

TITLE XIII: GENERAL OFFENSES

TITLE XIII: GENERAL OFFENSES

Chapter

- 130. GENERAL OFFENSES**
- 131. OFFENSES AGAINST PUBLIC MORALS**

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

General Provisions

- 130.01 Misdemeanor offenses
- 130.02 Conspiracy
 - Offenses Against Public Order and Safety*
- 130.15 Disorderly conduct
- 130.16 Obstruction of health officer
- 130.17 Intimidation of public officer
- 130.18 Inflammable products
- 130.19 Furnishing firearms to minor
- 130.20 Firecrackers; explosives
- 130.21 Use of firearms and the like
- 130.22 Ultimate fighting
 - Offenses Against Persons and Property*
- 130.35 Destruction of property
 - Unlawful Conduct in Public Buildings and Grounds*
- 130.50 Defacement of property
- 130.51 School grounds; breach of peace
- 130.52 School grounds; offensive language and conduct
- 130.53 Improper conduct while school is in session

Spring Lake Park, MN Code of Ordinances

Curfew for Minors

130.65	Purpose; findings
130.66	Definitions
130.67	Prohibited acts
130.68	Exceptions
130.69	Enforcement
130.99	Penalty

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / GENERAL PROVISIONS

GENERAL PROVISIONS

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / GENERAL PROVISIONS / § 130.01 MISDEMEANOR OFFENSES.

§ 130.01 MISDEMEANOR OFFENSES.

The doing of any of the acts or things prohibited or the failing to do any of the things or acts commanded to be done, as set forth in §§ 130.02, 130.15 - 130.20, and 130.35 of this code, is hereby declared to be an offense against the good order, public peace, morals, health, welfare, and proper government of this city, and unlawful and deemed to be a misdemeanor.

(1976 Code, § 68.01) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / GENERAL PROVISIONS / § 130.02 CONSPIRACY.

§ 130.02 CONSPIRACY.

Whenever two or more persons shall conspire to commit any act injurious to public health, public morals, trade, or commerce, or for the perversion or obstruction of public justice or the due administration of the law, every such person shall be guilty of a misdemeanor.

(1976 Code, § 68.13) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES /

OFFENSES AGAINST PUBLIC ORDER AND SAFETY

OFFENSES AGAINST PUBLIC ORDER AND SAFETY

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / OFFENSES AGAINST PUBLIC ORDER AND SAFETY / § 130.15 DISORDERLY CONDUCT.

§ 130.15 DISORDERLY CONDUCT.

The doing of any of the following act without authority of law and by any person or persons is hereby declared to be disorderly conduct: willfully disturbing any assembly or meeting not unlawful in its character or the peace and quiet of any family or neighborhood.

(1976 Code, § 68.02) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / OFFENSES AGAINST PUBLIC ORDER AND SAFETY / § 130.16 OBSTRUCTION OF HEALTH OFFICER.

§ 130.16 OBSTRUCTION OF HEALTH OFFICER.

Every person who shall willfully oppose or obstruct a health officer or physician charged with the enforcement of the health laws in performing any legal duties shall be guilty of a misdemeanor.

(1976 Code, § 68.08) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / OFFENSES AGAINST PUBLIC ORDER AND SAFETY / § 130.17 INTIMIDATION OF PUBLIC OFFICER.

§ 130.17 INTIMIDATION OF PUBLIC OFFICER.

Every person who shall directly or indirectly address any threat or intimidation to a public officer or to a referee, arbitrator, appraiser, or assessor or to any other person authorized

Spring Lake Park, MN Code of Ordinances

by law to hear or determine any controversy or matter with intent to induce him or her contrary to his or her duty to do or make or to omit or delay in any act, decision, or determination, shall be guilty of a misdemeanor.

(1976 Code, § 68.12) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / OFFENSES AGAINST PUBLIC ORDER AND SAFETY / § 130.18 INFLAMMABLE PRODUCTS.

§ 130.18 INFLAMMABLE PRODUCTS.

