

CHAPTER 5: CRIMES

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5.01 ADOPTION OF STATE LAWS

The City of Arlington hereby adopts by reference all Minnesota state statutes and regulations describing crimes, to include, but not limited to, all statutes under Minnesota Statutes Chapter 609.

5.02 VIOLATION PENALTIES

Any violation of any section of this chapter except Section 5.07 shall be punishable as a misdemeanor under Minnesota Statute 609.02, Subdivision 3, or any laws amending or replacing such statute. However, in the discretion of the city, any such violation may be certified as a petty misdemeanor. Any violation of Section 5.07 shall be punishable as a petty misdemeanor.

5.03 JUVENILE CURFEW

A. It shall be unlawful for any person under the age of 16 years to be in or upon any public street, highway, alleyway, park, playground or other public grounds between the hours of 11:00 p.m. and 5:00 a.m.

B. It shall be unlawful for any person 16 years of age or older but under the age of 18 years to be in or upon any public street, highway, alleyway, park, playground or other public grounds between the hours of 12:00 midnight and 5:00 a.m.

C. It shall be unlawful for the parent or guardian of a person under the age of 18 years to allow said juvenile to violate the rules of this Section 5.03.

D. The terms of this Section 5.03 shall not apply if the minor is accompanied by his or her parents or guardian, or when the minor is upon an emergency errand or upon legitimate business directed by his or her parents or guardian. The terms of this Section 5.03 also shall not apply if the minor is participating in or traveling directly to or from a school or community sponsored athletic, musical, dramatic or social activity.

5.04 EXHIBITION DRIVING

No person shall turn, speed up, stop, slow down, or otherwise operate a motor vehicle within the City in a manner which causes unnecessary engine noise, backfire, squealing tires, skidding, sliding, swaying, throwing of sand or gravel, high speed turn, "fishtailing", high speed U-turn, weaving or swaying of the vehicle, or any other similar activity. The squealing or screeching of tires, the throwing of sand, gravel or snow, or the leaving of skid marks or black rubber tire imprints on the pavement shall be considered prima facie evidence of a violation of this section.

5.05 PROHIBITED U-TURNS

That portion of Main Street within the City of Arlington which is designated with a solid yellow line down the middle of said street shall be a zone in which U-turns are prohibited. A U-turn for purpose of this ordinance is any turn in which the driver of a motor vehicle causes the vehicle to cross the solid yellow center line of the street to either proceed in the opposite direction from the direction in which the vehicle was originally heading, or to cross the solid yellow center line of the street to park on the opposite side of the street from the side on which the vehicle was originally traveling.

5.06 WEAPONS RESTRICTIONS

A. Definitions. For purposes of this ordinance, the following terms will have the meanings given them in this Section:

- (1) "Weapons" means any of the following:
 - (a) All firearms, including any device from which is propelled any missile, projectile, or bullet by means of explosives, gas, compressed air, springs, or elastic material, including air and "BB" guns, and slingshots.
 - (b) Bows and arrows, crossbows, and similar devices. Blowguns.
 - (c) Dagger, dirk, stiletto, or sword.
 - (d) Switchblade knife, spring blade knife or any knife the blade of which can be opened gravity or a flick of the wrist.
 - (e) Blackjack, sand club, sap, pipe club, bludgeon.
 - (f) Chain club or chains assembled or used or intended to be used as a weapon.

H. Confiscation. Any weapon adjudged by any court of competent jurisdiction to have been worn, carried, possessed, used or handled in violation of any ordinance or state statute, may be confiscated and disposed of by the Police Chief, who may provide for its sale, destruction or other disposition.

I. Selling or Furnishing Weapon to a Minor. The selling, giving, loaning or furnishing in any way of a weapon to a minor under the age of 18 years without the written consent of his or her parent or guardian, is hereby prohibited.

J. Permits. Any person wishing to discharge a firearm, bow, crossbow, or similar device within the city limits shall apply to the Police Chief for a permit to do so. The City Council shall establish the rules, forms and fees for such permits by resolution from time to time. The granting of such permits shall be in the sole discretion of the Police Chief, taking into consideration the safety, health and welfare of the applicant and the general public.

