

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**



Section

- 130.01 Curfew
- 130.02 Disturbing the peace; disorderly conduct
- 130.03 Littering
- 130.04 Discharging firearms
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**Cross-reference:**

*Consumption and possession, see ' 113.01*

**CHAPTER 130: GENERAL ENFORCEMENT**

**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.

**' 130.01 CURFEW.**

(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 minor children.

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

**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.

## Ortonville - General Offenses

(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 11:59 p.m. on Friday and Saturday nights or 11:00 p.m. on all other nights 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 11:59 p.m. and 5 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 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; and

(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) *Penalties.*

(1) *Minors.* Any minor found to be in violation of this section may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. ' 260.185, as amended.

(2) *Adults.* Any adult person found to be in violation of this section shall be guilty of a misdemeanor and may be sentenced up to the maximum penalty authorized by state law for a misdemeanor.

(I) *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.

**' 130.02 DISTURBING THE PEACE; DISORDERLY CONDUCT.**

(A) The provisions of M.S. ' 609.72, Disorderly Conduct, as it may be amended from time to time are hereby adopted by reference.

(B) Any person who shall make or assist in making any noises, riot or disturbance, or who shall be guilty of any disorderly, indecent, immoral or insulting conduct, language or behavior in the streets or elsewhere in the city shall for each offense on conviction be punished. (Ord. 41, passed 7-3-1890) Penalty, see ' 10.99

**' 130.03 LITTERING.**

No person shall unlawfully deposit garbage, rubbish, offal, the body of a dead animal or other litter in or upon any public street, alley parking lot or other public property or any private property without the consent of the property owner. (Ord. 519, passed 8-21-1989) Penalty, see ' 10.99

**' 130.04 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 2-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

#### ' 130.05 VAGRANCY.

The provisions of M.S. ' 609.725, as it may be amended from time to time are hereby adopted by reference.