Every manufacturer or vendor who shall sell or cause to be sold, place or cause to be placed any gasoline or benzine in quantities of more than one pint, in any receptacle except of a bright red color and tagged and labeled in large plain letters with the name of the contents, or who shall sell or cause to be sold, place or cause to be placed, kerosene or other illuminating oil in the same quantities in a receptacle of red color, shall be guilty of a misdemeanor.

(1976 Code, § 68.09) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / OFFENSES AGAINST PUBLIC ORDER AND SAFETY / § 130.19 FURNISHING FIREARMS TO MINOR.

§ 130.19 FURNISHING FIREARMS TO MINOR.

Every person who shall sell, give, loan, or in any way furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his or her parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

(1976 Code, § 68.10) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / OFFENSES AGAINST PUBLIC ORDER AND SAFETY / § 130.20 FIRECRACKERS; EXPLOSIVES.

§ 130.20 FIRECRACKERS; EXPLOSIVES.

Every person who shall purchase, manufacture, use, sell, or keep for sale within this city, firecrackers, crackers, and other explosive pyrotechnics, except by special permit, shall be guilty of a misdemeanor.

(1976 Code, § 68.11) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / OFFENSES AGAINST PUBLIC ORDER AND SAFETY / § 130.21 USE OF FIREARMS AND THE LIKE.

§ 130.21 USE OF FIREARMS AND THE LIKE.

No person shall fire or discharge any gun, pistol, B.B. gun, air rifle, or firearms of any description, or any other similar type instrument for the purpose of throwing or projecting missiles of any kind whatsoever, including bows and arrows, whether that instrument is called by any name set forth or any other name, within the city limits without having first obtained a permit from the City Council. Any permit of this type granted shall be subject to revocation at the pleasure of the Council.

(1976 Code, § 70.01) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / OFFENSES AGAINST PUBLIC ORDER AND SAFETY / § 130.22 ULTIMATE FIGHTING.

§ 130.22 ULTIMATE FIGHTING.

(A) *Definition and purpose.* Ultimate fighting is as an organized event where the primary practice involves individuals engaged in physical contact by striking an opponent with hands, head, feet or body. The City Council finds that the practice of ultimate fighting is dangerous and puts the public health, safety and welfare at great risk.

(B) *Prohibited conduct.* It shall be unlawful in any public or private building or place to permit the practice of ultimate fighting or to participate in the practice of ultimate fighting as above defined. Officially sanctioned and regulated boxing and wrestling and team sports in

Spring Lake Park, MN Code of Ordinances

which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, baseball and softball are not included among activities prohibited by this section.

(Ord. 347, passed - -) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / OFFENSES AGAINST PERSONS AND PROPERTY

OFFENSES AGAINST PERSONS AND PROPERTY

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / OFFENSES AGAINST PERSONS AND PROPERTY / § 130.35 DESTRUCTION OF PROPERTY.

§ 130.35 DESTRUCTION OF PROPERTY.

No person shall willfully or maliciously displace, remove, injure, or destroy:

(A) A highway or private way laid out by authority of law, or bridge upon a public or private way;

(B) A tree, rod, post, or other monument, which has been erected or marked for the purpose of designating a point in any boundary, or mark or inscription thereon;

(C) A mile board, a milestone, or guide post erected upon a highway or any inscription thereon;

(D) A line of telegraph or telephone or any part thereof or any appurtenance or apparatus connected with the working of any magnetic or electric telegraph or telephone or the sending or conveyance of messages thereby;

(E) The pipe or main for conducting gas or water or heat, or any works erected for supplying buildings with gas or water or heat, or any appurtenance or appendage connected therewith; or

(F) A sewer or drain, or a pipe or a main connected therewith or forming a part thereof.

(1976 Code, § 68.04) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / UNLAWFUL CONDUCT IN PUBLIC BUILDINGS AND GROUNDS

UNLAWFUL CONDUCT IN PUBLIC BUILDINGS AND GROUNDS

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / UNLAWFUL CONDUCT IN PUBLIC BUILDINGS AND GROUNDS / § 130.50 DEFACEMENT OF PROPERTY.

