

**CHAPTER 11.
MORALS AND CONDUCT**

Table of Contents

11.10. Disorderly Conduct and Disturbance of the Peace	<u>Ch. 11 Pg. 1</u>
11.13. Obscene and Lewd Behavior	<u>Ch. 11 Pg. 2</u>
11.14. Obscene Displays	<u>Ch. 11 Pg. 2</u>
11.16. Dance Halls	<u>Ch. 11 Pg. 2</u>
11.18. Proprietors must Obtain Permits	<u>Ch. 11 Pg. 2</u>
11.19. Issuance of a Permit	<u>Ch. 11 Pg. 3</u>
11.20. Permit to Be Posted	<u>Ch. 11 Pg. 3</u>
11.21. Applications	<u>Ch. 11 Pg. 3</u>
11.22. Immodest Dances Prohibited	<u>Ch. 11 Pg. 3</u>
11.23. Lights	<u>Ch. 11 Pg. 4</u>
11.24. Not to Admit Certain Persons	<u>Ch. 11 Pg. 4</u>
11.25. Officer must Attend All Public Dances	<u>Ch. 11 Pg. 4</u>
11.26. Police Protection	<u>Ch. 11 Pg. 4</u>
11.27. Hours	<u>Ch. 11 Pg. 5</u>
11.28. Disposition of Fees	<u>Ch. 11 Pg. 5</u>
11.29. Revocation of Permit	<u>Ch. 11 Pg. 5</u>
11.31. Curfew for Minors	<u>Ch. 11 Pg. 5</u>
11.32. Juvenile under Age Sixteen	<u>Ch. 11 Pg. 5</u>

11.33. **Juvenile Age Sixteen (16) or Seventeen (17)** [Ch. 11 Pg. 5](#)

11.34. **Responsibility of Parent or Guardian** [Ch. 11 Pg. 5](#)

11.35. **Responsibility of Business** [Ch. 11 Pg. 6](#)

11.36. **Definitions** [Ch. 11 Pg. 6](#)

11.37. **Exemptions** [Ch. 11 Pg. 6](#)

11.38. **Penalties for Violation** [Ch. 11 Pg. 7](#)

11.39. **Written Documentation** [Ch. 11 Pg. 8](#)

11.49. **Public Indecency** [Ch. 11 Pg. 8](#)

11.50. **Findings** [Ch. 11 Pg. 8](#)

11.51. **Definitions Adopted by Reference** [Ch. 11 Pg. 9](#)

11.52. **Nudity** [Ch. 11 Pg. 9](#)

11.53. **Prohibited Acts** [Ch. 11 Pg. 10](#)

11.54. **Violation.** [Ch. 11 Pg. 10](#)

11.55. **Severability** [Ch. 11 Pg. 10](#)

11.56. **Consumption of Beer or Liquor on Streets or Public Property** [Ch. 11 Pg. 10](#)

11.10. **Disorderly Conduct and Disturbance of the Peace.** No person knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger, or disturb others or provoke an assault or breach of the peace, shall do any of the following:

11.10.1 Engage in brawling or fighting.

11.10.2. Disturb an assembly or meeting, not unlawful in its character.

11.10.3. Engage in noisy, boisterous or riotous conduct tending reasonably to annoy or disturb others.

11.10.4. Engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others.

11.10.5. Willfully and lewdly exposes his or her person or the private parts thereof, or procures another to so expose himself or herself; or

11.10.6. Races the motor of any motor vehicle; or

11.10.7. Causes the spinning or skidding of wheels or tires causing tire squeals or similar noises; or

11.10.8. Fails or refuses to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner, or person in charge thereof, or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of his official duty, nor shall it include the wife, children, employee or tenant of such owner or occupier.

11.12. **Reserved.**

11.13. **Obscene and Lewd Behavior.** No person shall do any of the following knowing, or having reasonable grounds to know, that it will, or tend to, cause the result stated:

11.13.1. Appear in public nude, or in any public place in a state of dress, in a manner that offends public decency.

11.13.2. Exhibit any private part of the body, or participate in a sexual act in public, in a manner that corrupts public morals or offends public decency.

11.14. **Obscene Displays.** No person shall do any of the following knowing, or having reasonable grounds to know, that it will, or tend to cause the result stated:

11.14.1. Display or sell sexually explicit pictures or writings in a manner that corrupts public morals or offends public decency.

