

TITLE XIII: GENERAL OFFENSES

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CHAPTER 130: GENERAL OFFENSES

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OFFENSES AGAINST PROPERTY**§ 130.01 BARBED WIRE FENCES.**

No person shall erect or maintain any fence in the city on which there is strung or placed any barbed wire, except City owned property.

(Prior Code, § 5-1-1) (Ord. 116, passed 6-19-1918) Penalty, see § 10.99

§ 130.02 DEPOSITS OF INJURIOUS MATERIALS.

Throwing or dumping ashes, paper, tin cans, rubbish or litter of any kind in the gutters or anywhere in the streets or alleys within the city is hereby prohibited.

(Prior Code, § 5-1-2) (Ord. 46, passed 5-5-1903) Penalty, see § 10.99

§ 130.03 EXPECTORATING IN PUBLIC BUILDINGS.

Spitting upon the floor, seats, furniture or upon any part of the interior of the Civic Arena, Opera House, City Hall, city buildings, Court House, Post Office, railway depot, sidewalk or in any building or room used for public gatherings or for the transaction of public business within the city is hereby prohibited.

(Prior Code, § 5-1-5) (Ord. 47, passed 5-5-1903; Am. Ord. 125, passed - -) Penalty, see § 10.99

§ 130.04 INJURY TO PUBLIC PROPERTY.

(A) Any person who does wilfully, wantonly or through gross carelessness injure, defile or destroy, or cause to be injured, defiled or destroyed, any public building or any sidewalk, crosswalk, bridge, lamp or lamppost, shade tree, shrub, lawn, walk, seat, sign or other improvement or structure of any kind, in or upon any street, alley, park or public ground within the limits of the city is guilty of a misdemeanor.

(Ord. 27, passed 5-7-1888)

(B) Defacing, marring or mutilating in any way or manner any public building or structure, the furniture or fixtures therein, the bandstand or park seats, other public property, the railroad depot or other railroad property or any private building or property is hereby prohibited.

(Ord. 50, passed 6-1-1903)

(C) (1) No person shall mar, injure, deface, destroy or place any advertising device or representation of any kind upon any lamppost, lantern post, guide post, telegraph post, telephone post, electric light post or fire alarm post in any street, square or public place in the city.

(2) No person shall hitch any horse or horses, or other animals of any kind, to any lamppost standing on any street, lane or alley, public square or highway of the city.

(Ord. 40, passed 1-13-1896)

(Prior Code, § 5-1-10) Penalty, see § 10.99

OFFENSES AGAINST PUBLIC PEACE AND SAFETY

§ 130.15 DISORDERLY CONDUCT.

(A) No person shall make or create, or aid and assist in making or creating, any noise, riot or disturbance, or engage in quarreling, fighting or brawling or in any disorderly conduct whatsoever within the limits of the city.

(B) No person shall suffer to be committed in any building or property occupied by him or her within the limits of the city any noise, disturbance, quarreling, fighting, drunkenness or brawling, or any disorderly conduct whatsoever calculated to disturb the neighborhood or annoy passers-by or others.

(Prior Code, § 5-1-3) Penalty, see § 10.99

§ 130.16 DISTURBING LAWFUL ASSEMBLY.

No person, without authority of law, shall wilfully disturb any assembly or meeting not unlawful in its character, or the peace and quiet of any family or neighborhood.

(Prior Code, § 5-1-4) (Ord. 236, passed 6-14-1948) Penalty, see § 10.99

§ 130.17 FALSE FIRE ALARM.

Any person who shall sound or cause to be sounded the city fire alarm bell or whistle in the city, without good reason to believe that there is a fire at which it is necessary for the city fire company to be present to protect property, shall be guilty of a misdemeanor.

(Prior Code, § 5-1-6) (Ord. 79, passed 8-6-1915) Penalty, see § 10.99

§ 130.18 DISCHARGING FIREARMS.

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

(B) *Hunting near a city park.* No person shall hunt, shoot, or kill game within ½ mile of a city park unless the City Council has granted permission to kill game not desired within the limits prohibited by this division.

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(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 § 10.99

§ 130.19 INTERFERING WITH OFFICER.