5.07 TRUANCY

A. DECLARATION OF FINDINGS POLICY

WHEREAS, the City of Arlington desires to enhance the safety of the community and of its youth; and

WHEREAS, a significant percentage of crime committed during school hours is committed by school age youth who are truant; and

WHEREAS, the Arlington City Council finds that enhancing the safety of our community and youth requires the efforts of parents, businesses, schools and the City of Arlington; and

WHEREAS, legitimate reasons for compulsory school age youth to be in public areas during school hours are few,

WHEREAS, The Arlington City Council finds that students are hindering their education and development when they are intentionally truant. The students are committing the act of Truancy by not physically attending the Sibley East, City of Arlington campus as recognized by school student registration

THEREFORE, the Arlington City Council finds that it is in the best interest of the City of Arlington and the citizens thereof, to establish a truancy code/ordinance.

B. DEFINITIONS

- (1) Assigned School Location: The location where a student would be assigned, registered or released to attend, during compulsory school time when the class or activity is in session or the student is dealing with school business.
- (2) Authorization: A permission slip given by a school authority to excuse a student from being in the usual assigned school location under school policy or a note from the parent or guardian giving permission for the student to be absent from class. The permission slip must be in the immediate possession of the student at all times when not at the assigned school location during school hours.
- (3) Compulsory School Age Minor: A person not less than seven (7) nor more than seventeen (17) years of age that is not exempted and must be attending a public or regularly established private school during the school year of the district in which the minor resides pursuant to Minnesota Statute §120A.22.
- (4) Emergency: An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire,

- (g) Artificial knuckles or other objects designed to be worn over the fist or knuckles.
- (h) Throwing devices with cutting or pointed edges.
- (i) Japanese or other nightsticks, nutcracker, nunchaku, chaka, flail, karate stick, morning star.
- (j) Spear, lance.

(2) "Public place" means any area, building or structure which is open and accessible to the public within the city limits of Arlington.

B. Possession Prohibited. No person shall have a weapon in his or her possession, custody, or control in (a) a public place except by permit of the Police Chief, (b) in the residence of another without their permission, or (c) in the passenger compartment of a motor vehicle unless in compliance with Section C. This section shall not apply to a handgun carried in compliance with Minnesota Statutes.

C. Transportation of Weapon. A weapon may be transported in a motor vehicle only if it is:

- (1) a firearm which is unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed, or an unloaded firearm in the closed trunk of the motor vehicle.
- (2) a weapon other than a firearm which is in the closed trunk of a motor vehicle.
- (3) a handgun carried in compliance with Minnesota Statutes.

D. Discharge of Firearm. No person in any public or private place shall shoot or discharge any firearm, as defined in this Ordinance, whether it is loaded with powder, blank cartridges or any other explosive, bullet, pellet, or shot, except in compliance with a permit from the Police Chief.

E. use of Bow and Arrow. It is unlawful for any person to shoot a bow and arrow or crossbow or similar device in the city limits, except in compliance with a permit from the Police Chief.

F. Exceptions. This ordinance shall not apply to the discharge of a firearm in the lawful defense of person, property, or family, or in the necessary enforcement of law. This ordinance shall not apply to law enforcement officers while on duty, or to persons in possession of handguns in compliance with a handgun permit under Minnesota Statutes.

G. This ordinance shall not be construed to authorize or permit the ownership and possession of any otherwise unlawful items including but not limited to switch blade knives, spring bladed stilettos, zip guns, machine guns or other fully automatic firearms, sawed-off shotguns or other illegal devices prohibited by federal law, state statutes or local ordinance.

natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious injury or loss of life.