§ 130.50 DEFACEMENT OF PROPERTY.

No person shall mark with ink, paint, chalk, or other substance, or post hand bills on, or in any other manner deface or injure any public buildings or structure or any school building or structure used or usable for school purposes within the city, or mark, deface, or injure fences, trees, lawns, or fixtures appurtenant to or located on the site of this type of buildings, or post hand bills on those fences, trees, or fixtures, or place a sign anywhere on any site of this type.

(1976 Code, § 69.01) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / UNLAWFUL CONDUCT IN PUBLIC BUILDINGS AND GROUNDS / § 130.51 SCHOOL GROUNDS; BREACH OF PEACE.

§ 130.51 SCHOOL GROUNDS; BREACH OF PEACE.

No person shall willfully or maliciously make or assist in making on any school building or structure any noise, disturbance, or improper diversion or activity by which peace, quiet, and good order shall be disturbed.

(1976 Code, § 69.02) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / UNLAWFUL CONDUCT IN PUBLIC BUILDINGS AND GROUNDS / § 130.52 SCHOOL GROUNDS; OFFENSIVE LANGUAGE AND CONDUCT.

§ 130.52 SCHOOL GROUNDS; OFFENSIVE LANGUAGE AND CONDUCT.

No person shall use offensive, obscene, or abusive language or engage in boisterous or noisy conduct tending reasonably to arouse alarm, anger, or resentment in others on any school grounds or in buildings or structures.

(1976 Code, § 69.03) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / UNLAWFUL CONDUCT IN PUBLIC BUILDINGS AND GROUNDS / § 130.53 IMPROPER CONDUCT WHILE SCHOOL IS IN SESSION.

§ 130.53 IMPROPER CONDUCT WHILE SCHOOL IS IN SESSION.

(A) No person shall, in any school room or in any building or on the grounds adjacent to the same, disturb or interrupt the peace and good order of the school while in session.

(B) Any person not in immediate attendance in the school and being in the building or upon the premises belonging thereto who shall conduct or behave himself or herself improperly, or who upon the request of a teacher of that school, or the person in charge thereof, to leave the building or premises, shall neglect or refuse so to do, shall be in violation of this section. No person shall loiter on any school grounds or in any school building or structures.

(1976 Code, § 69.04) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / CURFEW FOR MINORS

CURFEW FOR MINORS

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / CURFEW FOR MINORS / § 130.65 PURPOSE; FINDINGS.

§ 130.65 PURPOSE; FINDINGS.

(A) The City Council finds and determines that there has been an increase in juvenile

Spring Lake Park, MN Code of Ordinances

violence and crime by juveniles in the city.

(B) Juveniles are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to be victims of older perpetrators of crime.

(C) Because of the foregoing, special and extenuating circumstances presently exist within the city that require special regulation of juveniles within the city in order to protect them and other persons during the nighttime hours to aid in crime prevention, to promote parental supervision and authority over minors, and to decrease juvenile crime rates.

(D) In accordance with prevailing community standards, this subchapter serves to regulate the conduct of minors in public places during nighttime hours, to be effectively and consistently enforced for the protection of juveniles from each other and from other persons, in public places during nighttime hours, for the enforcement of parental control of, authority over, and responsibility for their children, for the protection of the general public from nighttime mischief by juveniles, for the reduction in the incidence of juvenile criminal activities, for the furtherance of family responsibility, and for the public good, safety, and welfare.

(E) It is the intent of the City Council to review and evaluate the need and effect of nighttime curfew for juveniles set forth in this subchapter on the incidence of juvenile criminal activity and protection of juveniles against criminal activity.

(1976 Code, § 67.01)

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / CURFEW FOR MINORS / § 130.66 DEFINITIONS.

§ 130.66 DEFINITIONS.

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

AUTHORIZED ADULT. Any person who is at least 18 years of age and authorized by a parent or guardian to have custody and control of a juvenile.

CITY COUNCIL. The City Council for this city.

EMERGENCY. 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, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

JUVENILE. A person under the age of 18 years. The term does not include persons

Spring Lake Park, MN Code of Ordinances

under 18 who are married or have been legally emancipated.

PARENT. Any person having legal custody of a juvenile:

- (1) As natural or adoptive parent, or stepparent;
- (2) As a legal guardian; or
- (3) As a person to whom legal custody has been given by order of the court.

PUBLIC PLACE. 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 facility, schools, and the common areas of hospitals, apartment houses, office buildings, transport facilities, and shops.

SERIOUS BODILY INJURY. 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.

(1976 Code, § 67.02)

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / CURFEW FOR MINORS / § 130.67 PROHIBITED ACTS.

§ 130.67 PROHIBITED ACTS.

(A) It is unlawful for a juvenile under the age of 12 to be present in any public place within the city:

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

(B) It shall be unlawful for any juvenile age 12 to and including age 14 years to be present in any public place within the city:

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

Spring Lake Park, MN Code of Ordinances

(C) It shall be unlawful for any juvenile age 15 to and including age 17 years to be in any public place within the city:

(1) Any time between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday and 5:00 a.m. on the following day; or

(2) Any time between 12:01 a.m. and 5:00 a.m. on any Friday or Saturday.

(D) (1) It shall be unlawful for a parent or authorized adult of a juvenile to knowingly, or through negligent supervision, to habitually permit the juvenile to be in any public place within the city during the hours prohibited by divisions (A), (B), and (C) herein, under circumstances not constituting an exception to this subchapter as set forth in § 130.68 below.

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

KNOWINGLY. Includes knowledge which a parent or authorized adult shall reasonably be expected to have concerning the whereabouts of a juvenile under that person's care.

(E) (1) 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 that place during the hours prohibited by divisions (A), (B), and (C) herein, under circumstances not constituting an exception to this subchapter as set forth in § 130.68 below.

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

PERSON OPERATING. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment described above. The term includes the members or partners of an association or partnership and the officers of a corporation.

(1976 Code, § 67.03) Penalty, see § 130.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / CURFEW FOR MINORS / § 130.68 EXCEPTIONS.

§ 130.68 EXCEPTIONS.

(A) The following shall constitute valid exceptions to the operation of the curfew:

Spring Lake Park, MN Code of Ordinances

- (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 an 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 another 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; or
- (9) If the juvenile is exercising First Amendment rights protected by the U.S. Constitution (or those similar rights protected by Article I of the State Constitution), such as free exercise of religion, freedom of speech, and the right of assembly.

(B) It is an affirmative defense to prosecution under § 130.67(E) above 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; or
- (2) The owner, operator, or employee reasonably and in good faith relied upon a juvenile's representation of proof of age. Proof of age may be established pursuant to M.S. § 340A.503(6), as it may be amended from time to time, or other verifiable means, including, but not limited to, school identification cards and birth certificates.

(1976 Code, § 67.04)

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / CURFEW FOR MINORS / § 130.69 ENFORCEMENT.

§ 130.69 ENFORCEMENT.

Before taking any enforcement action under this subchapter, 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 subchapter unless the officer reasonably believes that an offense has occurred and that no exception set forth in § 130.68 of this code is applicable.

(1976 Code, § 67.05)

TITLE XIII: GENERAL OFFENSES / CHAPTER 130: GENERAL OFFENSES / CURFEW FOR MINORS / § 130.99 PENALTY.

§ 130.99 PENALTY.

(A) *General penalty.* Whoever violates any provision of this chapter for which no other penalty has been established shall be subject to penalties as provided in § 10.99.

(B) *Ultimate fighting.* Any person violating § 130.22 by permitting or practicing ultimate fighting is guilty of a misdemeanor and is punishable by a fine of up to \$1,000 or 90 days in jail, or both.

