

**Subd. 15. Interference Prohibited.** It is unlawful for any person to prevent, delay or interfere with the Forester or his agents while they are engaged in the performance of duties imposed by this Section.

## **SECTION 809.01. CURFEW.**

**Subd. 1. Curfew Imposed.** No person 15 years of age or younger shall be, or remain upon, any of the streets, avenues, alleys or other public places within the municipal boundaries of the City between the hours of 10:00 p.m. and 5:00 p.m., and no person between 16 and 18 years of age shall be, or remain upon, any of the streets, avenues, alleys or other public places within the municipal boundaries of the City between the hours of 12:00 a.m. and 5:00 p.m., unless such person is accompanied by a parent, guardian, or other person having legal custody of such minor person, or unless such person is so directed by a parent, guardian, or any other person having legal custody of such minor person, and it is necessary for such minor person to be upon said streets, avenues, alleys, or other public places between the herein specified hours.

**Subd. 2. Parental Responsibility.** No parent, guardian, or other person having legal custody of a person under eighteen years of age shall knowingly permit said minor to violate the provisions of this Section.

**Subd. 3. Waiver.** The sheriff or mayor, may waive the restrictions of this Section in order to accommodate school, religious, or community sponsored events, or other special circumstances.

## **SECTION 810.01. PUBLIC DECENCY.**

**Subd. 1. Purpose.** The purpose of this ordinance is to prohibit public indecency in order to deter criminal activity, to promote societal order and public health, and to protect children.

**Subd. 2. Findings.** The Council makes the following findings regarding the need to prohibit public indecency:

- A. Public indecency can increase the incidence of criminal activity, including but not limited to prostitution, disorderly conduct and sexual assault.
- B. Public indecency can expose children to an unhealthy and nurtureless environment.
- C. Public indecency can present health concerns in places of public accommodation and other public settings.
- D. Public indecency can have a potentially negative impact on the value and marketability of property.

**Subd. 3. Definitions.** The following words and terms when used in this Ordinance shall have the following meanings, unless the context clearly indicates otherwise:

- A. "Nudity" means:
  - 1. The appearance of a human bare buttock, anus, male genitals, female genitals, female breast; or,
  - 2. A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast;
- B. "Person" means a natural person 6 years of age or older, including employees or agents of a public accommodation.
- C. "Public Place" means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets and meeting facilities utilized by any religious, social fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. A public place shall not include enclosed single sex public restrooms, enclosed single sex motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospital and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein; nor shall it include a person appearing in a state of nudity in a modeling class operated by (1) a proprietary school licensed by the state; a college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation or an accredited private college.

**Subd. 4. Public Indecency Prohibited:** A person who knowingly or intentionally in a public setting or place:

- A. Engages in sexual intercourse;
- B. Engages in sexual conduct;
- C. Appears in a state of nudity;
- D. Fondles the genitals of himself or herself; or
- E. Fondles the genitals of another person

commits public indecency and is guilty of a misdemeanor under Minnesota law and upon conviction thereof, shall be punished by a fine of up to \$1,000 or by imprisonment for up to 90 days; or both.

**Subd. 5. Indecency in Other than Public Place.** No person shall, in a place other than a public place, with the intent to be seen by persons other than invitees and occupants of that place:

- A. Engage in sexual intercourse;
- B. Engage in sexual conduct; or
- C. Fondle the genitals of himself or another person

where he can be seen by persons other than invitees and occupants of that place.

**Subd. 6. Exclusion.** The provisions of City Code Section 811.01, Subd. 4, shall not apply to:

- A. Any theatrical production performed in a theater, by a professional or amateur theatrical or musical company, which has serious artistic merit, or
- B. A woman breastfeeding a child.

## **SECTION 811.01. PUBLIC DRINKING.**

**Subd. 1. Consumption.** No person shall consume alcoholic beverages on any public sidewalk or street, in a vehicle upon a public street, or in any of the City parks or playground, except as permitted with a license or permit issued by the City.

**Subd. 2. Possession.** No person shall have in possession alcoholic beverages in any open container on any public sidewalk or street, in a vehicle upon a public street, or in any City park or playground.

## **SECTION 812.01. FIREARMS AND DANGEROUS WEAPONS REGULATIONS**

**Subd. 1. Declaration of Policy.** The City of Delano is a developing community in which the land uses have intensified causing a reduction in the amount of open land available for the discharge of firearms and dangerous weapons to certain circumstances specifically provided for herein.

**Subd. 1. Definitions.** For the purpose of this Section, the following terms shall have the meaning given to them below: