animals under his or her control to trespass upon a railroad track;

(G) Permit domestic animals or fowls under his or her control to go upon the lands of another within the city;

(H) Interfere unlawfully with any monument, sign or pointer erected or marked to designate a point of a boundary line or a political subdivision or a tract of land;

(I) Trespass upon the premises of another and without claim of right refuse to depart therefrom on demand of the lawful possessor;

(J) Occupy or enter the dwelling of another, without claim of right, consent of the owner or the consent of one who has the right to give consent, except in an emergency situation;

(K) Enter the premises of another with intent to take or injure any fruit, fruit trees or vegetables growing thereon without the permission of the owner or occupant; or

(L) Without the permission of the owner tamper with or get into or upon a motor vehicle or ride in or upon the motor vehicle knowing it was taken and is being driven by another without the permission of the owner.

(1986 Code, § 10.21) Penalty, see § 130.99

§ 130.03 DISORDERLY CONDUCT GENERALLY.

It is unlawful for any person 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:

(A) Engage in brawling or fighting;

(B) Disturb an assembly or meeting not unlawful in its character;

(C) Engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others;

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

(E) To consume, or possess in an unsealed container, any alcoholic beverage on any:

(1) Street;

(2) Public property except a City park or City golf course; or

(3) Private parking lot to which the public has access, except on such premises when and where permission has been specifically granted or licensed by the City Council.

This section shall not apply to the possession of an unsealed container in a motor vehicle when the container is kept in the trunk of such vehicle if it is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. For the purpose of this section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers. (1986 Code, § 5.16)

(F) Cause the making or production of an unnecessary noise by shouting or by any other means or mechanism, including the unreasonable blowing of any automobile or other vehicle horn;

(G) Use a sound amplifier upon streets and public property without prior written permission from the city;

(H) Use a flash, spotlight or laser in a manner so as to annoy or endanger others;

(I) Cause defacement, destruction or otherwise damage to any premises or any property located thereon;

(J) Strew, scatter, litter, throw, dispose of or deposit any refuse, garbage or rubbish unto any premises except into receptacles provided for the purpose;

(K) Enter any motor vehicle of another without the consent of the owner or operator; or

(L) 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, person in charge thereof or by any law enforcement agent or official;

provided, however, that this provision 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 or her official duty, nor shall it include the spouse, children, employee or tenant of the owner or occupier. (1986 Code, § 10.23) Penalty, see § 130.99

§ 130.04 DISORDERLY CONDUCT ON SCHOOL GROUNDS AND IN SCHOOL BUILDINGS.

(A) *Defacement of school buildings.* It is unlawful for any person to mark with ink, paint, chalk or other substance, post handbills on or in any other manner deface or injure any school building or structure used or usable for school purposes, mark, deface or injure fences, trees, lawns or fixtures appurtenant to or located on the site of the buildings, post handbills on the fences, trees or fixtures or place a sign anywhere on any such site.

(B) *Breach of peace on school grounds.* It is unlawful for any person to willfully or maliciously make or assist in making on any school grounds adjacent to any school building or structure any noise, disturbance or improper diversion or activity by which peace, quiet and good order shall be disturbed.

(C) *Offensive language and conduct.* It is unlawful for any person to use offensive, obscene or abusive language or engage in boisterous or noisy conduct tending reasonably to arouse alarm, anger or resentment in others on any school grounds or in buildings or structures.

(D) *Alcoholic Beverages.* It is unlawful for any person to introduce upon, or have in his or her possession upon, or in, any school ground, or any schoolhouse or school building, any alcoholic beverage, except for experiments in laboratories and except for those organizations who have been issued temporary licenses to sell beer, and for any person to possess beer as a result of a purchase from those organizations holding temporary licenses. (1986 Code, § 5.17)

(E) *Improper conduct while school in session.*

(1) It is unlawful for any person to, in any school room or in any building or on the grounds adjacent to the same, disturb or interrupt the peace and good order of the school while in session.

(2) It is also unlawful for any person, not in immediate attendance in the school and being in the building or upon the premises belonging thereto, to conduct or behave himself or herself improperly. It is also unlawful for any person, upon the request of a teacher of the school or the person in charge thereof, to leave the building or premises, to neglect or refuse so to do.

