

Section 2005 - Misdemeanors: miscellaneous provisions

2005.00 All acts described, regulated, and prohibited by the provisions of this section are hereby deemed to be misdemeanors, and in addition to any other remedy available in law or equity, shall be punished as misdemeanors.

2005.01. Firearms. Subdivision 1. Aiming. It is unlawful to aim a gun, pistol, revolver, or other firearm, whether loaded or not, at or towards any human being.

Subd. 2. Discharge. It is unlawful to willfully discharge a firearm, air gun, other weapon or to throw a deadly missile in a public place or in a place where there is a person to be endangered even though no injury results.

Subd. 3. Minors. No person under the age of 14 years may handle or have in that person's possession or under that person's control except while accompanied by or under the immediate charge of parent or guardian, a firearm of any kind for any purpose. A person violating this subdivision or aiding or knowingly permitting a minor to violate it is guilty of a misdemeanor.

Subd. 4. Sale to minors. It is unlawful to sell, give away, or in any way furnish any firearms or ammunition to a minor without the written consent of the person's parents or guardian or of a peace officer or magistrate.

Subd. 5. Discharge: self defense. No person shall fire off, discharge or explode any gun, pistol, or other weapon within the city limits, except when done in the lawful defense of person or property or family, or the necessary enforcement of the law.

2005.02. Replica Firearms and BB Guns. Subdivision 1. Definitions.

"BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less in diameter.

"Public Place" means any building or establishment, place, or public street or highway, where the business, social or governmental activity ordinarily conducted is generally held, open to the public; specifically including, but not limited to, such locations as governmental buildings, meeting halls, centers for art and culture, places of amusement, liquor or beer establishments, and restaurants. It shall also include the yard or curtilage surrounding any residential dwelling or other building which is visible from the street or neighboring structures.

However, Public Place shall not include:

- a. Premises licensed for the sale of firearms;
- b. Business premises at which the legal buying, selling, repair, or trade in weapons is regularly conducted, or;
- c. Places at which an event or activity is conducted involving the exhibition, display, or carrying of a weapon, done in a manner not intended or calculated to result in or lead to the unlawful use of the weapon, including, but not limited to, educational or training programs, weapons or collectors' shows or exhibitions, or religious, artistic, educational, or, cultural events; or
- d. Parades or other public events when the use or display of weapons is specifically authorized by the City for such events.

"Replica' Firearm" means a device or object that is not defined as a dangerous weapon, and that is a facsimile or toy version of, and reasonably appears to be a pistol, revolver, shotgun, sawed-off shotgun,

rifle, machine gun, rocket launcher, or any other firearm. The term Replica Firearm includes, but is not limited to, all Airsoft guns and devices or objects that are designed to fire only blanks.

Subd. 2. **Prohibition.** No person shall carry on or about his or her person or possess a BB gun or Replica Firearm in a Public Place.

Subd. 3. **Exceptions.** The provisions of this section shall not apply to the carry or possession of a BB Gun or Replica Firearm by licensed peace officers, their agents, or military personnel while acting in the course of their duties. A BB Gun or Replica Firearm may be carried or possessed between motor vehicles and places where possession of a firearm or a facsimile firearm is lawful if the Replica Firearm is carried unloaded in a secured container.

Subd. 4. **Penalty.** Violation of this section is a misdemeanor, and is punishable by up to 90 days in jail and a \$1,000.00 fine.
(Section added Ord. No. 2012-1046)

2005.03. **Fireworks.** Except as otherwise provided by law it is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any fireworks in the city.

2005.05. **Lurking.** It is unlawful for a person to be found lurking, lying in wait or concealed in any building, yard or street within the city with intent to do mischief, or to pilfer, or to commit a crime.

2005.09. **Surface waters into sanitary sewer.** No person may construct, build, maintain, repair or use any drain, pipe, ditch, trench or other method through which rain or surface waters from roofs, yards, lawns, streets or alleys will be admitted into the sanitary sewer system of the city.

2005.11. **Minors using tobacco.** It is unlawful for a minor to smoke or use cigarettes, cigars, or tobacco in any form on any public road, street, alley, park or other lands used for public purposes or in any public place of business. It is unlawful for a person who furnishes cigarettes, cigars or tobacco in any form to a minor, or who permits a minor to frequent any premises owned, held or managed by that person, for the purpose of indulging in the use of cigarettes, cigars, or tobacco in any form.

