

Chapter 28 OFFENSES AND MISCELLANEOUS PROVISIONS*

***Cross reference(s)**--Law enforcement, ch. 26.

State law reference(s)--Criminal code, M.S.A. § 609.01 et seq.

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ARTICLE I. IN GENERAL

Sec. 28-1. Use of weapons.

- (a) *Restrictions.* No person except a police officer or member of the United States armed forces or national guard in the performance of duty shall, within the city, discharge any gun, pistol or firearm of any description or carry any such weapon unless it is dismounted or broken apart or carried in a case in such manner that it cannot be discharged. This section does not prevent the carrying of a handgun within the city under a permit subject to the restrictions imposed by law.
- (b) *Air rifles, slingshots.* No person shall use or discharge any air rifle or slingshot within the city.
- (c) *Offense by parents, guardians.* It is unlawful for any parent or guardian of any person under the age of 18 years knowingly to permit such person to violate any provision of this section.

(Code 1987, § 803.01)

Sec. 28-2. Improper noisy and riotous conduct.

It is unlawful for any person within the limits of this city to make, aid, encourage or assist in making any noise, disturbance, riot or improper diversion to the annoyance or disturbance of any citizen or other person in the city, and all persons who shall, within the limits of this city, collect in bodies or crowds for any unlawful purpose to the annoyance or disturbance of any citizen of the city or other person in the city.

(Code 1987, § 803.02)

State law reference(s)--Authority to prevent noise and other disorders, M.S.A. § 412.221, subd. 24.

Secs. 28-3--28-35. Reserved.

ARTICLE II. CURFEW

Sec. 28-36. Authorized.

Except as otherwise provided in this section, it shall be unlawful for any minor under the age of 16 years to loiter, idle, or be in or upon the public streets, parks, playgrounds or other public grounds, public places and public buildings or places of amusement, entertainment or refreshment, vacant lots or other unsupervised places between the hours of 10:00 p.m. and 5:00 a.m. preceding a curricular school day, and between the hours of 10:30 p.m. and 5:00 a.m. on other nights or days. The provisions of this section shall not apply to any minor when in the company of his parent, guardian or other adult person having for the time being the care and custody of such minor, or where such minor is upon some necessary business or errand by permission or direction of his parent, guardian or other adult person having for the time being the care and custody of such minor.

Sec. 28-37. Responsibility of parents, guardians.

Except as otherwise provided in this section, it shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 16 years to permit such minor to loiter, idle, or be in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings or places of amusement, entertainment or refreshment, vacant lots or other unsupervised places during the times prohibited by this section. The provisions of this section shall not apply when the minor is accompanied by his parent, guardian or other adult person having the care and custody of the minor or when the minor is upon some necessary business or errand by permission or direction of his parent or guardian or other adult person having for the time being the care and custody of such minor.

Sec. 28-38. Responsibility of owners, proprietors.

Except as otherwise provided in this section, it shall be unlawful for any person operating or in charge of any place of amusement, entertainment or refreshment to permit any such minors as are referred to in this article to remain in such place during the times prohibited by this article. The provisions of this section shall not apply when such minor is accompanied by his parent, guardian or other adult person having the care and custody of the minor, or where such

minor is upon some necessary business or errand by permission or direction of his parent or guardian or other adult person having for the time being the care and custody of such minor.

Sec. 28-39. Designation of school nights, youth nights.

The mayor or chief of police, upon the request of the superintendent of schools or other responsible individual or group in the city, may designate certain nights as school nights or youth nights at such times as the school or other responsible individual or group shall sponsor or be engaged in athletic, musical, dramatic or social activities for the benefit or entertainment of those minors contemplated by this article. The provisions of this article shall not apply where any minor contemplated by this article is lawfully going to, attending or returning from such function on any designated school night or youth night.

Sec. 28-40. Enforcement.

This article and its provisions will be enforced in the following manner:

- (1) For the first violation, the police shall escort the child home with a verbal warning to the child and parent or adult charged with the child's care.
- (2) For the second violation within any 12-month period, the police shall escort the child to the county law enforcement center; and the parent or adult charged with the child's care will be contacted to come and take the child home.
- (3) For the third violation within any 12-month period, the police shall escort the child to the county law enforcement center; and the parent or adult charged with the child's care will be contacted to come and take the child home. At this time a report will be made and taken to the city attorney for prosecution, as a petty misdemeanor against the adult charged with the child's care.