(Ord. 347, passed - -2005)

(C) *Curfew penalties.*

(1) *Minors.* Violation of §§ 130.67(A), (B), and (C) will be prosecuted pursuant to M.S. Ch. 260B, as it may be amended from time to time and Anoka County Ordinance No. 95-2, and will be subject to the penalties therein.

(2) *Adults.* Violation of §§ 130.68 and 130.69 shall be a misdemeanor.

(1976 Code, § 67.06)

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS

CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS

Section

Prostitution and Nudity

- 131.01 Definitions
- 131.02 Prostitution and similar acts prohibited
- 131.03 Further prohibited acts
- 131.04 Public nudity, sexual conduct, and the like prohibited
- 131.05 Liability for violations

Dissemination of Pornography

- 131.15 Purpose; prohibition
- 131.16 Definitions
- 131.17 Distribution and exhibition prohibited
- 131.18 Distribution and exhibition to minors prohibited
- 131.19 Unlawful public display
- 131.20 Violations
- 131.21 Liability for violations
- 131.22 Dissemination a public nuisance
- 131.23 Order to abate; enforcement
- 131.24 Recovery of expenditures

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / PROSTITUTION AND NUDDITY

PROSTITUTION AND NUDDITY

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / PROSTITUTION AND NUDDITY / § 131.01 DEFINITIONS.

§ 131.01 DEFINITIONS.

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

Spring Lake Park, MN Code of Ordinances

NUDITY. The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of a post-pubertal female breast with less than a fully opaque covering of any portion thereof below the top of the nipple thereof, or the showing of covered male genitals in a discernibly turgid state.

PERSON. Includes individuals, firms, partnerships, corporations, joint ventures, clubs, associations, and organizations and shall further include the officers, agents, partners, directors, and employees thereof.

PUBLIC PLACE. Any place or premises accessible to the general public including but not limited to streets, alleys, sidewalks, driveways, and parks; and also includes parts of buildings and other premises whether publicly or privately owned which are used by the general public or as to which the general public is invited, commercially, for a fee or otherwise or in or on which the general public is permitted, including any club or association of members which accepts members from the general public; and shall also include private property wherein the conduct complained of is openly and easily visible by members of the general public from positions not on that private property.

SADOMASOCHISTIC ABUSE. Scenes, exhibitions, enactments, re-enactments, displays, or acts involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or physical abuse of any person.

SEXUAL CONDUCT. Any acts by oneself or another or simulation of acts of masturbation, homosexual intercourse, heterosexual intercourse, fellatio, cunnilingus, anal intercourse, or the physical contact with a person's unclothed genitals, pubic area, buttocks, or if the person is a female, her breasts.

SEXUAL EXCITEMENT. The condition of the human male or female genitals or the breasts of the female in a state of sexual stimulation or the sensual experience of humans engaging in or witnessing sexual conduct or nudity.

(1976 Code, § 66A.01)

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / PROSTITUTION AND NUDITY / § 131.02 PROSTITUTION AND SIMILAR ACTS PROHIBITED.

§ 131.02 PROSTITUTION AND SIMILAR ACTS PROHIBITED.

No person in any public or private place shall hold out for hire, offer, or agree to submit his or her body for hire for the purpose of heterosexual intercourse, homosexual intercourse,

Spring Lake Park, MN Code of Ordinances

cunnilingus, fellatio, anal intercourse, manual genital stimulation, or for the purpose of engaging in any similar act using any device, contrivance, or other part of the body.

(1976 Code, § 66A.02) Penalty, see § 10.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / PROSTITUTION AND NUDITY / § 131.03 FURTHER PROHIBITED ACTS.

§ 131.03 FURTHER PROHIBITED ACTS.

No person in any public or private place shall secure or offer to secure, entice or attempt to entice, or invite another to engage in prostitution as described in this subchapter, and no person shall aid or abet the commission of acts of prostitution or knowingly accept any part of the earnings of a prostitute or earnings from prostitution; nor shall any person knowingly facilitate or promote prostitution as defined in this subchapter by any means, including but not limited to means of telephone communication or by use of a telephone answering service or the like.

(1976 Code, § 66A.03) Penalty, see § 10.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / PROSTITUTION AND NUDITY / § 131.04 PUBLIC NUDITY, SEXUAL CONDUCT, AND THE LIKE PROHIBITED.

§ 131.04 PUBLIC NUDITY, SEXUAL CONDUCT, AND THE LIKE PROHIBITED.

It shall be unlawful for the lessee, licensee, owner, or manager of any public place to permit, allow, suffer, or fail to prevent in that place, nudity, sadomasochistic abuse, sexual conduct, or sexual excitement as defined in this subchapter, or for any persons to so participate or engage in any nudity, sadomasochistic abuse, sexual conduct, or sexual excitement in any public place.

(1976 Code, § 66A.04) Penalty, see § 10.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / PROSTITUTION AND NUDITY / § 131.05 LIABILITY FOR VIOLATIONS.

§ 131.05 LIABILITY FOR VIOLATIONS.

Every person who commits or attempts to commit, conspires to commit, or aids and abets in the commission of any act constituting a violation of this subchapter or any act which constitutes an omission and, therefore, a violation of this subchapter, whether individually or in connection with one or more persons or as principal, agent, or accessory, shall be guilty of the offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any of the provisions of this subchapter is likewise guilty of the offense.

(1976 Code, § 66A.06) Penalty, see § 10.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / DISSEMINATION OF PORNOGRAPHY

DISSEMINATION OF PORNOGRAPHY

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / DISSEMINATION OF PORNOGRAPHY / § 131.15 PURPOSE; PROHIBITION.

§ 131.15 PURPOSE; PROHIBITION.

(A) The City Council seeks to discharge its duties and responsibilities to the community by stemming the tide of obscene, lewd, lascivious, tawdry, and indecent books, pictures, films, exhibitions, materials, and the like and to thereby preserve the quality of life and environment in the community, to safeguard the dignity of its citizens and protect and defend their morals, character, and privacy and that of their children from indecent intrusions, and to preserve and improve the quality of local commerce and the standards of life in the city.

(B) (1) The City Council adopts the findings of the U.S. Supreme Court that: the sum of experience, including that of the past two decades, affords an ample basis for legislatures to conclude that a sensitive key relationship of human existence, central to family life, community welfare, and the development of human personality, can be debased and distorted by crass, commercial exploitation of sex.

(2) The City Council finds that pornography produces an irretrievable erosion

Spring Lake Park, MN Code of Ordinances

in human values, decency, and spirit especially affecting young adults and children and further recognizes the unsettling hypothesis that there is an arguable correlation between the unrestricted use of pornography and incidence of criminal acts.

(C) In light of these findings and with deep and grave concern for the future well-being of the community, the City Council hereby prohibits the use, sale, transfer, barter, trade, exhibition, and production of pornography.

(1976 Code, § 66B.01) Penalty, see § 10.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / DISSEMINATION OF PORNOGRAPHY / § 131.16 DEFINITIONS.

§ 131.16 DEFINITIONS.

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

COMMUNITY STANDARDS. The contemporary community standards of the community which the trier of fact is from, including his or her community or the vicinage from which he or she comes.

MATERIAL. Any tangible property including but not limited to books, printed material, magazines, movies, pictures, plays, exhibitions, and productions which are capable of being used or adapted to arouse interest, or to affect the human senses, whether through the medium of reading, observation, sound, or in any other manner.

MINOR. Any natural person under the age of 18 years.

NUDITY. The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering or the showing of the female breasts with less than a fully opaque covering of any portion thereof below a point immediately above the areola, or the depiction of covered male genitals in a discernibly turgid state.

OBSCENE. The descriptive adjective used to modify or qualify any material or performance which is an obscene work.

OBSCENE WORK or OBSCENE MATERIAL. Any work including but not limited to books, movies, pictures, magazines, exhibitions, productions, recordings, and the like which, taken as a whole, appeal to the prurient interest in sex, which portray sexual conduct in a patently offensive way, and which, taken as a whole, lack serious literary, artistic, political, or scientific value. In determining whether or not a work is an **OBSCENE WORK** or **OBSCENE**

Spring Lake Park, MN Code of Ordinances

MATERIAL, the trier of fact must find:

- (1) The average person, applying contemporary community standards, would find that the work or material, taken as a whole, appeals to the prurient interest in sex;
- (2) The work or material depicts or describes, in a patently offensive way, sexual conduct specifically defined herein or authoritatively construed by the courts of this state as being a portrayal of patently offensive sexual conduct as that phrase is used in definition of an **OBSCENE WORK** or **OBSCENE MATERIAL**; and
- (3) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

PATENTLY OFFENSIVE. So offensive on its face as to affront current standards of decency.

PATENTLY OFFENSIVE SEXUAL CONDUCT. Includes any of the following described sexual conduct if depicted or described in a patently offensive way:

- (1) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-to- genital contact, anal-to-genital contact, or oral-to-genital intercourse, whether between human beings or between a human being and an animal;
- (2) Sadomasochistic abuse, which is defined as any scene, exhibition, act, enactment, re- enactment, or display involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or physical abuse of any person;
- (3) Masturbation, excretory functions, and lewd exhibitions of human genitals including any explicit, close-up representation of a human genital organ or a fully exposed view focusing upon the open and uncovered human male or female sexual organ;
- (4) Physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human person or the breasts of a human female whether alone or between members of the same or opposite sex or between humans and animals in an act of actual or simulated sexual stimulation or gratification;
- (5) Any device designed or marketed as useful primarily for the stimulation of human genital organs;
- (6) Male or female genitals in a state of sexual stimulation or arousal; or
- (7) Covered male genitals in a discernibly turgid state.

PERFORMANCE. Any play, motion picture, dance, or other exhibition performed

before an audience.

PERSON. Includes individuals, firms, partnerships, corporations, joint ventures, clubs, associations, and organizations and shall further include the officers, agents, partners, directors, and employees thereof.

PRURIENT INTEREST. Having, exhibiting, or lending itself to a shameful, morbid, or lascivious interest in or thoughts about or desires as to nudity, sex, or the bodily functions of human beings.

(1976 Code, § 66B.02)

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / DISSEMINATION OF PORNOGRAPHY / § 131.17 DISTRIBUTION AND EXHIBITION PROHIBITED.

§ 131.17 DISTRIBUTION AND EXHIBITION PROHIBITED.

It shall be unlawful for any person to sell, give away, barter, trade, deal in, produce, perform, show, exhibit, or possess with an intent to sell, give away, barter, trade, deal in, show, or exhibit any obscene work or material including but not limited to works or materials such as obscene books, magazines, pictures, movies, printed material, recordings, closed circuit television productions, or exhibitions and the like.

(1976 Code, § 66B.03) Penalty, see § 10.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / DISSEMINATION OF PORNOGRAPHY / § 131.18 DISTRIBUTION AND EXHIBITION TO MINORS PROHIBITED.

§ 131.18 DISTRIBUTION AND EXHIBITION TO MINORS PROHIBITED.

It shall be unlawful for any person to sell, give away, barter, trade, deal in, produce, perform, show, exhibit, or possess with intent to sell, give away, barter, trade, deal in, show, or exhibit to any minor any work or material including but not limited to books, magazines, pictures, movies, printed material, recordings, closed circuit television productions, or exhibitions and the like which depict or show nudity as defined in this subchapter, or any obscene work or material including but not limited to obscene books, magazines, pictures, movies, printed material, recordings, performances, closed circuit television productions, and the

like.

(1976 Code, § 66B.04) Penalty, see § 10.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / DISSEMINATION OF PORNOGRAPHY / § 131.19 UNLAWFUL PUBLIC DISPLAY.

§ 131.19 UNLAWFUL PUBLIC DISPLAY.