11.14.2. Take part in or show any sexually explicit play, movie, or other performance in a manner that corrupts public morals or offends public morals or offends public decency.

11.15. Reserved.

11.16. Dance Halls. A public dancing place, as the term is used in Section 11.17 to 11. shall be taken to mean any room, place, or space, open to public patronage in which dancing, wherein the public may participate, is carried on and to which admission may be had by the public by payment, directly or indirectly, of an admission fee or price for dancing. A public dance, as the term is used in this section, shall be taken to mean any dance wherein the public may participate by payment, directly or indirectly, of admission fee or price for dancing, or a fee for a membership in a club, and shall include any manner of holding a dance which may be participated in by the public through the payment of money, directly or indirectly.

11.18. Proprietors must Obtain Permits. It shall be unlawful for any person to give, hold, or conduct a public dance unless the owner or proprietor of the public dancing place, or the person giving the same or in charge thereof, shall first have procured a permit to hold, give, and conduct such public dance from the City of Tyler.

11.19. Issuance of a Permit. Such permit shall be obtained from the City Administrator after submitting an application to the City Administrator for presentation to the City Council at the next regularly scheduled City Council meeting. Such permits may be issued by the City Council for one or more public dances or for a period of time not exceeding one year. The permit shall be issued at a fee under such conditions as the council may from time to time determine.

11.20. Permit to Be Posted. Any person desiring a permit to hold, give, or conduct a public dance shall make application therefore by filing with the City Administrator a verified application, in writing, setting forth the name and address of the person, persons, committee, or organization who are to give, hold, and conduct the same, and the time and place where such public dance is to be held. The application shall thereupon be presented to the City Council at its next meeting for action. The City Council may refer the application to the chief peace officer of the municipality or to the sheriff of the county for investigation and a report before granting the same. The City Council shall thereupon act upon the application and either grant or reject the same. In the case the same is granted, the City Council shall fix the fee to be paid by the applicant for such permit and shall direct the City Administrator to issue the same upon the payment of the fee and upon payment of the expense of the investigation herein provided for in the case such investigation is made. The permit shall specify the names and addresses of the persons to whom issued, the amount paid therefor, and the time and place where the public dance is to be held. The permit shall be posted in a public place where the public dance is to be held. The permit shall be posted in a public place in the dance hall described therein during the time the public dance described therein is being given, and the persons named in the permit shall be responsible for the manner in which the public dance is held and conducted.

11.21. **Applications**. All applications for such permits shall be made on a form furnished by the City. The applicant shall represent that the applicant has not, within five (5) years prior to the making of the application, been convicted of a felony, gross misdemeanor, or of the violation of any of the provisions of this Chapter or any law similar thereto. The applicant shall further represent that he has not been convicted of any violation of any state, federal, or local law relating to the sale or consumption of alcohol, whether a determination of such violation has been made in a civil or criminal proceeding. The applicant shall represent that he has not been adjudged to have violated any provision of this Chapter or of any similar Chapter in a civil proceeding. In the event that the applicant has committed such a violation, the applicant shall detail any such violations in the application. The existence of any such violation may be a grounds for the City to deny the applicant's permit, provided, however, no permit shall be denied as the result of a liquor violation if liquor will not be served upon the premises for which the application for a dance permit is made.

No permit shall be issued under the terms of this Chapter unless the City Council is satisfied that the place where the public dance is to be given is properly ventilated and is equipped with necessary toilets, washrooms, lighting facilities, and that such place is not likely to become a public nuisance or detrimental to public morals.

11.22. **Immodest Dances Prohibited**. No person shall dance, nor shall any person to whom such permit is issued, permit or suffer any person to dance in any public dance hall, any indecent or immoral dances or any dance which is characterized by immodest motion of the body. No person shall in any public dance hall, act or speak in rude, boisterous, obscene, or indecent manner, nor shall any person to whom a permit has been issued suffer or permit any person to so act or speak therein.

11.23. **Lights**. Every public dancing place shall be brightly illuminated while in public use, and dancing therein while the lights are extinguished, dimmed, or turned low, so as to give imperfect illumination is hereby prohibited.

11.24. **Not to Admit Certain Persons**. No person to whom a permit has been issued shall permit any intoxicated person to be or remain in any public dancing place.

11.25. **Officer must Attend All Public Dances**. It is required that the person to whom such permit is issued shall have an officer of the law present at every public dance to be given or held thereunder during all the time the public dance is being held. Such officer of the law shall be designated by the chief peace officer of the City. In all cases the fees and expenses of such officer of the law shall be paid in advance by the person to whom the permit has been issued. In case any person, not a licensed peace officer, shall be designated as such officer of the law, the person to whom the permit has been issued shall be responsible for the person's acts and conduct and there shall be no liabilities for the person's acts and conduct on the part of the officer designating the person or the City under the provisions of this Chapter.

11.26. **Police Protection.** The applicant shall, on each occasion, a minimum of seven (7) days in advance of a public dance, inform the chief of police, in writing, of the applicant's intention to hold a dance upon the premises of the applicant. The applicant and chief of police shall discuss prospective or likely attendance at the dance event. The applicant will be responsible for the payment of the actual costs of employing additional licensed peace officers by the City to provide additional police protection during the occurrence of such dances. Such costs shall be billed to the applicant periodically by the City and shall be paid within seven (7) days thereafter. Failure to make any such payment shall be grounds for revocation of the dance permit. If the parties are unable to agree as to the number of additional officers who may be necessary, the decision by the chief of police shall be final.

11.26.1. Any officer so employed by the City according to the terms of this provision, shall be deemed and considered an employee of the City and shall be solely and exclusively responsible for reporting to the chief of police. Such officer shall perform such duties as are directed by the chief of police and shall not be accountable, reportable, or in any other manner subject to the direction or control of the applicant or any of the other employees of the applicant.

Such additional officers shall be in addition to those officers who are located within the premises on which the dance is to be conducted as provided in Section 11.309.

11.26.2. All officers, as required by Section 11.309, shall be individuals who have been approved or designated by the chief of police. Such officers, after approval by the chief of police, shall be solely and exclusively employed by the applicant, provided, however, at any time that a licensed peace officer in the employ of the City is physically present within the premises where the dance is being conducted, the officer in the employ of the applicant shall respond to and assist the licensed peace officer, as directed by the licensed peace officer.

11.27. **Hours.** No public dance shall be held or conducted between the hours of one o'clock a.m. and six o'clock a.m., of any day; provided, that no public dance shall be held or conducted on Sunday between the hours of one o'clock a.m., and 12 o'clock noon thereof. In all other cases, the City Council issuing the permit herein provided for, may, if they so desire, fix the hours within which public dances may be held, not inconsistent herewith, and shall also have authority, by Chapter or resolution, to regulate or to prohibit the same on Sunday, within the limits of the City.

11.28. **Disposition of Fees.** All fees for permits hereunder shall be paid into the general fund of the City.

11.29. **Revocation of Permit.** The City Council may at any time revoke the permit and shall at any time revoke this permit for a violation of the terms of this Chapter by the applicant, and shall revoke such permit held by any person convicted of violating any of the provisions of this Chapter. It

shall be grounds for revocation of the dance permit if the applicant has failed to make payment to the City of charges for police service in a timely manner or has failed to inform the chief of police in advance of dances to be conducted by the applicant or has, in any other manner, violated the terms or requirements of this Chapter.

11.30. Reserved.

11.31. Curfew for Minors.

11.32. Juvenile under Age Sixteen. It is unlawful for any minor person under the age of sixteen (16) years to be in or upon or loiter at any public place within the City of Tyler unless accompanied by a responsible adult between the hours of 10:00 p.m. and 5:00 a.m. of the following morning from Sunday until Thursday and between the hours of 11:00 p.m. and 5:00 a.m. of the following morning on Friday and Saturdays.

11.33. Juvenile Age Sixteen (16) or Seventeen (17). It is unlawful for any minor person at least age sixteen (16) but under the age of eighteen (18) unless accompanied by a responsible adult to be in or upon or loiter at any public place within the City of Tyler between the hours of 10:00 p.m. and 5:00 a.m. of the following morning and between the hours of 12:00 p.m. and 5:00 a.m. of the following morning on Friday and Saturdays.

11.34. Responsibility of Parent or Guardian. It is unlawful for any parent, guardian or other person having the legal care or custody of any minor person to allow or permit the minor person to violate 11.32 or 11.33, provided that such person may not be prosecuted under 11.34, unless he has been notified in writing of a prior curfew violation committed by the minor person. Such notification may be made by any law enforcement officer, probation officer, court services officer, or court administrator, and may be either personally served or mailed.