- (5) Establishment: Any privately owned place of business operated for profit to which the public is invited, including but not limited to any place of amusement, recreation or food service.
- (6) Guardian:
 - (a) A person who, under court order, is the guardian of the person of a minor; or
 - (b) A public or private agency with whom a minor has been placed by court action.
- (7) Minor: Any person under 18 years of age.
- (8) Open Campus: When a compulsory school age minor is allowed by school officials to leave the school campus for lunch purposes.
- (9) Operator: Any individual, firm, association, partnership, or corporation, managing or conducting any establishment. The term includes members, partners of an association or partnership and the officers of a corporation.
- (10) Parent: A person who is:
 - (a) A natural parent, adoptive parent, or step-parent of a minor; or
 - (b) Another person, at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.
- (11) Public Place: Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, hospitals, office and commercial buildings, public transit conveyances or establishments.
- (12) Remain:
 - (a) Linger or stay; or
 - (b) Fail to leave premises when requested to do so by police officer or the owner, operator or other person in control of the premises.
- (13) Truancy Hours: Those hours in which a compulsory school age youth should be attending school in the district or jurisdiction in which the student is enrolled, registered, or required to attend.

- (14) Jurisdiction: It shall be the City of Arlington Police Department's jurisdiction to enforce the truancy ordinance when the School administration from any City of Arlington school reports attendance requirements are not being met by a compulsory school age youth, for the third and also any subsequent unexcused absence.

C. ENFORCEMENT PROVISIONS

(1) Offenses:

- (a) A compulsory school age minor commits an offense if he or she is not in his or her assigned school location, during truancy hours.
- (b) A parent or guardian of a minor or any person eighteen (18) years of age or older, commits an offense if he or she knowingly permits, aides, encourages or allows a compulsory school age minor to stay home or become truant from any school within the City of Arlington during truancy hours.
- (c) Any operator of an establishment commits an offense if he or she engages in any conduct for the purpose of, or resulting in the influencing of any compulsory school age minor to leave or be absent from the assigned school location of said minor during truancy hours.

(2) Defenses

- (a) It is a defense to prosecution under Subsection C (1) above that the compulsory school age minor was:
 - (1) Accompanied by the minor's parent or guardian;
 - (2) Involved in an emergency;
 - (3) Following school policy regarding open campus for lunch or attending off-campus school approved classes and activities or any other legitimate school sanctioned off-campus function; or taking care of a personal appointment or business and has on his/her person, legal authorization or permission by the school administration or his/her guardian;
 - (4) Married or has been married or has disabilities requiring removal from school in accordance with state law.
- (b) It is a defense to prosecution under Subsection C (2) above that the parent or guardian of a compulsory school age minor has met in cooperation with the proper school authorities within fourteen (14) days of notification in response to each certified letter from the court notifying them that their child has received a truancy citation.

- (c) It is a defense to prosecution under Subsection C (3) above that the owner, operator, or employee for an establishment, or owner of a private residence, promptly notified the police department that a compulsory school age minor was present on their premises during truancy hours and refused to leave.
- (d) It is a defense to prosecution under any part of Subsection C above that the student has authorization by a school authority under school policy to be absent from class, or a permission slip from the parent or guardian giving the student permission to be absent from class.
- (e) It is also a defense to prosecution under any part of Subsection C above that the student is absent from class due to treatment of, or recovery from, an illness or injury. Written verification of that status maybe required from the student's parent or guardian.

(3) Enforcement:

- (a) Before taking any enforcement action, an identified police officer shall ask the apparent offender's age and reason for being in the public place or being absent from his/her assigned school location. A citation shall be written after a determination by the police officer that the apparent offender is a compulsory school age minor and has no written authorization on his/her person to be excused from school.
- (b) A citation shall be written after determination by a police officer that the parent, guardian or person 18 years of age or older has permitted, aided, encouraged or allowed a compulsory school age minor to remain in any public place or on the premises of any establishment within Arlington during truancy hours.
- (c) A citation shall be written after determination by a police officer that the operator of any establishment has engaged in conduct for the purpose of or resulting in the influencing of any compulsory school age minor to leave or be absent from the assigned school location of said minor during truancy hours

(4) Penalties:

Violation of this Code Section 5.07 is a petty misdemeanor offense, punishable by a fine not to exceed \$300.00. A defendant who commits an offense as provided in this Code is guilty of a separate offense each day or part of a day during which the violation is committed, continued or permitted. For the first offense and the second offense the fine shall not exceed \$50.00 for each offense. A third offense is subject to the maximum fine not to exceed \$300.00.