

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

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Section

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§ 130.01 DISORDERLY CONDUCT

A. Whoever does any of the following in any public or private place within the City limits of the City of Lakeland Shores, knowing, or having reasonable grounds to know that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, is guilty of disorderly conduct, which is a misdemeanor. The costs of prosecution may be added to any sentence imposed hereunder:

- (1) Engages in brawling or fighting; or
- (2) Disturbs an assembly or meeting, not unlawful in its character; or
- (3) Makes, aids, countenances, or assists in making any noise, unreasonably loud music, riot, or disturbance to the annoyance or disturbance of others; or
- (4) Engages in offensive, obscene, abusive language, or cursing, swearing or other profane language, or in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others.

B. Violations. Any person who shall do or commit any act that violates the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided by State law for misdemeanor offenses.

§ 130.02 DISCHARGE FIREARMS.

The carrying and discharging of firearms, the use of sling shots and the use of air rifles and B-B guns within the City of Limits of Lakeland Shores are prohibited, as follows:

A. No person or persons shall fire or discharge any gun or firearms of any description within the corporate limits of the City of Lakeland Shores, Minnesota.

B. No person or persons shall carry any gun or firearm of any description within the corporate limits of the City of Lakeland Shores, Minnesota unless said gun or firearm is dismantled or broken apart or carried in a case in such a manner that it cannot be discharged, or unless carried in accordance with Chapter 624 of the Minnesota Statutes.

C. Nothing in this subchapter shall be construed to embrace any firing of a gun or firearms when done in the lawful defense of person or property or family or the necessary enforcement of the law.

D. No person or persons shall use or discharge air rifles, B-B guns or slingshots within the City Limits of the City of Lakeland Shores, Minnesota.

E. Any person who shall do or commit any act that violates the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided by State law for misdemeanor offenses.

§ 130.03 SEXUALLY ORIENTED USES

A. Purpose. The nature of sexually oriented uses is such that they are recognized as having adverse secondary characteristics, particularly when they are located near other sensitive uses such as residential property or related residential uses such as schools, day care centers, libraries or parks. Furthermore, the concentration of sexually oriented uses has an adverse effect upon the use and enjoyment of adjacent areas. Competent studies have linked sexually oriented uses to increased crime, lower property values and a deteriorating quality of life in nearby neighborhoods. The nature of sexually oriented uses requires that they not be allowed within certain zoning districts or within minimum distances from each other or sensitive uses. Special regulation of sexually oriented uses is necessary to ensure that the adverse secondary affects will not contribute to or enhance criminal activity in the area of such uses nor will it contribute to the blighting or downgrading of the surrounding property and lessening of its value.

B. Intent. It is the intent of this Chapter to protect the constitutionally protected aspects of sexually oriented uses while balancing those rights with reasonable time, place and manner restrictions which will reasonably tend to protect the community from the adverse secondary affects caused by those uses.

C. Definitions

Sexually Oriented Uses. Sexually oriented uses include adult bookstores, adult motion picture theaters, adult motion picture sales/rentals, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public. Activities classified as obscene as defined by Minnesota States § 617.241, as may be amended, are not included.

Specified Anatomical Areas.

- (1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breast(s) below a point immediately above the top of the areola; and

- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities.

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral–anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- (2) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or
- (4) Fondling or touching of nude human genitals, public region, buttocks or female breast; or
- (5) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
- (6) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation.

Sexually Oriented Uses – Accessory. The offering of retail goods for sale which are classified as sexually oriented uses on a limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale and/or rental of adult motion pictures, the sale of adult novelties and the like.

Sexually Oriented Uses – Principal. The offering of goods and/or services which are classified as sexually oriented uses as a primary or sole activity of a business or establishment and include but are not limited to the following:

- (1) Body Painting Studio. An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical areas.”
- (2) Bookstore. A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, video tape or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public extending any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (3) Cabaret. A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (4) Companionship Establishment. A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- (5) Conversation/Rap Parlor. A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- (6) Health/Sport Club. A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- (7) Hotel or Motel. Adult hotel or motel means a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or

relating to “specified sexual activities” or “specified anatomical areas.”

- (8) **Massage Parlor, Health Club.** A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- (9) **Mini–Motion Picture Theater.** A building or portion of a building with a capacity for less than 50 persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- (10) **Modeling Studio.** An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.
- (11) **Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coin or slug–operated or electronically, electrically or mechanically controlled or operated still or motor picture machines, projects or other image–producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
- (12) **Motion Picture Theater.** A building or portion of a building with a capacity of 50 or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
- (13) **Novelty Business.** A business which has, as a principal activity, the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

- (14) Sauna. A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- (15) Steam Room/Bathhouse Facility. A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”

Sexually Oriented Uses – General. Sexually oriented uses as defined in this subchapter shall be subject to the following general regulations:

- (1) Sexually oriented uses, either principal or accessory shall be prohibited from locating in any building which is also utilized for residential purposes.
- (2) A sexually oriented use which does not qualify as an accessory use shall be classified as a sexually oriented use–principal.
- (3) A sexually oriented use either principal or accessory shall not sell or dispense non–intoxicating liquors nor shall it be located in a building or on a property which contains a business that sells or dispenses non–intoxicating or intoxicating liquors.
- (4) No sexually oriented use either principal or accessory shall be conducted in any manner that permits the perception or observation from any property not approved as a sexually oriented use of any materials depicting, describing or related to “Specified Sexual Activities” or “Specified Anatomical Areas” by any visual or auditory media, including display, decoration, sign show window, sound transmission or other means.
- (5) Sexually oriented use–principal and sexually oriented use–accessory establishments shall prominently display a sign at the entrance and located within two (2) feet of the door opening device of the sexually oriented use establishment or section of the establishment devoted to adult books or materials which states: “This business sells or displays material containing adult themes. Persons under age eighteen (18) years of age shall not enter.” Said

sign shall have letters at least three–eighths (3/8) inches in height and no more than two (2) inches in height.

- (6) No person under the age of eighteen (18) shall be permitted on the premises of a sexually oriented use–principal establishment. No person under the age of eighteen (18) shall be permitted access to material displayed or offered for sale or rent by a sexually oriented use–principal or accessory establishment.

Sexually Oriented Use – Principal. Sexually oriented use–principal as defined in this subchapter shall be subject to the following general provisions:

- (1) Sexually oriented use–principal shall be located only on property located in Zone D which must be at least one hundred seventy–five (175) radial feet, as measured in a straight line from the closest part of the building or actual leased space of the sexually oriented use principal to the property line of A, B and C zoned property.
- (2) Sexually oriented use–principal shall be located at least three hundred (300) radial feet, as measured in a straight line from the closest part of the building or actual leased space of the sexually oriented use–principal to the property line of:
 - a. A licensed day care center;
 - b. A public or private educational facility classified for preschool, early childhood family education, special education, pre–kindergarten, elementary, junior high or senior high;
 - c. A public library;
 - d. A public park;
 - e. Another existing sexually oriented use–principal; or
 - f. A church.
- (3) The use shall be located within a building or actual leased space of a building within the area allowable for sexually oriented use–principal uses. Buildings or leased space intersected by a line representing the allowable area will be considered permissible only for that portion of the building or leased space that is within the allowable area.
- (4) Sexually oriented use–principal activities, as defined by this Chapter, shall be classified as one use. No two sexually oriented uses–principal shall be located in the same building or upon the same property.

Sexually Oriented Uses–Accessory.

- (1) Sexually oriented use–accessory shall:
 - (a) Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located.
 - (b) Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation.
 - (c) Not involve or include any activity except the sale or rental of merchandise.

- (2) Sexually oriented use–accessory shall be restricted from and prohibit access to persons under the age of eighteen (18) by the physical separation of such items from areas of general public access:
 - (a) Movie Rentals. Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or controlled in some other effective manner which meets with the approval of the Zoning Administrator.
 - (b) Magazines. Publications classified or qualifying as sexually oriented uses shall not be accessible to persons under the age of eighteen (19) and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
 - (c) Other Use. Sexually oriented use–accessory not specifically cited shall comply with the intent of this section, subject to the approval of the Zoning Administrator.

- (3) Sexually oriented use–accessory activities shall be prohibited at any public show, movie, caravan, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted.

§ 130.04 ENDANGER PUBLIC SAFETY.

A. It shall be a crime against the order and economy of the City of Lakeland Shores to unlawfully commit any of the following acts or omit to perform a duty which act or omission shall:

- (1) Annoy, Injury or endanger the safety, health, comfort or repose of any considerable number of persons.
- (2) Offend public decency.
- (3) Unlawfully interfere with, obstruct or tend to obstruct or render dangerous for passage a lake, navigable river, bay, stream, canal, or basin or a public park, square, street, alley or highway.
- (4) In any way render a considerable number of persons insecure in life or the use of property.

B. Penalty. Any person who shall do or commit any act that violates the provisions of this subchapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided by State law for misdemeanor offenses.

§ 130.05 ACTS CONSTITUTING A PUBLIC NUISANCE.

A. Whoever by his act, or failure to perform a legal duty, intentionally does any of the following within the City of Lakeland Shores is guilty of maintaining a public nuisance, which is a misdemeanor. The costs of prosecution may be added to any sentence imposed hereunder.

- (1) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort, or repose of members of the public; or
- (2) Interferes with, obstructs, or renders dangerous for passage, any public highway or right of way, or waters used by the public; or
- (3) Operates a two or three wheel motorized vehicle or an off road recreation vehicle (ORV) in a dangerous or reckless manner, or otherwise in a manner which exposes any member of the public to danger; or
- (4) Operates an off road recreation vehicle (ORV) on public property or on public streets.
 - (a) Minimum Clear Height. The minimum vertical clearance from low hanging tree limbs over the traveled portion of a roadway or driveway shall be 15 feet. However in the adjacent ditch area and within 3 feet of the traveled portion of the road, the minimum vertical clearance area shall be 12 feet.

- (5) Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.
- (6) Cost of Correction. In the event of a violation of this section that exists 30 days after a notice to correct the condition has been given to any owner by the City Council, the City may contract for the correction of the condition and certify the cost of correction to the County Auditor for collection with the real estate taxes.