

**BROWN COUNTY  
ORDINANCE NO.  
ORDINANCE PROHIBITING TRESPASSING AND PROVIDING A CRIMINAL PENALTY**

- 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 Brown County, Minnesota outside of cities.
- SECTION 3**    **DEFINITIONS.** For the purpose of this ordinance the following terms have the meanings given to them:
1. **Alcohol** means alcoholic beverage as defined by Minnesota statute 340a101 subd. 2.
  2. **Controlled Substances.** Substance 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 alcoholic 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 an entry onto 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.

BE IT FURTHER RESOLVED, that a notice of intention to enact be published in the official newspaper of the County and that a public hearing be held all pursuant to the provisions of Minnesota Statue 375.51.

Passed by unanimous vote of the Brown County Board of Commissioners this 15<sup>th</sup> day of July 1987.

The motion was seconded by Commissioner Griebel and carried unanimously.