

**AN ORDINANCE PROHIBITING
TRESPASSING ONTO THE LAND OF ANOTHER TO
CONSUME ALCOHOL OR CONTROLLED SUBSTANCES**

Be it hereby ordained and enacted by the Board of Commissioners of the County of Stevens, State of Minnesota, as follows:

SECTION 1 AUTHORITY

This Ordinance is adopted pursuant to Minn. Stat. ●471.985 (1984) and ●375.51 (1986).

SECTION 2 JURISDICTION

This Ordinance shall be in full force and effect within Stevens County, Minnesota, excluding incorporated city limits.

SECTION 3 DEFINITIONS

For the purpose of this Ordinance, the following terms are defined:

- (a) Alcohol. "Alcohol" means non-intoxicating malt liquor as defined by Minn. Stat. ●340A.101, Subd. 19 (1987), intoxicating liquor as defined by Minn. Stat. ●340A.101, Subd. 14 (1987), and wine as defined by Minn. Stat. ●340A.101, Subd. 29 (1987).
- (b) Controlled Substances. "Controlled Substances" has the meaning as defined in Minn. Stat. ●152.01, Subd. 4 (1987).
- (c) Landowner. "Landowner" includes the possessor of a fee interest or a life estate, a tenant, lessee, or person in legal control of the land.
- (d) Motor Vehicle. "Motor Vehicle" has the meaning as defined in Minn. Stat. ●169.01, Subd. 3 (1986).
- (e) 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:

- (a) For any person or persons to enter onto the land of another, without invitation from the landowner, to consume alcohol or controlled substances;
- (b) For any person or persons 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:

- (a) time of day;
- (b) presence of containers intended to contain or containing alcohol;
- (c) presence of equipment used to dispense alcoholic beverages;
- (d) presence of paraphernalia containing identifiable residues of a controlled substance;
- (e) noise level;
- (f) lighting;
- (g) identified physiological responses; and
- (h) conduct of person 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 onto the 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.

Dated at Morris, Minnesota, this 6th day of March, 1989.

ATTEST: Dick Bluth
Stevens County Auditor

Signed: Herb Kloos, Chairperson
Stevens County Board of Commissioners