

property in violation of this Section to be a public nuisance and, therefore, camping or establishing a campsite is subject to the penalties, removal and abatement provisions specified in this Section;

(e) Criminal Penalty

(1) Any violation of this Section is deemed a misdemeanor as defined in Minnesota Statute Section 609.02, subdivision 3, or its successor, a crime for which a sentence of not more than ninety (90) days or a fine of not more than \$1,000, or both, may be imposed.

(2) A person may only be prosecuted under this Section if:

(A) The enforcement officer has informed the person of the various charitable and social services available to the person, including shelter options and daytime services; and

(B) The person has been warned that their conduct is in violation of this Section, subject to criminal prosecution. An individual who has been warned and then relocates to another space that a reasonable person would understand is also covered by this Section is not entitled to a new warning; and

(C) During "nighttime" hours (10:00pm to 6:00am) law enforcement personnel have confirmed and informed the person that some form of overnight shelter is available to that person, and documented the same. A person who has been trespassed from otherwise available shelter services is deemed as having shelter services available to them.

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

STATEMENT OF PURPOSE: The purpose of this ordinance is to prohibit camping or establishing campsites on city property.