

## CHAPTER XX

## MISDEMEANORS

Section 2000 - General provisions; state  
law adopted by reference

2000.01. Conduct prohibited. It is unlawful to engage in an act or in the behavior prohibited by this chapter. Violation of a provision of this chapter is a misdemeanor and may be punished as provided in section 115 of this code.

2000.03. Provisions of criminal code adopted by reference. The provisions of Minnesota Statutes, Chapter 609, as amended, the provisions of Minnesota Statutes, Chapter 624, as amended, and any provision of the Crystal City Code which is punishable as a misdemeanor, are hereby adopted by reference and are as much a part of this code as if fully set forth herein. (Amended, Ord. No. 2010-08, Sec. 1)

2000.05. A violation of the statutes adopted by reference herein is a violation of this code.

2000.07. Liability for crimes of another. Subdivision 1. Aiding, abetting; liability. A person is criminally liable for a crime established by subsection 2000.05 committed by another if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the crime. (Added, Ord. No. 2010-08, Sec. 3)

Subd. 2. Expansive liability. A person liable under subdivision 1 is also criminally liable for a crime established by subsection 2000.05 committed in pursuance of the intended crime if reasonably foreseeable by the person as a probable consequence of committing or attempting to commit the crime intended. (Added, Ord. No. 2010-08, Sec. 3)

Subd. 3. Abandonment of criminal purpose. A person who intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit a crime established by subsection 2000.05, and thereafter abandons that purpose and makes a reasonable effort to prevent the commission of the crime prior to its commission is not liable if the crime is thereafter committed. (Added, Ord. No. 2010-08, Sec. 3)

Subd. 4. Circumstances of conviction. A person liable under this subsection may be charged with and convicted of a crime established by subsection 2000.05 although the person who directly committed it has not been convicted, or has been convicted of some other degree of the crime or of some other crime based on the same act, or if the person is a juvenile who has not been found delinquent for the act. (Added, Ord. No. 2010-08, Sec. 3)

Section 2005 - Misdemeanors; specific provisions

2005.01. Disorderly conduct. The following acts are disorderly conduct:

- a) Lurking, lying in wait, or concealment in a building, yard or street in the city with intent to commit a crime or misdemeanor therein;
- b) Wilfully disturbing a meeting not unlawful in its character, or the peace and quiet of a family or neighborhood;
- c) Wilfully and lewdly exposing one's person or one's private parts, or procuring another to so expose oneself, open and gross lewdness or lascivious behavior, or an act of public indecency;
- d) Using profane, vulgar or indecent language in or about a public building, store, place of public entertainment, or place of business, or on streets, alleys or sidewalks of the city so as to be audible and offensive;
- e) Appearing upon a public street or other public place in an intoxicated condition or drinking intoxicating liquor on a street or a vehicle on a public street;
- f) Unlawfully striking or in an unlawful manner offering to or doing bodily harm to another person or unlawfully making an attempt to apply any degree of force or violence to the person of another, or in a violent, rude, angry or insolent manner touch or lay hands upon the person of another;
- g) Wilfully making a false report to a police officer in the performance of the officer's duties. (Amended, Ord. No. 95-17, Sec. 1)

2005.03. Resisting a public officer. It is unlawful to wilfully resist, delay or obstruct a public officer in discharging or attempting to discharge a duty of the officer's office.

2005.05. False statements. It is unlawful to make a false statement in an application for a permit or license from the city.

2005.07. Swimming in Twin Lakes. It is unlawful to swim or bathe in Twin Lakes or in a creek or pond within the limits of the city between the hours of 10:00 p.m. and 6:00 a.m.

2005.09. Loitering. Subdivision 1. Prohibited. It is unlawful to loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place in such manner as to:

- a) Obstruct any public street, public highway, public sidewalk or any other public place or any building generally open to public patronage, by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
- b) Commit in or upon any public street, public highway, public sidewalk or any other public place or any building generally open to public patronage, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by any one in or upon or facing or fronting on any such public street, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto.

Subd. 2. Police order. If a person causes or commits a condition enumerated in subdivision 1, a police officer or any law enforcement officer may order that person to stop causing or committing such conditions and to move on or disperse. A person who fails or refuses to obey such orders is guilty of a violation of this section.

2005.11. Fire alarm system and false alarms. It is unlawful to tamper with or in any way interfere with any element of any fire alarm system within the city. It is unlawful to give, or cause to be given, any alarm of fire or other emergency condition when no fire or emergency condition exists.

2005.13. Obstruction of fire hydrants. It is unlawful to park a vehicle in such a way as to obstruct a fire hydrant. The stopping or parking of a vehicle within ten feet of a fire hydrant is an obstruction of the hydrant and a violation of this subsection.

2005.15. Liquor and beer in parks. It is unlawful to bring into, possess, barter, give away or consume any intoxicating liquor or non-intoxicating malt beverages in any public park or any vehicle parking area immediately adjoining such park; provided, however, that this prohibition does not apply to any special permit issued by the city council under the provisions of subsection 1215.15 of this code relating to non-intoxicating malt liquor.

2005.17. Liquor and beer in public places. Subdivision 1. Public ways. It is unlawful to consume, barter, or give intoxicating beverages or malt beverages in or upon a public street, avenue, boulevard, alley or other public way, whether in a vehicle or not, in the city.

Subd. 2. Parking areas. It is unlawful to consume, barter or give any intoxicating beverages or non-intoxicating malt beverages in or upon a parking area open to the public whether in a vehicle or not.

2005.19. Trespass; notice. Subdivision 1. On premises privately owned but open to the use of the general public, it is unlawful to remain on the premises after having been requested to leave by the owner of the premises, an authorized representative of the owner, or any other person or entity entitled to possession of the premises.

Subd. 2. Two year rule. On any property privately owned but open to the use of the general public, it is unlawful to return to the property after receipt of a written notice of trespass from the owner, an authorized representative of the owner, or any person or entity entitled to possession of the property, or law enforcement official, which notice prohibits the person from returning to the property. This prohibition is effective for two years from the date the written notice was served.

Subd. 3. Notice. The written notice under subdivision 2 must be personally served upon the party prohibited from entering the property. An affidavit of service must be executed at the time of service. A prosecution may not be maintained under subdivision 2 unless the property owner or other complaining party can produce a copy of the notice of trespass and a signed affidavit of its service.

### Section 2010 - Nuisances

2010.01. Nuisances. Subdivision 1. Defined. The following acts are declared a public nuisance:

- a) Engaging in a business or activity that is dangerous, hurtful, unwholesome, offensive or unhealthy to the neighborhood, or that constitutes an annoyance to the persons in the neighborhood, or is detrimental to the property in the neighborhood;
- b) Permitting, suffering or maintaining, or failing to remove offensive, nauseous, hurtful, dangerous, unhealthy conditions resulting from a failure to properly dispose of garbage, sewage, waste, debris or any other unwholesome or offensive substance, liquid or thing, upon one's premises, or to drop, discharge, pass, deposit or otherwise deliver the same upon the premises of another or public property;
- c) Constructing, maintaining, permitting or allowing upon one's property any billboard, sign, poster, or advertisement, or to post, publish, promulgate, broadcast, display, issue or circulate insulting, profane or abusive emblem, sign, or device, or blasphemous written or printed statement, calculated or such as is likely to cause a breach of the peace;

- d) Displaying, circulating, issuing or publishing slanderous or obscene, immoral, or lewd pictures, posters, literature, writings, drawings or oral statements.

Subd. 2. Abatement. A nuisance defined herein may be abated after 48 hours notice to remove the same by any officer of the city. The notice describing the property upon which the nuisance is situated and the nature of the nuisance to be abated must be given to the owner or occupant of the property. If the notice cannot be delivered to the owner or occupant of the property the notice must be published in a local newspaper, and must state that the nuisance must be abated within a designated time of not less than 60 hours from the time of publication.

Subd. 3. Penalty. Violation of this section is a misdemeanor. The imposition of one penalty for any violation of this section does not excuse the violation, or permit it to continue. Each ten days that prohibited conditions are maintained constitutes a separate offense.

2010.03. Noise in residential areas. It is unlawful to congregate because of or participate in a party or gathering of people from which noise emanates of a sufficient volume so as to disturb the peace, quiet or repose of persons residing in any residential area. It is unlawful to visit or remain within any residential dwelling unit wherein such party or gathering is taking place except for persons who have gone there for the sole purpose of abating the disturbance. (Amended, Ord. No. 97-8, Sec. 3)

2010.05. It is unlawful to do the following:

- a) keep a disorderly house or place of public resort in such a manner that the peace, comfort or decency of a neighborhood is habitually disturbed;
- b) being the owner or in control of the premises, to intentionally permit them to be so used; or
- c) keep, permit or be present in a disorderly house or place of public resort kept for illegal purposes, including, but not limited to, prostitution, illegal gambling, illegal sale or consumption of intoxicating beer or illegal sale or use of controlled substances. (Added, Ord. No. 97-8, Sec. 2)

Section 2015 - Conduct in or around school buildings

2015.01. Defacement of school property. It is unlawful to mark with ink, paint, chalk, or other substance, or post hand bills on, or in any other manner deface or injure any public or private school building or structures 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 such buildings, or post hand bills on such fences, trees or fixtures or place a sign anywhere on any such site.

2015.03. Breach of peace on, or adjacent to school grounds. It is unlawful to wilfully or maliciously make or assist in making on any school grounds adjacent to any school building or structure any noise, disturbance or improper diversion or activity by which peace, quiet and good order is disturbed.

2015.05. Offensive language and conduct. It is unlawful to use offensive, obscene or abusive language or engage in boisterous or noisy conduct tending reasonably to arouse alarm, anger or resentment in others on school grounds or in buildings or structures.

2015.07. Improper conduct while school in session. It is unlawful to, 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. A person not in immediate attendance in the school and being in such building or upon the premises belonging thereto who conducts or behaves improperly, or who upon the request of a teacher of such school or the person in charge thereof to leave said building or premises, neglects or refuses so to do, is in violation of this section. It is unlawful to loiter on school grounds or in school buildings or structures.

#### Section 2020 - Nuisances; shade tree disease control

2020.01. Declaration of policy. The city council has determined that the health of the shade trees within the city limits is threatened by shade tree diseases. It has further determined that the loss of shade trees growing upon public and private property would substantially depreciate the value of property within the city and impair the safety, good order, general welfare and convenience of the public. It is the intention of the council to control and prevent the spread of these diseases, and this section is enacted for that purpose, and to conform to the policies and procedures embodied in Minnesota Statutes, section 18.023, section 66 and rules promulgated thereunder.

2020.03. Definitions. Subdivision 1. The terms defined in this section have the meanings given them.

Subd. 2. "Shade tree" means an oak or elm tree situated in the city of Crystal.

Subd. 3. "Shade tree disease" means Dutch elm disease caused by *ceratocystis ulmi*, or oak wilt disease caused by *ceratocystis fagaceorum*.

Subd. 4. "Commissioner" means the commissioner of the state department of agriculture.

Subd. 5. "Tree inspector" or "inspector" means a person having the necessary qualifications to conduct a shade tree program and who is so certified by the commissioner.

Subd. 6. "Disease control area" means the city of Crystal.

Subd. 7. "Shade tree control program" or "program" means a program developed by the city to combat shade tree disease in accordance with rules promulgated by the commissioner.

2020.05. Tree inspector. Subdivision 1. Position created. The powers and duties of the city tree inspector as set forth in this section are hereby conferred upon the city manager. The manager may designate a member of the administrative staff to perform the duties of tree inspector.

Subd. 2. Duties of tree inspector. It is the duty of the tree inspector to coordinate, under the direction and control of the council, all activities of the city relating to the control and prevention of shade tree disease. The inspector must recommend to the council the details of a program for the control of shade tree disease, and perform the duties incident to such a program adopted by the council.

2020.07. Shade tree disease program. It is the intention of the city council to conduct a program of shade tree control pursuant to the authority granted by Minnesota Statutes, section 18.023. This program is directed specifically at the control and elimination of shade tree diseases and is undertaken at the recommendation of the commissioner of agriculture, and in conformance with rules promulgated by the commissioner. The city tree inspector acts as coordinator between the commissioner of agriculture and the council in the conduct of this program.

2020.09. Shade tree diseases. Subdivision 1. Nuisances declared. The following things are public nuisances whenever they may be found within the city:

- a) Any living or standing elm tree or part thereof infected to any degree with the Dutch elm disease fungus *ceratocystis ulmi* (buisman) moreau or which harbors any of the elm bark beetles *scolytus multistriatus* (eichh.) or *hyluigopinus rufipes* (marsh).
- b) Any dead elm tree or part thereof, including legs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide.
- c) Any living or standing northern red oak, northern pine oak, black oak or scarlet oak, or part thereof infected to any degree with oak wilt disease.

Subd. 2. Abatement. It is unlawful for any person to permit any public nuisance as defined in subdivision 1 to remain on premises owned or controlled by that person within the city. Such nuisances may be abated in the manner prescribed by this section.

2020.11. Inspection and investigation. Subdivision 1. Annual inspection. The tree inspector must inspect all premises and places within the city as often as practicable to determine whether any condition described in subsection 2020.09 exists thereon. The inspector must investigate all reported incidents of infestation by Dutch elm fungus, elm bark beetles or oak wilt.

Subd. 2. Entry on private premises. The tree inspector may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties of the inspector under this section. Such inspections must be preceded by two days' written notice to the owner of said private property, unless such notice is waived in writing by the owner.

Subd. 3. Diagnosis. The tree inspector must, upon finding conditions indicating shade tree disease infestation, immediately send appropriate specimens or samples to the commissioner of agriculture for analysis, or take such other steps for diagnosis as may be provided by the commissioner by rule. Except as provided in subsection 2020.13 no action to remove infected trees or wood must be taken until positive diagnosis of the disease has been made.

2020.13. Abatement of shade tree disease nuisances. In abating the nuisances defined in this section, the tree inspector must cause the infected tree or wood to be sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of disease. Such abatement procedures must be carried out in accordance with current technical and expert opinions and procedures as may be established by the commissioner of agriculture.

2020.15. Procedure for removal of infected trees and wood. Subdivision 1. Findings. Whenever the tree inspector finds with reasonable certainty that the infestation defined in subsection 2020.07 exists in any tree or wood in any public or private place in the city, the inspector must proceed as follows:

- a) If the inspector finds that the danger of infestation of other trees is not imminent because of dormancy, the inspector must make a written report of his findings to the council which must proceed by (i) abating the nuisance as a public improvement under Minnesota Statutes, chapter 429, or (ii) abating the nuisance as provided in subdivision 2 of this subsection.
- b) If the inspector finds that danger of infestation of other trees is imminent, the inspector must notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than five days from the date of mailing of such notice. The inspector must immediately report such action to the council, and after the expiration of the time limited by the notice the inspector may abate the nuisance.

Subd. 2. Notice; hearing. Upon receipt of the inspector's report required by Subdivision 1 a), the council may by resolution order the nuisance abated. Before action is taken on such resolution, the council must publish notice of its intention to meet to consider taking action to abate the nuisance. The notice must be mailed to affected property owners and published once no less than one week prior to such meeting. The notice must state the time and place of the meeting, the streets affected, action proposed, and the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the council must hear property owners with reference to the scope and desirability of the proposed project. The council may thereafter adopt a resolution confirming the original resolution with such modification as it considers desirable and provide for the doing of the work by day labor or by contract.

Subd. 3. Records. The inspector must keep a record of the costs of abatements ordered under this subsection and report monthly to the city clerk work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

Subd. 4. Assessment. On or before September 1 of each year, the clerk must list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes, section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

2020.17. Tree inspector; program. The tree inspector must conduct the shade tree disease control program in accordance with the rules and regulations of the commissioner embodied in AGR 101-120 "shade tree disease control" and subsequent amendments thereto.

2020.19. Transporting elm wood prohibited. Subdivision 1. It is unlawful to transport within the city any bark-bearing elm wood without having obtained a permit from the tree inspector. The inspector will grant such permits only when the purposes of this section will be served thereby.

2020.21. Interference prohibited. It is unlawful to prevent, delay or interfere with the inspector while engaged in the performance of the duties imposed by this section.