

LAC QUI PARLE COUNTY, MINNESOTA

ORDINANCE

AN ORDINANCE PROHIBITING TRESPASSING AND PROVIDING A CRIMINAL PENALTY THE COUNTY BOARD OF LAC QUI PARLE COUNTY ORDAINS:

Section 1. AUTHORITY. This ordinance is adopted pursuant to Minnesota Statute 471.985 and 375.51 (1984).

Section 2. JURISDICTION. This ordinance shall be effective within Lac qui Parle County, Minnesota, outside of statutory and home rule charter cities.

Section 3. DEFINITIONS. For the purpose of this ordinance the following terms have the meanings given them.

(1) Alcohol. "Alcohol" means non-intoxicating malt liquor as defined by Minnesota Statute 340.101 Subd. 19 and intoxicating liquor and liquor as defined by Minnesota Statute 340A.101 Subd 14.

(2) Controlled Substance. "Controlled Substances" has the meaning as defined in Minnesota Statute 152.01 Subd 4 (1984).

(3) Landowner. "Landowner" includes the possessor of a fee interest or a life estate, a tenant, lessee, or person in legal control of the land.

(4) Motor Vehicle. "Motor Vehicle" has the meaning as defined in Minnesota Statute 169.01 Subd 3 (1984).

(5) Person. "Person" includes any individual, group, firm, partnership, association, corporation, governmental unit, company or organization of any kind.

Section 4. TRESPASSING. It shall be unlawful.

(1) For any person to enter onto the land of another, without invitation from the landowner, to consume alcohol or controlled substances;

(2) For any person to bring a motor vehicle onto the land of

another, without invitation from the landowner, to facilitate the consumption of alcohol or controlled substances on that land.

Section 5. DETERMINATION OF PURPOSE. To determine the purpose of an uninvited entry of a person or motor vehicle, factors to be considered shall include, but are not limited to, the following:

- (1) time of day;
- (2) presence of containers intended to contain or containing alcohol;
- (3) presence of equipment used to dispense alcohol beverages;
- (4) presence of paraphernalia containing identifiable residues of a controlled substance;
- (5) noise level;
- (6) lighting;
- (7) identified physiological responses; and
- (8) conduct of persons in the presence of a peace officer.

Section 6 PENALTY. Violation of Section 4 (1) or Section 4 (2) of this ordinance shall be a penal offense and any person who violates Section 4 (1) or Section 4 (2) of this ordinance is guilty of a misdemeanor and upon conviction may be sentenced to not more than 90 days in jail or a fine of not more than \$700.00, or both.

Section 7. DEFENSES. Express consent, endorsement, or ratification by a landowner of any entry unto his land is an absolute defense to charges brought under Section 4 (1) or Section 4 (2) of this ordinance.

Section 8. EFFECTIVE DATE. This ordinance shall be effective upon its passage and publication as provided by law.

Passed by (majority) (unanimous) vote of the Lac qui Parle County Board of Commissioners this *5th* day of *Nov*, 1985.

Robert M. Bleeke

Robert Bleeke
Chairman
Lac qui Parle County Board of
Commissioners

ATTEST:



Raymond Olson
Lac qui Parle County Auditor
Clerk
Lac qui Parle County Board of Commissioners