It shall be unlawful for any person to display to public view at newsstands, stores, business establishments, and in any public places where minors are or may be invited, allowed, or suffered, or any private place where the display is openly and easily visible to members of the general public, any device, contrivance, movie, pictures, book, magazine, recording, advertisement, or the like, the cover or external covering of which exploits, is devoted to, shows, exhibits, describes, or depicts any nudity, sexual conduct, lewdness, indecency, sadomasochistic abuse, illicit sex, lust, or perversion.

(1976 Code, § 66B.05) Penalty, see § 10.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / DISSEMINATION OF PORNOGRAPHY / § 131.20 VIOLATIONS.

§ 131.20 VIOLATIONS.

Any person found guilty by a lawful authority of violating any provision of this subchapter shall be guilty of a misdemeanor.

(1976 Code, § 66B.06) Penalty, see § 10.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / DISSEMINATION OF PORNOGRAPHY / § 131.21 LIABILITY FOR VIOLATIONS.

§ 131.21 LIABILITY FOR VIOLATIONS.

Every person who commits or attempts to commit, conspires to commit, or aids and abets

Spring Lake Park, MN Code of Ordinances

in the commission of any act constituting a violation of this subchapter or any act which constitutes an omission and, therefore, a violation of this subchapter, whether individually or in connection with one or more persons or as principal, agent, or accessory, shall be guilty of the offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any of the provisions of this subchapter is likewise guilty of the offense.

(1976 Code, § 66B.07) Penalty, see § 10.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / DISSEMINATION OF PORNOGRAPHY / § 131.22 DISSEMINATION A PUBLIC NUISANCE.

§ 131.22 DISSEMINATION A PUBLIC NUISANCE.

(A) The sale, distribution, trading in, dealing in, giving, showing, exhibition, performance, or production of any obscene work or material is hereby declared to be a nuisance.

(B) Whenever the City Council determines that a nuisance is being kept, maintained, produced, permitted, conducted, or allowed, or exists, it may order the termination or abatement of that nuisance by the person or persons keeping, conducting, maintaining, producing, permitting, or allowing that nuisance.

(1976 Code, § 66B.08) Penalty, see § 10.99

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / DISSEMINATION OF PORNOGRAPHY / § 131.23 ORDER TO ABATE; ENFORCEMENT.

§ 131.23 ORDER TO ABATE; ENFORCEMENT.

(A) *Order.* The order of the City Council shall be in writing, shall recite the allegations constituting the nuisance, provide a specified time for compliance, and state that civil enforcement of the order shall be undertaken if no compliance occurs. The order shall be served in the manner of a summons and complaint in a civil action.

(1976 Code, § 66B.09)

(B) *Enforcement.* If no abatement or termination of the nuisance occurs within the time prescribed in the Council order, the city shall forthwith seek enforcement of its order in any

appropriate civil proceeding.

(1976 Code, § 66B.10)

TITLE XIII: GENERAL OFFENSES / CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS / DISSEMINATION OF PORNOGRAPHY / § 131.24 RECOVERY OF EXPENDITURES.

§ 131.24 RECOVERY OF EXPENDITURES.

(A) The city shall keep an accurate account of expenses incurred in carrying out its order and abating the nuisance, including all expenses incurred in connection therewith, including but not limited to filing fees, service fees, publication fees, attorney's fees, appraisal fees, witness fees, traveling expenses, administrative time of city staff employees, and the like. The court shall examine the expenses, correct them if necessary, and allow the city's expense account.

(B) The person or persons charged with keeping, containing, producing, permitting, allowing, or conducting the nuisance shall pay the expenses, but if in default of payment by October 1, the City Administrator, Clerk/Treasurer shall certify the amount to the County Auditor for entry on the tax lists of the county as a special charge against the real estate used in connection with the nuisance or upon which or within which the nuisance was kept, maintained, produced, permitted, conducted, or allowed, and the sum shall be collected in a manner as other taxes and paid over to the municipal treasury.

(1976 Code, § 66B.11)

Penalty, see § 10.99