(F) *Loitering.* It is unlawful for any person to loiter on any school grounds or in any school building or structure. (1986 Code, § 10.24) Penalty, see § 130.99

§ 130.05 RESTRICTIONS ON USING SKATEBOARDS.

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

SKATEBOARD. A device for riding upon (usually while standing) which typically consists of an oblong piece of wood, metal or other composition mounted on skate wheels or related devices.

OPERATE. To ride on or upon or control the operation of a skateboard.

OPERATOR. Every person or individual who operates or is in actual physical control of a skateboard.

PROHIBITED AREAS. Areas within the corporate limits of the city where the use of skateboards is not allowed.

(B) *Regulations.* It shall be unlawful for any person to operate a skateboard in the City of Roseau, Minnesota in the following situations:

(1) Upon private property of another without the express permission to do so by the owner or occupant of the real property;

(2) In a careless, reckless or negligent manner so as to endanger or be likely to endanger the safety of any person or property of any person;

(3) Upon any of the following prohibited areas:

(a) The Veterans Memorial Park, located west of Third Avenue Northeast between Center Street and Second Street Northeast in the City of Roseau and all adjacent streets and sidewalks;

(b) Upon any public street or upon any public sidewalk located in that portion of the city described as follows: all that portion of the City of Roseau, Minnesota lying westerly of the east bank of the Roseau River, bounded on the north by Fourth Street Northwest; bounded on the west by Fifth Avenue Northwest (Minnesota Trunk Highway #89 and Minnesota Trunk I Highway #310) and bounded on the south by the south right-of-way line of Minnesota Northern Railroad, formerly the Burlington Northern Railroad;

(c) All of Third Street Northeast and Third Street Northwest in the City of Roseau (Third Street Northeast and Third Street Northwest constitute Minnesota State Highway # 11);

(d) The real estate which is the site of the Roseau County Courthouse located at 606 Fifth Avenue Southwest in the City of Roseau, Minnesota, legally described as follows: commencing at a point 140.6 feet south and 58.0 feet east of the Northwest corner of the Northwest Quarter of the Southwest Quarter of Section 24 in Township 162 North, Range 40 West; thence south, parallel to the west line of said NW-1/4 SW-1/4, a distance of 575 feet; thence east, parallel to the north line of said NW-1/4 SW-1/4, a distance of 800 feet; thence north parallel to the said west line of the NW-1/4 SW-1/4, a distance of 575

feet; thence west, parallel to the said north line of the NW-1/4 SW-1/4, a distance of 800 feet to the point of beginning, containing 10.56 acres, more or less, excepting therefrom the north 100 feet of the west 283 feet of the above described tract of land, containing 0.64 acres, more or less, hereby conveying 9.92 acres, more or less;

(4) The operator of a skateboard emerging from an alley, driveway or building upon approaching a sidewalk or the sidewalk area extending across any alleyway shall yield the right-of-way to all pedestrians approaching the sidewalk or sidewalk area and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway;

(5) No person operating a skateboard shall attach the same to any vehicles or shall hold on to any vehicles while skateboarding;

(6) Every person operating a skateboard in permitted areas shall ride as closely as possible to the right-hand curb or edge of the roadway.

(C) *Penalty.* Any person who violates any provisions of this section shall be guilty of a petty misdemeanor. In addition, any law enforcement officer may impound the skateboard pending disposition of the charge.

(Ord. 114, 2nd Series, passed 4-5-99; Am. Ord. 120, 2nd Series, passed 3-6-00) Penalty, see § 130.99

§ 130.06 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, 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 18 years.* No minor under the age of 18 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 11:30 p.m. 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 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.

(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 apply.

(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

§ 130.07 RESIDENTIAL RUMMAGE SALES, GARAGE SALES, YARD SALES AND THE LIKE HELD IN RESIDENTIAL DISTRICTS.

No residential rummage sale, garage sale, yard sale or similar occasional sale shall be held at any one residential site in the City of Roseau in excess of six times per calendar year. In order to assure an orderly time sequence of the sales, the City Council may promulgate reasonable time frame regulations.
(Ord. 111, 2nd Series, passed 12-7-98)

§ 130.99 PENALTY.

(A) *Generally.* Whoever violated 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 § 130.06 may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. § 260.185, as it may be amended from time to time.

(2) *Adults.* Any adult person found to be in violation of § 130.06 shall be guilty of a misdemeanor.

