



Request for City Council Committee Action From the City Attorney's Office

Date: November 23, 2005
To: Public Safety & Regulatory Services Committee
Referral to: N/A

Subject: Proposed Amendments to Minneapolis Code of Ordinances
§385.380, Trespassing upon the land of another.

Recommendation: That the City Council adopt the proposed amendments to the trespass ordinances.

Prepared by: Lisa Godon, Assistant City Attorney

Phone: 673-5402

Approved by: _____
Jay M. Heffern
City Attorney

Presenter in Committee: Lisa Godon

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)

- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain):

Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact (use any categories that apply)

Neighborhood Notification NA
City Goals Build communities where all people feel safe and trust the City's public safety professionals and systems; promote public, community, and private partnerships to address disparities and to support strong, healthy families and communities.
Comprehensive Plan NA
Zoning Code NA
Other NA

Background/Supporting Information: See proposed ordinance amendments.

Amending Title 15, Chapter 385 of the Minneapolis Code of Ordinances relating to Miscellaneous Offenses: In General.

The City Council of the City of Minneapolis do ordain as follows:

That Title 15, Chapter 385, Section 385.380 of the Minneapolis Code of Ordinances be amended to read as follows:

Section 385.380, Trespassing upon the land or property of another.

(1) Definitions. For purposes of this section:

(a) "agent" shall have the following meaning: a person authorized by another to act for him or her. The act of posting a no trespassing sign shall constitute authorization for a licensed peace officer to act as an agent for the lawful possessor of the land or property unless the lawful possessor affirmatively indicates otherwise on the face of the sign. "Agent" shall include, but not be limited to, a security officer hired to secure the land or property or a licensed peace officer.

(b) "lawful possessor" shall have the following meaning: a land owner, a property owner, or a tenant of the land or property.

(c) "property" shall have the following meaning: a building or other property, whether real or personal, private or public.

(2) Prohibitions.

(a) No person shall intentionally ~~enter or remain upon or within~~ trespass on the land or property of another and, without claim of right, refuse to depart therefrom on demand of ~~the~~ a lawful possessor thereof or his or her agent. A demand to depart may be made ~~as follows:~~ orally, or in writing, by the lawful possessor or the possessor's agent.

~~(1) — Orally, or in writing, by the lawful possessor or the possessor's agent; or,~~

~~(2) — By conspicuously posting at reasonable intervals signs which prohibit trespass on the affected land or property; or,~~

~~(3) — By conspicuously posting at reasonable intervals signs which prohibit trespass on the affected land or property during certain hours.~~

(b) No person who has received an oral or written demand to depart pursuant to this subsection shall reenter ~~the~~ a lawful possessor's land or property without the written permission of ~~the~~ a lawful possessor or the agent providing said demand for a period of up to ~~ninety (90) days~~ one year from the date of the oral or written demand, as provided therein.

(b) ~~No person shall intentionally enter or remain upon or within the land or property of another without permission from a lawful possessor thereof or his or her agent when such land or property includes signs conspicuously posted at reasonable intervals which prohibit trespass or trespass during certain hours on the affected land or property.~~

(c) ~~No person shall enter or remain upon or within the locked or posted property of another, or condemned or boarded or abandoned property, without claim of right or consent of a lawful possessor or his or her agent.~~