

CHAPTER 130: GENERAL OFFENSES

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GENERAL REGULATIONS

§ 130.01 DISCHARGING FIREARM, AIR GUN OR BOW AND ARROW WITHIN CITY PROHIBITED.

It is a misdemeanor for any person to discharge any firearm, air gun or bow and arrow within the city or to cause a projectile therefrom to enter into the city unless:

(A) By a police officer in the course of law enforcement;

(B) By a person protecting life of a person; or

(C) By a special permit of the City Council.
(Ord. 609, passed 12-18-96) Penalty, see § 130.99

CURFEWS FOR MINORS

§ 130.15 PURPOSE.

(A) The curfew for minors within the city is being implemented for the following four primary reasons:

- (1) To protect the public from illegal acts of minors committed after the curfew hour;
- (2) To protect minors from improper influences that prevail after the curfew hour, including involvement with gangs;
- (3) To protect minors from criminal activity that occurs after the curfew hour; and
- (4) To help parents control their minor children.

(B) The City Council finds that residents and visitors have been harassed while traveling on city streets and sidewalks by groups of minors; that minors engaged in mimes while on the streets late in the evening; that minors have been enticed to join organized gangs and have been victimized by gangs late in the evening and that the Council believes that this curfew for minors will help lessen the aforementioned problems.

(Ord. 260, passed 7-13-00)

§ 130.16 DEFINITIONS.

For the purpose of this subchapter, 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. This includes, but is not 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 man-made calamity.

OFFICIAL CITY TIME. To be determined by reference to the master clock contained in the console of the Dispatch Center at the Olmsted County/City of Rochester Law Enforcement Center.

PLACES OF AMUSEMENT, ENTERTAINMENT OR REFRESHMENT. These places include but are not limited to movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants and pool halls.

PRIMARY CARE or 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 cannot 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.
(Ord. 260, passed 7-13-00)

§ 130.17 HOURS.

(A) *Minors under the age of 16.* No minor under the age of 16 shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement, entertainment or refreshment or vacant lots between the hours of 10:00 p.m. and 5:00 a.m. of the following day, official city time.

(B) *Minors ages sixteen to 18.* No minor of the ages of 16 or 17 shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement, entertainment or refreshment or vacant lots between the hours of 12:00 midnight and 5:00 a.m. of the following day, official city time.
(Ord. 260, passed 7-13-00)

§ 130.18 EFFECT ON CONTROL BY ADULT RESPONSIBLE FOR MINOR.

Section 130.17 is not to be construed to give a minor the right to stay out until the curfew hours designated herein if otherwise directed by a parent, guardian or other adult person having the primary care and custody of the minor; nor should it be construed to diminish or impair the control of the adult person having primary care or custody of the minor.
(Ord. 260, passed 7-13-00)

§ 130.19 EXCEPTIONS.

The provisions of § 130.17 do not apply to the following situations:

(A) To a minor accompanied by his or her parent, guardian or other adult person having the primary care and custody of the minor;

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(B) To a minor who is upon an emergency errand directed by his or her parent, guardian or other adult person having the primary care and custody of the minor;

(C) To a minor who is in any of the places described in § 130.17 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 and from the location of such business, trade, profession or occupation and the minors residence. Minors who fall within this section must carry written proof of employment as well as the hours the employer requires the minor's presence at work;

(D) To a minor who is participating in or traveling already to or from an event which has been officially designated as a "school activity" by public or parochial school authorities;

(E) To a minor who is passing through the city in the course of interstate travel during the hours of the curfew;

(F) To a minor who is attending or traveling directly to or from an activity involving the exercise of the first amendment rights of free speech, freedom of assembly or freedom of religion. Minors who wish to exercise their rights pursuant to this section must notify the City Clerk-Treasurer at least 24 hours in advance of the start of the gathering where these rights will be exercised.
(Ord. 260, passed 7-13-00)

§ 130.20 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.
(Ord. 260, passed 7-13-00)

§ 130.21 DUTIES OF CERTAIN 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 such place during the hours prohibited by this section, unless accompanied by the parent, guardian or other adult person having primary care or custody of the minor.
(Ord. 260, passed 7-13-00)

SOCIAL HOST

§ 130.35 DEFINITIONS.

For the purposes of this chapter, the following terms shall have the meanings stated:

ADULT. Any person 18 years of age or older.

ALCOHOL. Ethyl alcohol, hydrated oxide of ethyl or spirits of wine, liqueur, cordials, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

ALCOHOLIC BEVERAGE. Alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

EVENT OR GATHERING. Any group of three or more persons assembled or gathered together for a social occasion or other activity.

HOST or ALLOW. To aid, conduct, entertain, organize, supervise, control or permit an event or gathering.

PARENT. Any person having legal custody of a juvenile as a natural parent, adoptive parent, stepparent, legal guardian, or a person to whom legal custody has been given by order of the court.

PERSON. Any individual, partnership, co-partnership, corporation, or any association of one or more individuals. A person does not include any city, county or state agency.

RESIDENCE, PREMISES, OR PUBLIC PROPERTY OR PRIVATE PROPERTY. Any location, including a house, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, yard, field, park, or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or residence or specifically for a social or business function, and whether owned, leased, rented or used with or without permission or compensation.
(Ord. passed 6-28-16)

§ 130.35 PROHIBITED ACTS AND PENALTY.

(A) It is unlawful for any person to host or allow for an event or gathering at any residence, premises, or on any other public property where alcohol or alcoholic beverages are present when the person knows or should reasonably know that:

- (1) Alcohol or an alcoholic beverage is being possessed or consumed by an underage person;
and
- (2) The person failed to prevent such possession or consumption by an underage person.

(B) It is a violation of section 1 if the person intentionally aids, advises, hires, counsels or conspires with another or otherwise procures another to commit the prohibited act.

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(C) A person who hosts or allows an event or gathering does not have to be present at the event or gathering to be in violation of this section.

(D) A violation of this policy falls under the Byron City Code of Ordinances, § 10.99, General Penalties.
(Ord. passed 6-28-16)

§ 130.36 EXCEPTIONS.

(A) This chapter does not apply to conduct of an underage person specifically authorized by their parent while present in the parent's house.

(B) This chapter does not apply to retail intoxicating liquor or 3.2% malt liquor licences, municipal liquor stores or bottle club permit holders who are regulated by M.S. § 340A.503.

(C) This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

(D) This chapter does not apply to a landlord, mortgage, college, university, hotel or motel owners or operators who has not actually participated in hosting or allowing an event where alcohol is present.
(Ord. passed 6-28-16)

§ 130.37 AUTHORITY.

This chapter is enacted pursuant to M.S. §§ 145A.04(1) and (9) and 412.221, subd. 32.
(Ord. passed 6-28-16)

§ 130.99 PENALTY.

(A) Whoever shall violate any provision of this section for which no specific penalty is provided shall be punished as set forth in § 10.99 of this code of ordinances.

(B) (1) A minor found to be in violation of §§ 130.15 *et seq.* may be adjudicated delinquent and is subject to the disposition alternatives set forth in M.S. § 260.185.

(2) Any adult person violating §§ 130.15 *et seq.* shall be guilty of a misdemeanor and shall be punished as provided in § 10.99.
(Ord. 260, passed 7-13-00)