(A) No person shall interfere with or abuse an officer in the performance of his or her duties, or refuse and neglect to desist from doing any unlawful act when requested to refrain and desist by an officer.

(B) It is a defense to prosecution under this section that the hindrance, obstruction, resistance, or interference alleged consisted of constitutionally protected speech only.

(Prior Code, § 5-1-11) Penalty, see § 10.99

§ 130.20 LIQUOR IN VEHICLES.

(A) No person shall drink or consume intoxicating liquors or nonintoxicating malt liquors in any motor vehicle when the vehicle is upon a public highway, street, avenue or alley within the limits of the city.

(B) No person shall have in his or her possession on his or her person, while in a private motor vehicle upon a public highway, street, avenue or alley within the limits of the city, any bottle or receptacle containing intoxicating liquor or nonintoxicating malt liquor which has been opened or the seal broken, or the contents of which have been partially removed.

(C) It shall be unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in the motor vehicle, to keep or allow to be kept in the motor vehicle when the vehicle is upon the public highway, street, avenue or alley within the limits of the city any bottle or receptacle containing intoxicating liquor or nonintoxicating malt liquor which has been opened or the seal broken, or the contents of which have been partially removed, except when the bottle or receptacle shall be kept in the trunk of the motor vehicle when the vehicle 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. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

(Prior Code, § 5-1-13) (Ord. 311, passed 10-5-1959) Penalty, see § 10.99

§ 130.21 RADIO INTERFERENCE.

(A) No person shall maintain, use or operate any apparatus or device, whether electrical, mechanical or of any other sort, so as to cause electrostatic or electromagnetic waves to radiate so as to interfere with radio reception within this city. The above prohibition shall be construed to apply to radio receiving equipment either of the regenerative or of any other type, vibrating battery chargers, sign changers, electric refrigeration machines, electrically-driven oil pumps or furnace equipment, high tension ignition systems, electric transmission lines, gas or electric power plants, defective insulators, defective transformers, badly sparking motors and badly sparking generators, which interfere with radio reception, whether on account of the manner of construction or manner of operation of the apparatus.

(B) Any person violating any provision of this section shall be guilty of a misdemeanor punishable as in this code provided. When any person has been notified in writing by any peace officer that he or she is violating this section and the notice specifies a reasonable time, not less than 2 nor more than 10 days after the service of the notice, within which the person shall be required to correct the interfering apparatus, each day's continuance to maintain or operate the interfering equipment after the passage of the time stated in the notice may be considered a separate offense under this section. But the giving of this notice shall not be a prerequisite to prosecution for a single offense hereunder.

(Prior Code, § 5-1-16) (Ord. 219, passed 8-6-1945) Penalty, see § 10.99

§ 130.22 THROWING STONES.

No person shall throw stones or other missiles, shoot any arrow or other projectiles on any of the streets or alleys, within the limits of the city.

(Prior Code, § 5-1-19) Penalty, see § 10.99

§ 130.23 SPEED OF ANIMALS.

No person shall ride or drive or cause to be ridden or driven, any horse, mule or other animal at a greater rate of speed than 8 miles per hour within the limits of the city.
(Prior Code, § 5-1-17) (Ord. 6, passed 5-26-1885) Penalty, see § 10.99

§ 130.24 UNATTENDED ANIMALS.

No person shall leave any horse or horses, mule or mules upon any of the streets, alleys or other open place within the limits of the city unattended by some suitable person, unless the same be securely fastened.
(Prior Code, § 5-1-20) (Ord. 6, passed 5-26-1885) Penalty, see § 10.99

OFFENSES AGAINST MORALS**§ 130.35 INDECENT EXPOSURE.**

No person shall wilfully and lewdly expose his or her person in any indecent manner, or procure another to so expose himself or herself, or to act in an open and gross lewdness or lascivious manner, or to commit any act of public indecency, or exhibit, sell or offer to sell any indecent, obscene or lewd book, picture or other thing, or exhibit or perform any indecent, immoral or lewd play, performance or other representation.
(Prior Code, § 5-1-9) (Ord. 236, passed 6-14-1948) Penalty, see § 10.99

§ 130.36 OBSCENE LITERATURE.