2005.15. **Use of bathing suits.** It is unlawful to bathe in a lake, stream or pond within the limits of the city, or to appear at any bathing beach, or the waters adjacent thereto, owned, operated or controlled by the city, without wearing a bathing suit.

2005.17. **Railway property.** Subdivision 1. **Damage.** It is unlawful to break down or carry away any part of any fence, bars, or gate at a crossing over any railway track, or plank used for such crossing, or to destroy or injure any hedge, ditch, or other structure used or intended as a fence to include any railroad tracks. It is unlawful to use a gate or bars, or opening the same for any purpose, at any railway crossing, to permit an animal to stray upon a railway track or enclosed right of way, or to leave such bars down, or gate open, so that animals may stray upon such railway track. It is unlawful to lead, drive, or turn upon such track any animal for grazing or other purposes.

Subd. 2. **Trespass.** It is unlawful for a person, not an employee of a railway company, without permission from such company, on foot or with any animal or vehicle, to enter upon any railway bridge or trestle, or to, without a permit, ride, operate, or propel any vehicle on or along the track of a railway.

Subd. 3. **Obstruction.** No person shall obstruct any public road or street by leaving, placing, keeping, or causing to be left, placed, or kept any railway car upon or across the same, or to stop or cause to be stopped any engine or train of cars across any public road or street except for a sufficient time, not exceeding ten minutes, to couple or separate the cars.

2005.19. Unfinished paving. It is unlawful to walk upon, drive or ride over or across any pavement, in course of construction any uncompleted grading or sidewalk construction which has not been opened for travel.

2005.21. Blasting. It is unlawful to blast or cause to be blasted within 300 feet of a building in the city, rocks or other material without having the same covered by a good sound timber, or sheet metal of sufficient weight, length and thickness and so placed as effectively to prevent fragments of rock or other material blasted from ascending into the air, or to fail to notify persons approaching the scene of any blasting that blasting is being done.

2005.23. Glass, tacks, nails in streets. It is unlawful to place, throw, or cause to be placed or thrown on any street, alley, sidewalk, or other public property in the city, any glass, tacks, nails, crockery, scrap iron, bottles, or other substances or things that might wound a person or animal, or cut or puncture any pneumatic tire when passing over same.

2005.25. Hauling loose material. It is unlawful to haul over the streets or alleys of the city any loose material of any kind except in a vehicle having a tight box so constructed as to prevent the splashing or spilling of any of the substances therein contained upon streets or alleys.

2005.29. Hitching to trees, etc. It is unlawful to hitch an animal to a lamp post, hydrant, water trough, drinking fountain, shrub or shade tree or to picket any animal in any of the streets, alleys, parks or public grounds of the city.

2005.31. Use of Public Ways. The public streets, sidewalks and adjoining rights-of-way are for the purpose of vehicle, pedestrian and similar traffic, for parking, and for open space appropriate to adjoining land uses. Accordingly, the commercial activities of sale or display of merchandise and advertising signs are prohibited within these areas unless exempt from enforcement herein by reason of the following conditions:

- a) The use of trade fixtures, signs and display of merchandise and wares by merchants on a sidewalk, other right-of-way or street allows sufficient area for safe and efficient pedestrian travel and does not adversely affect or create traffic or pedestrian hazards.
- b) Such displays and sales are conducted by a merchant in an adjacent business location directly abutting the sidewalk area on which the outdoor activity is carried on the hours of which are in conformance with the merchant conducting the activity and those of surrounding businesses.
- c) The area of use shall not have installed or affixed thereto permanent fixtures or structures including signage, lights or other advertising devices.
- d) Restricted to the following area: from 5th Avenue to 11th Avenue and from First Street North to First Street South.
(Amended Ord. No. 88-606)

2005.33. Sidewalk projections or holes. It is unlawful for the owner of any property having a sidewalk adjacent thereto to (i) permit any plank, brick, stone or segment of the sidewalk to be raised above the established level of the sidewalk more than one-half inch in a manner which might catch the foot of a pedestrian, or (ii) to permit any holes or depressions to occur in the sidewalk in which a pedestrian might step in a manner liable to cause injury.

