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ARTICLE 3 - MORALS AND CONDUCT

3-100 Curfew

3-110 Definitions

- (1) "Authorized adult" shall mean any person who is at least eighteen (18) years of age and authorized by a parent or guardian to have custody and control of a juvenile.
- (2) "County Board" shall mean the Anoka County Board of Commissioners.
- (3) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (4) "Juvenile" means a person under the age of eighteen (18) years. The term does not include persons under 18 who are married or have been legally emancipated.
- (5) "Parent" shall mean any person having legal custody of a juvenile (i) as natural, adoptive parent, or stepparent; (ii) as a legal guardian; or (iii) as a person to whom legal custody has been given by order of the court.
- (6) "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, roadways, parks, public recreation, entertainment or civic facilities, schools, and the common areas of hospitals, apartment houses, office buildings, transport facilities, and shops.
- (7) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

3-120 Prohibited Acts

3-121 It is unlawful for a juvenile under the age of twelve (12) years to be present in any public place within Anoka County:

- (1) Any time between 9:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, and 5:00 a.m. of the following day.
- (2) Any time between 10:00 p.m. on any Friday or Saturday and 5:00 a.m. the following day.

3-122 It shall be unlawful for any juvenile **age twelve (12) to fourteen (14) years** to be present in any public place within Anoka County:

- (1) Any time between 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, and 5:00 a.m. of the following day.

- (2) Any time between 11:00 p.m. on any Friday or Saturday and 5:00 a.m. on the following day.

3-123 It shall be unlawful for any juvenile **age fifteen (15) to seventeen (17) years** to be in any public place within Anoka County.

- (1) Any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday, and 5:00 a.m. of the following day.
- (2) Any time between 12:01 a.m. and 5:00 a.m. on any Friday or Saturday.

3-124 It shall be unlawful for any person operating or in charge of any place of amusement or refreshment which is open to the public to knowingly and habitually permit any juvenile to be in such place during the hours prohibited by Paragraphs 3-121, 3-122, and 3-123 of this Subdivision herein, under circumstances not constituting an exception to this Ordinance as set forth herein. The term "person operating" shall mean any individual, firm, association, partnership or corporation operating, managing or conducting any such establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

3-130 Exceptions

3-131 The following shall constitute valid exceptions to the operation of the curfew:

- (1) At any time, if a juvenile is accompanied by his or her parent or an authorized adult;
- (2) At any time, if a juvenile is involved in, or attempting to remedy, alleviate, or respond to any emergency.
- (3) If the juvenile is engaged in a lawful employment activity, or is going to or returning home from his or her place of employment;
- (4) If the juvenile is attending an official school, religious, or other social or recreational activity supervised by adults and sponsored by a city or the county, a civic organization, or another similar entity that takes responsibility for the juvenile;
- (5) If the juvenile is going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a city or the county, a civic organization, or other similar entity that takes responsibility for the juvenile;
- (6) If the juvenile is on an errand as directed by his or her parent, without any detour or stop;
- (7) If the juvenile is engaged in interstate travel;
- (8) If the juvenile is on the public right-of-way boulevard or sidewalk abutting the juvenile's residence or abutting the neighboring property, structure, or residence;

- (9) If the juvenile is exercising First Amendment rights protected by the United States Constitution (or those similar rights protected by Article I of the Constitution of the State of Minnesota), such as free exercise of religion, freedom of speech, and the rights of assembly; or
- (10) If the juvenile is homeless or uses a public or semi-public place as his or her usual place of abode.

3-132 It is an affirmative defense to prosecution under Subd. 3-124 that:

- (1) The owner, operator or employee of an establishment promptly notified the police department that a juvenile was present on the premises of the establishment during curfew hours and refused to leave.
- (2) The owner, operator or employee reasonably and in good faith relied upon a juvenile's representatives of proof of age. Proof of age may be established pursuant to Minn. Stat. § 340A.503, subd. 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates.

3-140 Enforcement

- (1) Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in a public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that no exception set forth in Subdivision 3-130 is applicable.

3-150 Penalties

3-151 Violation of Subdivision 3-121, 3-122 and 3-123 will be prosecuted pursuant to Minn. Stat. § 260.195 and will be subject to the penalties therein.

3-152 Violation of Subdivision 3-124 shall be a misdemeanor.

3-160 Severability

3-161 If any court of competent jurisdiction shall adjudge any provisions of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.

3-200 Discharge of Firearms

- (1) Except as permitted in subsection (2) below, no person shall discharge a firearm upon, onto, or across any "Prohibited Areas" within the City of Ham Lake. No person shall discharge an arrow from a bow upon, onto, or across any Prohibited Area within the City of Ham Lake. "Prohibited Area" shall include the following:

- a) The outside perimeter of all platted subdivisions, including auditor's plats;
 - b) The outside perimeter of all areas of residential concentration in which lots have been created by metes and bounds, and which have been identified by the Zoning Administrator as the equivalent of platted areas;
 - c) All schools and churches, measured from the lot lines of the parcel upon which the school or church is situated;
 - d) The outside perimeter of all City or County parks;
 - e) The traveled portion of any public road.
- (2) Notwithstanding the foregoing, firearms and bows and arrows may be discharged upon, onto or across Prohibited Areas described in Article 3-200(1)(a) and (b), under the following conditions:
- a) The person is the owner or lessor of, or has the written permission of the landowner who owns the land upon which the firearm or bow and arrow is discharged, the land upon which the projectile comes to rest, or the land over which the projectile passes;
 - b) The person discharging the firearm or bow and arrow is in actual possession of the written permission documents at the time of discharging the device, and
 - c) The discharge of the firearm or bow and arrow does not occur within 500 feet of any residential dwelling, unless the permission documentation referred to in item 2(a) above specifically permits discharge within 500 feet of the dwelling.
- (3) In areas which are not Prohibited Areas, persons may discharge firearms or bows and arrows, but only under the same conditions as are listed in Article 3-200(2)(a), (b) and (c).
- (4) The provisions of paragraphs (1), (2) and (3) of this section do not apply to the discharge of firearm by law enforcement officers while performing their duties.
- (5) The term "firearm" as used in this section includes pistols, rifles, revolvers, shotguns as well as all pellet guns, whether gas explosive or spring powered, BB guns and all other devices or weapons which propel a projectile of any sort.
- (6) The Zoning Administrator of the City shall cause the preparation of a map of the City, at a scale of one inch = 500 feet, which displays the locations of the Prohibited Areas identified in Article 3-200 (1)(a)(b)(c) (d), and which also bears the following Legend:

NOTICE: SUBJECT TO CERTAIN EXCEPTIONS DETAILED IN THE HAM LAKE CITY CODE, THE DISCHARGE OF FIREARMS AND BOWS AND ARROWS IS PROHIBITED UPON, ONTO OR ACROSS THE AREAS IDENTIFIED AS "PROHIBITED AREAS" ON THIS DISPLAY, AND SUCH DISCHARGES ARE FURTHER PROHIBITED WITHIN 500 FEET OF ANY DWELLING WITHOUT PERMISSION OF THE DWELLING OWNER.

PERMISSION OF THE LANDOWNER TO DISCHARGE
FIREARMS OR BOWS AND ARROWS IS REQUIRED AT
ALL TIMES.

The map so prepared, as periodically updated, shall be available for inspection at City Hall during normal business hours, and shall also be posted in three conspicuous places within the City between September 1 and December 1 of each year.

(7) Notwithstanding the provisions of subsections 1 through 6, inclusive, of Article 3-200, it shall be unlawful for any person to discharge a gun, pistol, shotgun or rifle for the purpose of target practice, including the terms clay pigeon shooting, skeet shooting, trap shooting, gun-sighting or other recreational shooting not aimed at actual game, except under the following conditions:

- a) The activity is carried out on premises which have a conditional use permit for the activity; or
- b) The activity is carried out on premises and under conditions which meet the criteria outlined in Article 3-200 (2) of this Code, and
 - i) The activity is limited to no more than two sessions every thirty days; and
 - ii) The activity takes place between the hours of 10:00 a.m. and 7:00 p.m., and
 - iii) The activity introduces no lead shot onto any wetland which has been so designated by the Minnesota Department of Natural Resources.

