

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

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Section

General Offenses

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GENERAL OFFENSES

' 130.01 PROHIBITED DRUGS.

The provisions of M.S. Chapter 152, as it may be amended from time to time, by the regular and extra sessions of the Legislature of the State of Minnesota, are hereby adopted and confirmed by the City of Maple Plain and incorporated in this code as completely as if set out in full.
(Prior Code, ' 44.01)

' 130.02 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;

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(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 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 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.

(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 10:30 p.m. 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 12:00 a.m. and 5:00 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 applies.

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(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.

(I) *Affirmative defense*. A law enforcement officer must look into whether a minor has an affirmative defense before making an arrest.

Penalty, see ' 10.99

DISCHARGE OF FIREARMS**' 130.15 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

DEADLY WEAPON. Shall include, but not be limited to, the following:

(1) All firearms. ***FIREARMS*** shall mean any device from which may be fired or ejected, 1 or more solid projectiles by means of a cartridge or shall or by the action of an explosive substance; or for which the propelling force is a spring elastic band, carbon dioxide, air, or other gas or vapor;

(2) Bows and arrows when arrows meet the definition of arrow contained in M.S.A. 100.29, as it may be amended from time to time;

(3) All instruments used to propel a high velocity pellet of any kind, including, but not limited to, air rifles and compressed air guns;

(4) Sling shots;

(5) Sand clubs;

(6) Metal knuckles;

(7) Daggers, dirks, stilettos, switch blade knives; and

(8) Any similar type instrument, whether the instrument is called by any name set forth herein or any other name.

(Prior Code, ' 37.01)

▪ **130.16 CONCEALMENT, DISCHARGE, AND USE PROHIBITED.**

Except as herein specifically authorized, the concealment, discharge, or use of deadly weapons within the City of Maple Plain is hereby prohibited.

(Prior Code, ' 37.02) Penalty, see ' 10.99

▪ **130.17 AIMING PROHIBITED.**

The aiming of any deadly weapons, whether loaded or not, at or toward any human being is hereby prohibited.

(Prior Code, ' 37.03) Penalty, see ' 10.99

▪ **130.18 SELLING OR FURNISHING A DEADLY WEAPON TO A MINOR.**

The selling, giving, loaning, or furnishing in any way of a deadly weapon to a minor under the age of 19 years without the written consent of his or her parent or guardian, or of a police officer or magistrate, is hereby prohibited.

(Prior Code, ' 37.04) Penalty, see ' 10.99

▪ **130.19 MINORS UNDER 14 YEARS.**

No minor under the age of 14 years shall handle or have any deadly weapon in his or her possession or under his or her control, except while accompanied by or under the immediate charge of his or her parent or guardian.

(Prior Code, ' 37.05) Penalty, see ' 10.99

▪ **130.20 EXCEPTIONS; LAWFUL DEFENSE AND LAW ENFORCEMENT.**

Nothing in this subchapter shall be construed to prohibit the use or discharge of a deadly weapon in the lawful defense of persons or property or in the enforcement of the law by peace officers and other law enforcement personnel.

(Prior Code, ' 37.06)

▪ **130.21 HUNTING PERMITS.**

Subject to reasonable regulation by the Council for the protection of persons and property, the Chief of Police shall issue special permits for hunting or shooting on undeveloped land, but the permits shall be issued only with the consent of the owners of the land, the consent being given in writing.

(Prior Code, ' 37.07)

' 130.22 ISSUANCE OF HUNTING PERMITS.

The permits provided for by the previous section shall be issued by the Chief of Police with the restrictions as necessary to protect the health, safety, and welfare of the community. Appeals may be taken from his or her determination to the Council. The Chief of Police shall forward a copy of the permit to the City Administrator/Clerk. No permits issued under this section shall be deemed valid unless they be in writing and in the possession of the person using the permit. The cost of this permit shall be \$10.

(Prior Code, ' 37.08)