2005.35. Posting bills. It is unlawful to put up any handbill, advertisements, posters, show bills, or other sign on any building, pole, or property not owned by that person without permission from the owner of the property.

2005.37. Defacing public property. It is unlawful to cut, carve, mark, etch or engrave any character, figure, letter, or name upon any building owned, occupied or used by the city, or to in any manner mar, deface, or injure any trees, shrub, plant, vines or any other public property, in, on or around the grounds upon which such building is situated.

2005.39. Injury to park. It is unlawful to willfully and without authority cut, pluck, or otherwise injure any flowers, shrubs, or trees growing in or around any public park, or other public grounds of the city or to willfully injure or destroy any stand, bench or other property situated on such park or ground.

2005.41. Sewers and culverts. It is unlawful to willfully injure or destroy or attempt to injure or destroy any public sewer or culvert to molest any sewer or culvert or any part of a sewer or culvert by removing the cover of any flush tank, manhole or other part of the public sewer system or culvert without authority from the city so to do.

2005.45. Earth washing on sidewalks. If a lot or piece of land abutting on a sidewalk in the city becomes or remains in such a condition that earth or other substance therefrom accumulates on the sidewalk and the owner of such lot or piece of land refuses or neglects to place the same in such a condition as to prevent the washing or accumulating on the sidewalk, the owner is guilty of a misdemeanor. Each day that the owner refuses or neglects to abate the condition after notice from the city manager constitutes a separate offense.

2005.47. Injury to walks, etc. It is unlawful to loosen or remove any plank, brick, block, support or concrete section, in whole or in part, from any sidewalk or cross walk or any curbing or gutter. This subsection does not apply to persons making repairs on any such sidewalk, gutter, curb or crosswalk, or any person temporarily removing the same on account of building operations.

2005.49. Throwing in street. It is unlawful to throw or bat a ball, stone, or other hard substance into, on, or across any street, or alley or in any public place or at or against any building or vehicle or at or toward any person.

2005.51. Protecting sewers. It is unlawful to deposit in, place in, or permit to run in, or cause to be placed or run into any sanitary or storm sewer in any street, avenue or alley of the city through any manhole or other hole or conduit leading into such sewer from the surface of any such street, avenue or alley, any dead animal, or any animal, vegetable excrement, or other similar substance, or any substance of any kind taken from any privy vault, or other vault of any outhouse.

2005.53. Unauthorized driving of motor vehicles. No person shall drive a motor vehicle belonging to another without the owner's consent.

2005.55. Alcoholic beverages: public places. Subdivision 1. Definitions. For purposes of this subsection the terms defined have the meanings given them:

- a) the term "public place" means any and every public road, public building, highway, alley, sidewalk, street, avenue, driveway, or other thoroughfare; every public parking lot or area, schoolgrounds - public or private; and any private parking area or property which contains signs or is otherwise posted prohibiting loitering or trespassing thereon; the term does not include locations which are temporarily permitted, licensed, or otherwise authorized for public or private use in connection with celebrations, fairs, bazaars, or other special events or activities during such events or activities.
- b) the term "alcoholic beverage" means a beverage containing more than one-half of one percent alcohol by volume.

Subd. 2. General rule. The consumption, exchange or service of alcoholic beverages is prohibited in public places in the city. For the purpose of this section, consumption, exchange or service of alcoholic beverages includes the possession of any bottle or receptacle containing alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed, for the purpose of consumption, exchange or service in a public place.

Subd. 3. Penalty. Violation of this subsection is a petty misdemeanor.

2005.57. Trespass. Subdivision 1. General rule. Whoever intentionally does either of the following is guilty of a misdemeanor:

- a) enters upon the land of another and, without claim of right, refuses to depart therefrom on demand of the lawfully possessor or his agent; or
- b) enters upon the land of another, without claim of right of consent of the lawful possessor, during such hours as entry is prohibited by conspicuously posted signs.

Subd. 2. Demand. A demand to depart may be made orally or in writing or by posting at reasonable intervals signs which prohibit trespass on the affected land. Any city police officer may be appointed an agent of the lawful possessor of land for the purpose of making a demand to depart therefrom.

