

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**

**Melrose - General Offenses**

## CHAPTER 130: GENERAL OFFENSES

### Section

#### *General Provisions*

- 130.001 Criminal Code adopted
- 130.002 State prohibited drug laws adopted
- 130.003 State obscenity laws adopted

#### *Offenses Against Authority*

- 130.015 Resisting a public officer
- 130.016 False statements
- 130.017 Fire alarm system; false alarms

#### *Offenses Against Public Peace and Safety*

- 130.030 Obstruction of fire hydrants

#### *Offenses Against Property*

- 130.045 Entering upon land
- 130.046 Signs on streets; posting prohibited

#### *Offenses Against Public Morals*

- 130.060 Curfew for minors
- 130.061 Liquor and beer; public and private places
- 130.999 Penalty

**GENERAL PROVISIONS****§ 130.001 CRIMINAL CODE ADOPTED.**

M.S. Ch. 609, the Criminal Code of 1963, as it may be amended from time to time, is adopted by reference. A violation of the statutes herein adopted is a violation of this code and is a misdemeanor or, if so designated in those statutes, a gross misdemeanor or a petty misdemeanor.

Penalty, see § 130.999

**§ 130.002 STATE PROHIBITED DRUG LAWS ADOPTED.**

M.S. Ch. 152, as it may be amended from time to time, relating to prohibited drugs and drug paraphernalia, is adopted by reference. A violation of the statutes herein adopted is a violation of this code and is a misdemeanor or, if so designated in those statutes, a gross misdemeanor or a petty misdemeanor.

Penalty, see § 130.999

**§ 130.003 STATE OBSCENITY LAWS ADOPTED.**

M.S. §§ 617.23 through 617.299, as they may be amended from time to time, relating to obscenity, are adopted by reference. A violation of the statutes herein adopted is a violation of this code and is a misdemeanor or, if so designated in those statutes, a gross misdemeanor or a petty misdemeanor.

Penalty, see § 130.999

**OFFENSES AGAINST AUTHORITY****§ 130.015 RESISTING A PUBLIC OFFICER.**

It is unlawful for a person to willfully resist, delay, or obstruct a public officer in discharging or attempting to discharge a duty of office.

Penalty, see § 130.999

**§ 130.016 FALSE STATEMENTS.**

It is unlawful for a person to make a false statement in an application for any permit or license from the city.

Penalty, see § 130.999

**§ 130.017 FIRE ALARM SYSTEM; FALSE ALARMS.**

It is unlawful for a person to tamper with or interfere with any element of a fire alarm system within the city. It is unlawful for any person to give, or cause to be given, any alarm or other emergency condition when no fire or emergency condition exists.

Penalty, see § 130.999

***OFFENSES AGAINST PUBLIC PEACE AND SAFETY***

**§ 130.030 OBSTRUCTION OF FIRE HYDRANTS.**

It is unlawful to park any vehicle in a way so as to obstruct a fire hydrant. The stopping or parking of a vehicle within 10 feet of a fire hydrant is an obstruction of the hydrant and a violation of this section.

Penalty, see § 130.999

***OFFENSES AGAINST PROPERTY***

**§ 130.045 ENTERING UPON LAND.**

(A) *Consent required.* It is unlawful for a person to enter upon the land of another without claim of right or the written consent of the owner or of one who has the right to give consent, except in an emergency situation.

(B) *Refusal to leave.* It is unlawful for a person in violation of division (A) to refuse to leave land upon the order of a police officer or, if the person is lawfully on the land, to refuse to exhibit the written consent required by division (A).

Penalty, see § 130.999

**§ 130.046 SIGNS ON STREETS; POSTING PROHIBITED.**

(A) *Posting prohibited.* A person may not attach any bill, card, advertisement, poster, picture, or printed or illustrated paper or painted sign upon any post or pole in any street right-of-way, whether that person has the permission of the owner of the post or pole or otherwise.

(B) *Permission not to be granted; removal.* The owner of any post or pole standing in any street right-of-way may not grant permission to any person to attach thereto any bill, card, advertisement, poster, or picture or printed or illustrated paper or painted sign of any description, and the owner must cause to be removed from that post or pole all of these types of articles.

Penalty, see § 130.999

***OFFENSES AGAINST PUBLIC MORALS*****§ 130.060 CURFEW FOR MINORS.**

(A) *Purpose.* The curfew for minors established by this section is maintained for 4 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 or Ambulance 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 the Stearns County Sheriffs Dispatch 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; minors under the age of 17 years.* No minor under the age of 17 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 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day and 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(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 their 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 their 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 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 a minor on the sidewalk abutting their residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's Police Department 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 1 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

#### **§ 130.061 LIQUOR AND BEER; PUBLIC AND PRIVATE PLACES.**

(A) *General restriction.* A person may not drink or have in control or possession any intoxicating liquor, 3.2% malt liquor, or alcoholic beverage on a public street or alley, or upon the private premises of another, as a trespasser, except as permitted in division (B).

(B) *Special permit.* Any person of lawful age may possess and consume 3.2% malt liquor on a public street or alley when that beverage has been sold under a permit or license issued by the City Council for a special event.

(C) *Seizure; disposition.* Intoxicating liquor, 3.2% malt liquor, and alcoholic beverages possessed in violation of this section may be seized and destroyed by the city.  
Penalty, see § 130.999

**§ 130.999 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 of this code.

(B) *Curfew penalties.*

(1) *Minors.* Any minor found to be in violation of § 130.060 of this code may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. Ch. 260B, as it may be amended from time to time.

(2) *Adults.* Any adult person found to be in violation of § 130.060 of this code shall be guilty of a misdemeanor.