11.35. Responsibility of Business. It is unlawful for any person operating, or in charge of any place of amusement, entertainment or refreshment, or other place of business, to allow or permit any minor person to be or loiter in such place in violation of this Chapter unless such minor person is accompanied by a responsible adult having the minor person in charge. This subsection shall not be construed to permit the presence, at any time, of any underage person in any place where his presence is otherwise prohibited by law.

11.36. Definitions.

11.36.1. "Public Place" means an area generally visible to public view, and includes but is not limited to streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways

and entrances to buildings or dwellings and the grounds enclosing them.

11.36.2. “**Responsible Adult**” means a parent, guardian, other person having the legal care and custody of a minor person, and any adult designated to care for the minor person by a parent, guardian or other person having the legal care and custody of a minor person.

11.37. **Exemptions**. The provisions of this Chapter shall not apply when the minor is:

11.37.1. Accompanied by his or her parent, guardian, other person having the legal care and custody of the minor person, or by a responsible adult;

11.37.2. Upon an emergency errand directed by such minor person’s parent, guardian or other person having the legal care and custody of the minor person;

11.37.3. Returning directly home from an adult organized/supervised activity or a place of public entertainment, such as a movie, play or sporting even, provided that, this section will apply for only one-half hour after the completion of such event;

11.37.4. Traveling by a direct route to or from an event sponsored by an accredited educational institution;

11.37.5. Returning directly home from lawful employment that makes it necessary to in the places referenced in this Chapter during the proscribed period of time;

11.37.6. Attending or traveling directly to or from a church or school sponsored activity or involving the exercise of First Amendment rights of free speech, freedom of assembly or free exercise of religion;

11.37.7. Engaged in interstate travel with the consent of his parent, guardian, or other person having the legal care and custody of the minor person.

11.38. **Penalties for Violation**. A violation of this section shall result in the following penalties:

11.38.1. Any minor person who violates 11.32, 11.33 shall be guilty of a juvenile petty offense as defined in M.S.A. 260B.007,subd.16;

11.38.2. Upon detaining a minor person for a first offense, a peace officer may:

11.38.2.1. Notify the minor person’s parent, guardian, or other person having

the legal care and custody of the minor person by telephone, and, if approved by the parent, guardian, or other person having the legal care and custody of the minor person, allow the minor person to proceed directly home;

11.38.2.2. Deliver the minor person into the hands of the parent, guardian, or other person having the legal care and custody of the minor person;

11.38.2.3. Transport the minor person to the police department and notify the minor person's parent, guardian, or other person having the legal care and custody of the minor person to call for him;

11.38.2.4. If the minor person's parent, guardian, or other person having the legal care and custody of the minor person cannot be located within a reasonable length of time, the minor person shall be turned over to social services for placement in emergency foster care.

11.38.3. A second or subsequent offense by a minor person shall be dealt with in accordance with juvenile law and court procedure. Sentencing may be based on alternatives set forth in M.S.A. c 260B.235, subd. 4, which are deemed appropriate for the minor person in question, and may include:

11.38.3.1. Requiring the minor person to pay a fine of up to \$100.0;

11.38.3.2. Requiring the minor person to participate in a community service project;

11.38.3.3. Requiring the minor person to participate in a drug awareness program;

11.38.3.4. Requiring the minor person to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the minor person in an outpatient chemical dependency treatment program;

11.38.3.5. Performing any other activities or participate in any other outpatient treatment programs deemed appropriate by the court.

11.38.4. A parent, guardian or other person having the legal care and custody of the minor person who violates 11.32 or 11.33 shall be guilty of a misdemeanor. Sentence may include, but is not limited to:

11.38.4.1. Payment of a fine;

11.38.4.2. Participation in family counseling or education;

11.38.4.3. Participation in a community service project for a period of time directed by the court.

11.38.5. A person in charge of a business who violates 11.35 shall be guilty of a misdemeanor. Sentence may include, but is not limited to:

11.38.5.1. Payment of a fine;

11.38.5.2. Participation in a community service project for a period of time directed by the court.

11.39. **Written Documentation.** Written documentation shall be made of all curfew violations with one (1) copy to the minor person, one (1) copy to the minor person's parent, guardian or other person having the legal care and custody of the minor person, and one (1) retained for police records.

11.40-11.48. **Reserved.**

11.49. **Public Indecency.** The purpose of this Chapter is to prohibit public indecency in order to deter criminal activity, to promote societal order and public health, to prevent sexual harassment, and to protect children. The City of Tyler does ordain that the standards in this section reflect the prevailing community standards in the City.