Subd. 3. No person who has received a written demand to depart pursuant to Subdivision 2 of this Section shall reenter the lawful possessor's land without the written permission of the lawful possessor, or the agent providing said demand, for a period of up to one (1) year from the date of the written demand, as provided therein. (Amended: Ord. No. 97-803; Ord. No. 2012-1047)

2005.59. Nuisances. Subdivision 1. General rule. The things described in the subdivisions of this section are declared to be public nuisances affecting property, public and private, and public peace and safety.

Subd. 3. Trees, hedges, billboards, or other obstructions, except buildings erected in accordance with this code, which prevent persons driving vehicles approaching an intersection of public highways from having a clear view of traffic approaching such intersection from cross streets for one hundred feet along such cross streets, measured from the property line, when one hundred feet from such intersection, measured from the property line.

Subd. 4. Limbs of trees that project over a public sidewalk or street and are less than nine feet above the surface of such public sidewalk and thirteen feet above the surface of such street. Trees, shrubs or hedges which are planted less than one foot from the alley or sidewalk edge. (Amended Ord. No. 2012-1059)

Subd. 5. Wires except clothes line wires that are strung less than fifteen feet above the surface of the ground. (Amended Ord. No. 87-584, Sec. 1)

Subd. 7. Explosives, inflammable liquids and other dangerous substances stored in any manner or in any amount other than that provided by this code.

Subd. 9. Use of public streets or sidewalks which causes large crowds of people to gather, obstructing traffic and the free use of the streets or sidewalks.

Subd. 10. Allowing of water, rainwater, ice, or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk.

Subd. 11. Dangerous, unguarded machinery, in any public place, or so situated or operated on private property as to attract the public.

Subd. 12. The doing of any thing or act, or any occupation, or any failure to act which:

- a) annoys, injures, or endangers the safety, health, comfort, or repose of any considerable number of persons; or
- b) offends the public decency; or
- c) unlawfully interferes with, obstructs, or tends to obstruct or renders, dangerous for passage, a lake, stream, canal, or basin, or a public park, square, street, alley, or highway; or
- d) in any way renders any considerable number or persons insecure in life or in use of property.

It is a misdemeanor for any person, firm or corporation to cause or create any public nuisance, as defined in this subsection, or to permit such nuisance to be created or to be placed upon or to remain upon any premises owned or occupied by such person, firm or corporation. (Amended Ord. No. 87-584, Sec. 1)

2005.61. Noise. Subdivision 1. Statement of Purpose. It is recognized that loud, unpleasant, raucous or prolonged noise has a harmful debilitating and detrimental effect upon human beings, adversely affecting their mental and physical health, safety and well-being. Such loud, unpleasant, raucous or prolonged noise is hereby declared to be a public nuisance. In an endeavor to provide for the mental and physical health, safety and well-being and for peaceful repose of the citizens and neighborhoods of the city, it is hereby declared to be in the public interest that loud, unpleasant, raucous and unnecessary or prolonged noise be abated. (Added Ord. 87-586, Sec. 1)

Subd. 2. Activity Prohibited. No person shall, between the hours of 10:00 p.m. and 7:00 a.m. conduct, permit, congregate at, participate in or be present at present at any party or gathering of people from which noise emanates of such volume as to be plainly audible at a distance of 50 feet from a residential dwelling unit wherein such party is taking place, or from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area. (Added Ord. 87-586, Sec. 1)

Subd. 3. Abating Disturbances. No persons except the owner, tenant or other lawful occupant shall visit, remain or be present at or within any residential dwelling unit, adjacent yard or structures wherein an activity prohibited by Subdivision 2 of this Ordinance is taking place except persons who have gone there for the sole purpose of abating the prohibited activity. (Added Ord. 87-586, Sec. 1)

Subd. 4. Enforcement. A police officer may order all persons present in any such group or gathering from which such noise emanates, other than the owners or tenants of a dwelling unit, to immediately disperse from said party in lieu of being charged under this Ordinance. Refusal to disperse is a violation of this subsection. (Added Ord. 87-586, Sec. 1)

Subd. 5. Penalty. Violation of this subsection is a misdemeanor. (Added Ord. 87-586, Sec. 1)

(Amended Ord. No. 87-584; Ord. No. 87-586; Ord. No. 88-606; Ord. No. 97-803; and Ord. No. 2012-1046; Ord. No. 2012-1047; Ord. No. 2012-1059; Ord. No. 2014-1074)