No person shall print, sell, offer for sale, give away, exhibit or publish, or have in his or her possession or under his or her control with intent to sell, offer for sale or otherwise distribute any obscene book, pamphlet, magazine, paper, picture, image, cost, statuary drawing, writing or presentation, or other article which is obscene.
(Prior Code, § 5-1-15) (Ord. 313, passed 3-7-1960) Penalty, see § 10.99

§ 130.37 SWIMMING, BATHING.

It shall be unlawful for any person between the hours of 5:00 a.m. and 10:00 p.m. to swim or bathe in Lake Ripley or in any public water or in any water unenclosed in the limits of the city, without being suitably clad in a bathing suit.
(Prior Code, § 5-1-18) (Ord. 117, passed 6-19-1918) Penalty, see § 10.99

CHAPTER 131: CURFEW FOR MINORS

Section

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- 131.02 Definitions
- 131.03 Hours
- 131.04 Effect on control by adult responsible for minor
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- 131.06 Duties of person legally responsible for minor
- 131.07 Duties of other persons
- 131.08 Defense
- 131.09 Duty of law enforcement officer prior to making arrest

§ 131.01 PURPOSE.

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

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

§ 131.02 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.

§ 131.03 HOURS.

(A) *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.

(B) *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. Penalty, see § 10.99

§ 131.04 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.

§ 131.05 EXCEPTIONS.

The provisions of this section shall not apply in the following situations:

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

(B) 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;

(C) 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.

(D) 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.

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

(F) 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.

(G) 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.

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

§ 131.06 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 chapter by the minor.

Penalty, see § 10.99

§ 131.07 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 chapter 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 chapter applies. Penalty, see § 10.99

§ 131.08 DEFENSE.

It shall be a defense to prosecution under this chapter 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.

§ 131.09 DUTY OF LAW ENFORCEMENT OFFICER PRIOR TO MAKING ARREST.

A law enforcement officer must look into whether a minor has an affirmative defense before making an arrest.

CHAPTER 132: SOCIAL HOST ORDINANCE

Section

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- 132.05 Exceptions
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§ 132.01 PURPOSE AND INTENT.

The Litchfield, Minnesota 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 gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol.

- (1) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one (21) are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.
- (2) Prohibiting underage consumption acts 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, 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. 776, passed 1-19-2016)

§ 132.02 AUTHORITY.

This ordinance is enacted pursuant to Minnesota Statute 145A.05.
(Ord. 776, passed 1-19-2016)

§ 132.03 DEFINITIONS.

For purposes of this ordinance, the following terms have the following meanings:

ALCOHOL. “Alcohol” means 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 BEVEREAGE. “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer and which contains one-half of 1 percent 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. “Event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

HOST. “Host” means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

DWELLING UNIT OR RENTAL UNIT. A room or group of rooms located within a dwelling or apartment building which are used or intended to be used for living, sleeping, cooking and eating purposes.

PARENT. “Parent” means any person having legal custody of juvenile:

- (1) As natural/adoptive parent or stepparent;
- (2) As a legal guardian; or
- (3) As a person to whom legal custody has been given by order of the court.

PERSON. “Person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

RESIDENCE OR PREMISES. “Residence” or “premises” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other places of assembly, public or private, where 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. “Underage person” is any individual under twenty-one (21) years of age.
(Ord. 776, passed 1-19-2016)

§ 132.04 PROHIBITED ACTS.

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

A person is criminally responsible for violating Subdivision 4(a) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.
(Ord. 776, passed 1-19-2016)

§ 132.05 EXCEPTIONS.

This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent’s household.

This ordinance does not apply to legally-protected religious observances.

This ordinance does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minnesota Statute 340A.503, Subd. 1(a)(1).

This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

This ordinance does not apply to Law Enforcement activities supervised by a Law Enforcement agency.

(Ord. 776, passed 1-19-2016)

§ 132.06 ENFORCEMENT.

This ordinance can be enforced by any police officer or sheriff's deputy in the county.

(Ord. 776, passed 1-19-2016)

§ 132.07 SEVERABILITY.

If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

(Ord. 776, passed 1-19-2016)

§ 132.08 PENALTY.

Violation of this Ordinance is a misdemeanor.

(Ord. 776, passed 1-19-2016)