3-300 Drinking

No person shall consume intoxicating liquor or non-intoxicating malt liquor in any street or in any vehicle upon a street.

3-400 Interference with Fire Department

No person shall:

- (1) Intentionally give, make or cause to be given or made, a false fire alarm;
- (2) Neglect or refuse to obey any reasonable order by the Fire Chief:
or
- (3) Interfere with the fire department in the discharge of its duties.

3-500 Park Hours

No person shall occupy or be present in any portion of any public park, including parking lots, between the hours of 10:00 p.m. and 6:00 a.m. The City Council may for good cause shown grant a variance from these hours.

3-600 Obscene Materials

3-610 Purpose

The City Council of the City of Ham Lake has determined that it is in the best interest of the citizens of this community that the dissemination of explicit sexual materials to persons under 18 years of age be regulated. These regulations are necessary to assist parents in supervising and controlling the accessibility of such materials to children. These regulations do not prohibit children from receiving whatever social or educational value there may be in such materials, but give to parents an opportunity to exercise parental control over the means and timing of such exposure.

3-620 Offense

A person who does any of the following shall be guilty of a misdemeanor:

1. Knowingly disseminates explicit sexual material to young persons.
2. Knowingly displays explicit sexual materials for sale, lease, or rental in an area to which young persons have access unaccompanied by parents or guardian.
3. Knowingly permits young persons to enter and remain unaccompanied by parent or guardian in an area designated for the display to adults of explicit sexual materials.

3-630 Definitions

For the purpose of this Ordinance, the terms used shall have the following meanings:

1. "Young Person" means any person under the age of 18 and unmarried.
2. "Explicit sexual material" means any pictorial or three-dimensional material including, but not limited to books, magazines, video tapes, films, photographs, and statuary which is made up in whole or in dominant part of depiction's of human sexual intercourse, masturbation, sodomy (necrophilia or oral or anal intercourse), direct physical stimulation of unclothed genitals or flagellation or torture in the context of a sexual relationship, or which emphasizes the depiction of uncovered adult human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition.
3. "Disseminate" means to sell, lease, or exhibit commercially or, in the case of exhibition, to sell an admission ticket or pass to the premises whereon an exhibition is presented.
4. "Display for sale in an area to which young persons have access unaccompanied by a parent or adult" means display of material for sale so that young persons may see portions of the material constituting explicit sexual material.
5. An offense is committed "knowingly" if:
 - a. The defendant knew that the recipient of material was a young person or had grounds to believe it probable that the recipient was a young person and failed to make reasonable inquiries to

determine the age of the recipient and if the defendant was aware that contents of the material clearly fell within the definition of explicit sexual material contained in clause b.

- b. Had reason to know that the contents of the material were likely to fall within the definition of explicit sexual material and failed to examine the material to ascertain the contents.
- c. After notice from the City Attorney that he has determined that specific material falls within the definition of explicit sexual material, defendant fails to remove the materials from an area to which young persons have access unaccompanied by a parent or guardian.

3-640 Notice

The City Attorney, based upon information lawfully gathered and supplied to him by the Police Department or other sources, shall give notice to a person that specific material being displayed for sale in areas accessible to young persons unaccompanied by parent or guardian constitutes explicit sexual material under the terms of this Ordinance. Such notice shall be in writing and shall be mailed or delivered in person to the alleged offender. The notice shall describe the material so as to permit the person to readily identify the same and shall state that legal action may be instituted five (5) days after receipt unless the material is placed in an area which meets the requirements of this Ordinance.

3-650 Defenses

It shall be an affirmative defense to a prosecution under this Ordinance for the defendant to show:

1. That the dissemination was made with the consent of a parent or guardian of the recipient; that the defendant was misled as to the existence of parental consent by a misrepresentation of parental status, or that the dissemination was made to the recipient by a person involved in the educational or religious training of the recipient in the discharge of official responsibilities, including, but not limited to teachers, librarians, clergymen, and medical practitioners.

3-660 Exemption for Broadcasts

The prohibition of this Section shall not apply to broadcasts or telecasts through facilities licensed under the Federal Communications Act, as amended, 47 USC, Section 301, et seq.