11.50. **Findings.** The City Council of the City of Tyler makes the following findings regarding the need to prohibit public indecency:

11.50.1. Public indecency can increase the incidence of criminal activity, including but not limited to prostitution, disorderly conduct and sexual assault;

11.50.2. Public indecency can expose children to an unhealthy and nurtureless environment;

11.50.3. Public indecency can disrupt the orderly operation of public events and public accommodations, thereby fostering societal disorder;

11.50.4. Public indecency can present health concerns in places of public accommodation and other public settings including those settings in which alcohol is served;

11.50.5. Public misconduct and obscenity can cause a loss of business and property

values.

11.51. **Definitions Adopted by Reference.** For the purpose of this Chapter, the definitions set forth in M.S.A. Section 617.241, are adopted and incorporated as part of this Chapter.

11.52. **Nudity.** The following words and terms when used in this Chapter shall have the following meanings, unless the context clearly indicates otherwise:

11.52.1. **Nudity-** Means uncovered, or less than opaquely covered human buttocks, genitals, pubic areas, vulva, anus and the female breast below the point immediately above the top of the areola or the covered human male genitals in a discernibly turgid state. For purpose of this definition, a female breast is considered uncovered if the nipple only or the nipple and areola only, are covered;

11.52.2. **Specified Sexual Activities-** shall mean;

11.52.2.1. Human genitals in a discernible state of sexual stimulation or arousal; or

11.52.2.2. Acts of human masturbation, sexual intercourse or sodomy; or

11.52.2.3. Fondling or other erotic touching of human genitals, pubic region or pubic hair, buttock or female breast or breasts or simulation of the foregoing acts set forth in 10.604.2.1, 10.604.2.2, or 10.604.2.3; or

11.52.2.4. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to depict, or drawings are employed to portray, any of the acts defined above; or

11.52.2.5. Any combination of the foregoing.

11.52.3. **Specified Anatomical Areas** - shall mean less than completely and opaquely covered;

11.52.3.1. Human buttocks, genitals, pubic areas, vulva, anus and the female breast below the point immediately above the top of the areola; or

11.52.3.2. Any combination of the foregoing; or

11.52.3.3. Human male genitals in a discernable turgid state even if completely and opaquely covered.

11.53. Prohibited Acts.

11.53.1. It shall be unlawful for any person to:

11.53.1.1. Exhibit, sell, print, offer to sell, give away, circulate, publish, distribute or attempt to distribute any obscene material; or

11.53.1.2. Produce, present, participate in or direct an obscene performance; or

11.53.1.3. Permit or allow nudity or specified sexual activities, or allow the exhibition of specified anatomical areas in any premises licensed for any reason by the City of Tyler.

11.53.2. It shall be unlawful public misconduct for any person in a public place including all premises licensed for any reason by the City of Tyler:

11.53.2.1. To appear in a state of nudity; or

11.53.2.2. To engage or participate in a specified sexual activity; or

11.53.2.3. To display specified anatomical areas.

11.53.3. It shall be unlawful public misconduct for any person to urinate or defecate in any place except within a public or private rest room designed for that purpose.

11.54. Violation.

11.54.1. Unless otherwise specified, a violation of this Chapter is a misdemeanor. Any person found guilty of a violation of this Chapter shall be punished by a fine not to exceed \$1,000.00 or imprisonment for not to exceed 90 days, or both. Any person found guilty may be held responsible for the costs of prosecution of the violation.

11.54.2. A violation of this Chapter is cause and justification for revocation or suspension of any City of Tyler license or permit issued by the City to the premises and for the person committing the violation.

11.55. **Severability.** If any section, subsection, sentence, clause, phrase or word of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have adopted the remaining portions of the Chapter and each section, subsection, sentence, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases

or words be declared invalid.

11.56. Consumption of Beer or Liquor on Streets or Public Property. It is unlawful for any person to consume or possess an unsealed container of beer or liquor on any street or outside of any building on any other public property or on any property open to the public except City Parks when and where permission has specifically been granted by a permit issued by the City of Tyler. This section shall not apply to the possession of an unsealed container in a motor vehicle on streets or public property when the container is kept in the trunk of such vehicle, if it is equipped with a trunk, or in some other area of the vehicle not normally occupied by the driver or passengers if the motor vehicle is not equipped with a trunk. For the purposes of this Section, a utility or glove compartment shall be deemed to be within the area occupied by the driver or passengers.

