

**CHAPTER 3****POLICE REGULATIONS****300. PERSONAL CONDUCT**

**Section 300.01. Disorderly Conduct.** Every person who shall do any of the following acts is hereby declared to be guilty of a misdemeanor:

**Subd. 1. Disturbance.** Willfully disturbs an assembly or meeting not unlawful in its character or the peace of any person or neighborhood;

**Subd. 2. Indecent Conduct.** Willfully and lewdly exposes his or her person or private parts, or procures another to do so, or engages in lewd, lascivious behavior or any act of public indecency;

**Subd. 3. Profanity.** Using profane, vulgar or indecent language in or about any public buildings, any place of business, or upon any of the streets, alleys or sidewalks of the City, as to be audible and offensive to any person;

**Subd. 4. Unreasonable Acceleration.** Acceleration of a motor vehicle so rapidly or abruptly that a tire or tires breaks traction with the surface causing a squealing sound or the dislodging of sand, gravel or other objects by the vehicle's tires when the peace or safety of any pedestrian, resident, driver, other person, animal, or property is disturbed or threatened thereby.

**Section 300.03. Prohibited Drugs.** The provisions of Minnesota Statutes, Chapter 152, as amended by the regular and extra sessions of the Legislature of the State of Minnesota, are hereby adopted and confirmed by the City of Medina and incorporated in this ordinance as completely as if set out in full.

**Section 300.05. Trespass - Unlawful.** It shall be unlawful for any person to do any of the following:

**Subd. 1. Trespass by Individual.** The uninvited entry on to the land of another for the purpose of consuming alcoholic beverages or using controlled substances;

**Subd. 2. Trespass by Motor Vehicle.** The uninvited entry by motor vehicle on to the land of another to facilitate the consumption of alcoholic beverages or the use of controlled substances;

**Subd. 3. Permitting Trespass by Motor Vehicle.** As owner of a motor vehicle, to allow the uninvited entry by motor vehicle on to the land of another to facilitate the consumption of alcoholic beverages or the use of controlled substances.

**Section 300.07. Determination of Whether Entry Uninvited.** An entry is uninvited if the person on the land cannot produce written or oral permission from the landowner or lessee for the entry, or if the landowner or lessee is not present and consenting to the entry.

**Section 300.09. Determination of Purpose of Entry.**

**Subd. 1.** To determine the purpose of an uninvited entry of a person or motor vehicle onto the land or another, the factors to be considered include, without limitation, the following:

- (a) Time of day;
- (b) Presence of containers intended to contain or containing alcoholic beverages;
- (c) Presence of equipment used to dispense alcoholic beverages;
- (d) Presence of paraphernalia containing identifiable residues of a controlled substance;
- (e) Noise level;
- (f) Lighting;
- (g) Identified physiological responses; and
- (h) Conduct of persons in the presence of a peace officer.

**Section 300.11. Defenses.** If the trier of fact finds that the landowner or lessee expressly consented, endorsed or ratified the entry onto land, such a finding shall constitute an absolute defense to charges under this section.

**Section 300.13. Owner, Lessee Liability.** A landowner, or lessee who expressly consents to, endorses, or ratifies an entry onto land is not presumed to be in control of the persons gathered on the land, nor is the landowner, or lessee presumed to have knowledge of an unlawful act merely because of express consent, endorsement, or ratification.

**Section 300.15. Predatory Offender Residency Restrictions**

**Subd. 1. Findings and Intent.**

- (a) Repeat predatory offenders, predatory offenders who use physical violence, and predatory offenders who prey on children are predators who present an extreme threat to the public safety. Predatory offenders are extremely likely to use physical violence and to repeat their offenses. Most predatory offenders commit many offenses, have more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of predatory offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) It is the intent of this chapter to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of its citizens by establishing areas around locations where children regularly congregate in concentrated numbers,

wherein certain predatory offenders are prohibited from establishing temporary or permanent residence.

**Subd. 2. Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) Day Care Center – A facility licensed by the State of Minnesota in which care, supervision and training for individuals under the age of 18 is provided for part of a 24-hour period.
- (b) Designated Offender – Any person who has been categorized as a Level III predatory offender under Minnesota Statutes § 244.052, a successor statute, or a similar statute from another state.
- (c) Park or Playground – Any land, including improvements, but excluding trails and sidewalks, operated by a city, county, or the Three Rivers Park District for the use by the general public as a recreational area.
- (d) Permanent Residence – A place where a person abides, lodges or resides for 14 or more consecutive days.
- (e) School – Any public or non-public educational institution that offers educational instruction to individuals under the age of 18.
- (f) Temporary Residence – A place, other than a person’s permanent residence, where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year or four or more consecutive or non-consecutive days during any month.

**Subd. 3. Residency Prohibition; Penalties; Exceptions.**

- (a) **Residency Prohibition.**
  - (1) It is unlawful for any Designated Offender to establish a Permanent Residence or Temporary Residence within 2,000 feet of any School, Day Care Center, Park or Playground. Such prohibition shall apply regardless of whether the School, Day Care Center, Park or Playground is located in the City of Medina or a neighboring city.
  - (2) For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the Permanent Residence or Temporary Residence of the Designated Offender to the nearest outer property line of a School, Day Care Center, Park or Playground.
  - (3) A map of prohibited areas within 2,000 feet of any School, Day Care Center, Park or Playground will be kept by the City of Medina Police Department.
- (b) **Penalties.** A person who violates this section shall be punished by a fine not exceeding \$1,000, or by confinement for a term not exceeding 90 days, or by both such fine and confinement. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.
- (c) **Exceptions.** A Designated Offender residing within a prohibited area as described in Section 300.15 Subd. 3(a) does not commit a violation of this section if any of the following apply:

- (1) The Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to M.S. § 243.166, § 243.167, or successor statute, prior to the effective date of this section.
- (2) The Designated Offender was a minor when he or she committed the offense and was not convicted as an adult.
- (3) The Designated Offender is a minor.
- (4) The School, Day Care Center, Park or Playground within 2,000 feet of the Designated Offender's Permanent Residence or Temporary Residence was designated or opened after the Designated Offender established the Permanent Residence or Temporary Residence and reported and registered the residence pursuant to M.S. § 243.166 or § 243.167, or successor statute.
- (5) The residence is also the primary residence of the Designated Offender's parents, grandparents, siblings, spouse, or adult children.
- (6) The residence is a property owned by the Minnesota Department of Corrections or the federal government.

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#### **Amendment History of this Section**

*Amended June 6, 2017 (Ord. 612). Added Section 300.15 regarding predatory offender residency restrictions.*