

PUBLIC SAFETY COMMITTEE

10-019-0

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 34-30 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING TRESPASSING.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 34-30 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 34-30. Trespass.

No person shall do any of the following acts unless he is a public official or peace officer engaged in a good faith effort to carry out his duties:

(a) Trespass upon the premises of another and, without claim of right, refuse to depart therefrom upon demand of the lawful possessor;

(b) Tamper with or get into or upon a motor vehicle without the permission of the owner or rightful user of the motor vehicle;

(c) Get into or upon, or ride in a motor vehicle knowing it is being operated by another without the permission of the owner;

(d) Occupy or enter the premises of another while knowing, or having reasonable grounds to know, that such entering or occupying will be in violation of the wishes of the lawful possessor of the premises;

(e) Enter or occupy the dwelling of another without claim of right or consent of the owner or another who has a right to give consent, except in an emergency situation;

(f) Cross into or enter any public or private area lawfully cordoned off by or at the direction of a public official or peace officer when such officer or official reasonably determines it is necessary to so cordon off said area in the performance of the official duties of the responsible authority such officer or

official represents. As used in this clause an area may be "cordoned off" through the use of tape, barriers or other means conspicuously placed and identifying the area as being restricted by a public official or peace officer and identifying the responsible authority. It is an affirmative defense to a charge under this clause that a public official or peace officer of the responsible authority permitted entry into the restricted area. Provided that when the responsible authority determines that its official duties no longer require the area to be cordoned off, the responsible authority shall remove said tape, barriers or other means from the area.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved:

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Department Director

Approved as to form:

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Attorney

DPD/ATTY GR/CWS:cjk 3/10/2010

Approved for presentation to council:

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Chief Administrative Officer

Approved:

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Auditor

STATEMENT OF PURPOSE: This ordinance amends Section 34-30 of the Duluth City Code. This amendment brings the current language in line with Minnesota Statutes Section 609.605, Subd. 11, to provide a consistent approach to enforcing trespassing behavior on both the city and state levels. Adding the term "public official" will allow this ordinance to be enforced against individuals who trespass into an area that was cordoned off by any city department official such as the fire department in arson cases or housing inspection department officials in condemnation cases.