

CHAPTER 617

ABORTION; OBSCENITY; HOUSES OF ILL-FAME

617.80 Definitions.

617.81 Nuisance; acts constituting; injunction; notice.

617.80 DEFINITIONS.*[For text of subs 1 to 7, see M.S.1990]*

Subd. 8. Interested party. "Interested party" for purposes of sections 617.80 to 617.87 means any known lessee or tenant of a building or affected portion of a building and any known agent of an owner, lessee or tenant.

History: 1991 c 193 s 5

617.81 NUISANCE; ACTS CONSTITUTING; INJUNCTION; NOTICE.*[For text of subd 1, see M.S.1990]*

Subd. 2. Acts constituting a nuisance. (a) For purposes of sections 617.80 to 617.87 a public nuisance exists upon proof of three or more misdemeanor convictions or two or more convictions, of which at least one is a gross misdemeanor or felony, within the previous two years for:

(1) acts of prostitution or prostitution-related offenses committed within the building;

(2) acts of gambling or gambling-related offenses committed within the building;

(3) keeping or permitting a disorderly house within the building;

(4) unlawful sale or possession of controlled substances committed within the building;

(5) unlicensed sales of alcoholic beverages committed within the building in violation of section 340A.401;

(6) unlawful sales or gifts of alcoholic beverages by an unlicensed person committed within the building in violation of section 340A.503, subdivision 2, clause (1); or

(7) unlawful use or possession of a firearm in violation of section 609.66, subdivision 1a, 609.67, or 624.713, committed within the building.

(b) A second or subsequent conviction under paragraph (a) may be used to prove the existence of a nuisance if the conduct on which the second or subsequent conviction is based occurred within two years following the first conviction, regardless of the date of the conviction for the second or subsequent offense.

Subd. 2a. Seizures and arrests constituting a nuisance. For purposes of sections 617.80 to 617.87, a public nuisance exists upon proof of three qualifying events that occurred on different days within the previous two months. For purposes of this section, "qualifying event" means a lawful seizure of controlled substances within the building or a lawful arrest within the building for the possession or sale of controlled substances within the building or on the building's curtilage.

Subd. 3. Notice. Notice of a conviction described in subdivision 2, or of a qualifying event described in subdivision 2a, must be mailed by the court administrator to the owner of the building where the offense was committed and all other interested parties and must be filed with the county recorder's office. This notice is considered sufficient to inform all interested parties that the building or a portion of it is being used for purposes constituting a public nuisance.

History: 1991 c 193 s 6-8