

AN ORDINANCE PROHIBITING TRESPASSING

The Wilkin County Board of County Commissioners ordains:

Section 1. DEFINITIONS. For purposes of this ordinance, the following terms shall have the meaning given herein:

Section 1.1 Landowner. Includes any person who shall hold title to or have legal control over land.

Section 1.2 Person. Includes any individual, group, firm, partnership, association, corporation, governmental unit, company or organization of any kind.

Section 2. TRESPASSING.

Section 2.1 Uninvited Persons. No person shall enter uninvited onto another person's land for the purpose of consuming alcohol or controlled substances.

Section 2.2 Uninvited Persons with Motor Vehicles. No person shall bring a motor vehicle without invitation onto another person's land to facilitate consumption of alcohol or controlled substances.

Section 3. DETERMINATION OF PURPOSE. To determine the purpose of an uninvited entry of a person or motor vehicle, the factors to be considered 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 peace officer.

- Section 4. PENALTY. Any person who violates this ordinance is guilty of a misdemeanor which is punishable by 90 days incarceration and/or a \$700.00 fine.
- Section 5. EXCEPTION. Any person who enters onto land under the express consent, endorsement or ratification of the landowner does not violate this ordinance.
- Section 6. AUTHORITY. This ordinance is enacted pursuant to Minnesota Statutes Section 471.985 entitled, "County and City Ordinances Prohibiting Trespassing."
- Section 7. EFFECTIVE DATE. This ordinance shall be effective ten (10) days following publication.