

471.985 COUNTY AND CITY ORDINANCES PROHIBITING TRESPASSING.

Subdivision 1. **Authority.** The county board of any county or the city council of any home rule charter or statutory city may enact ordinances to prohibit persons from entering uninvited onto the land of another to consume alcohol or controlled substances.

The county board or city council may enact ordinances to prohibit a person from bringing a motor vehicle onto the land of another without invitation to facilitate the consumption of alcohol or controlled substances on that land.

Subd. 2. **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.

Subd. 3. **Violations.** A person who violates an ordinance enacted pursuant to subdivision 1 is guilty of a misdemeanor.

Subd. 4. **Defenses.** Express consent, endorsement, or ratification by a landowner of an entry onto land is an absolute defense to charges under an ordinance enacted pursuant to subdivision 1.

A landowner who expressly consents to, endorses, or ratifies an entry onto land shall not be presumed to be in control of the persons gathered on land, nor is the landowner presumed to have knowledge of an unlawful act merely because of the express consent, endorsement, or ratification.

History: *1984 c 620 s 1*