CHAPTER 131: ADMINISTRATIVE OFFENSES

Section

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- 131.03 Payment
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- 131.07 Offenses and Penalties
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§ 131.01. DEFINITIONS.

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For purposes of this Ordinance the following words and terms when used herein shall have the following meanings unless the context clearly indicates otherwise.

ADMINISTRATIVE OFFENSE. An administrative offense is a violation of a provision of the City Code or State Law and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Section 131.07, entitled “Offenses and Penalties”, hereafter. An administrative offense is not a crime.

§ 131.02. NOTICE.

The following employees of the City shall have the authority to issue notices for administrative offenses:

- a. The Chief of Police or the Officers of the Roseau Police Department.
- b. The Fire Chief and Assistant Fire Chief.

Upon determining there has been a violation, a notice shall be given to the violator or in the case of a vehicular violation a notice of the violation may be attached to the vehicle. Said notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

§ 131.03. PAYMENT.

Once such notice is given, the alleged violator may within ten (10) days of the time of issuance of the notice, pay the full amount set forth in the schedule of penalties for the violation. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation. The payment shall be made to the City of Roseau Clerk-Treasurer.

§ 131.04. COURT APPEARANCE REQUEST.

Any person contesting an administrative offense pursuant to this Section may, within ten (10) days of the time of the issuance of the notice, request a District Court appearance. A person requesting a District Court appearance will be issued a traffic and/or criminal citation/summons for the violation and a Court date will be scheduled. The administrative offense procedure will then terminate.

§ 131.05. FAILURE TO PAY.

In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid within the above stated time limits, no such charge may be brought by the City of Roseau for the same violation.

§ 131.06. DISPOSITION OF PENALTIES.

All penalties collected pursuant to this Section shall be paid to the City of Roseau, deposited in the City's General Fund as a designated revenue account for Community Policing efforts within the City of Roseau.

§ 131.07. OFFENSES AND PENALTIES.

Offenses which may be charged as administrative offense and the penalties for such offenses will be established by resolution of the City Council from time to time. Copies of such resolution(s) shall be maintained in the Office of the City Clerk-Treasurer.

§ 131.08. SUBSEQUENT OFFENSE.

In the event a party is charged with a subsequent administrative offense, within twelve (12) months for the same or substantially similar offense, the subsequent administrative penalty shall be increased by twenty-five percent (25%) (except speeding).

SCHEDULE OF ADMINISTRATIVE OFFENSES AND PENALTIES

Failure to Obey Traffic Signals – M.S. § 169.06 (Signs, Signals & Markings)	\$50
Speeding – M.S. § 169.14 (Speed Limits, Zones & Radar)	\$50
Improper Lane use – M.S. § 169.18 (Driving Rules)	\$50
Improper Turns – M.S. § 169.19 (Turning, Starting & Signaling)	\$50
Failure to Yield Right of Way – M.S. § 169.20 (Right of Way)	\$50
Stopping or Parking on a Roadway – M.S. § 169.35 (Parking)	\$50
Littering – M.S. § 169.42 (Littering)	\$50
Failure to Use Passenger Restraint for Children – M.S. § 169.685 (Seatbelt Passenger Restraint System for Children)	\$50
Seat Belt Violation – M.S. § 169.686 (Seatbelt Use Required)	\$50
Trespass – M.S. § 609.605 (Trespass)	\$50
Disorderly Conduct – M.S. § 609.72 (Disorderly Conduct)	\$50
Public Nuisance – M.S. § 609.74	\$50
Unlawful Deposit of Garbage – M.S. § 609.68 (Unlawful Garbage)	\$50
Loud Exhaust – M.S. § 169.69 (Muffler)	\$50
Exhibition Driving – M.S. § 169.13 (Reckless or Careless Driving)	\$50
Off-Road Vehicle Violations – M.S. § 84.795; § 84.805; (Off-Road Vehicle Operation)	\$50
Snowmobile Violations – M.S. § 84.83; § 84.88 (snowmobiles)	\$50
ATV Violations - § 84.929	\$50
Unlawful Smoking – M.S. § 609.681	\$50
Freedom to Breathe Act Violations - § 144.417	\$50
Driving without valid driver's license– M.S. § 171.02	\$50
Others as established by Resolution	\$50