

303540

WINONA COUNTY, MINNESOTA

ORDINANCE No. 18

THE COUNTY BOARD OF WINONA COUNTY ORDAINS:

Section 1. JURISDICTION. This ordinance shall be effective within Winona County, Minnesota, outside of cities.

Section 2. DEFINITIONS. For the purpose of this ordinance the following terms have the meanings given them.

- (1) Alcohol. "Alcohol" means alcoholic beverage as defined by Minn. Stat. 340A.101 Subd. 2 (1985).
- (2) Controlled Substances. "Controlled Substances" has the meaning as defined in Minn. Stat. 152.01, Subd. 4 (1984).
- (3) Landowner. "Landowner" includes the possessor of a fee interest or a life estate, a tenant, lessee, or person in legal control of the land.
- (4) Motor Vehicle. "Motor Vehicle" has the meaning as defined in Minn. Stat. 169.01, Subd. 3 (1984).
- (5) Person. "Person" includes any individual, group, firm, partnership, association, corporation, governmental unit, company or organization of any kind.

Section 3. Whoever does any of the following commits a trespass and is guilty of a misdemeanor:

- (1) Enters onto the land of another, without invitation from the land owner, to consume alcohol or controlled substances; or
- (2) Brings a motor vehicle onto the land of another, without invitation from the land owner, to facilitate the consumption of alcohol or controlled substances on that land.

Section 4. 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.

Section 5. DEFENSES. Express consent, endorsement, or ratification by a landowner of an entry unto his land is an absolute defense to charges brought under Section 3 (1) or Section 3 (2) of this ordinance.

Section 6. EFFECTIVE DATE. This ordinance shall be effective upon its passage and publication as provided by law.

Dated October 22, 1985, 1985

*Charles R. Smith*

Chairperson  
Winona County Board of County  
Commissioners

ATTEST:

*C. Donald Slomen*  
County Coordinator

STATE OF MINNESOTA )  
                                  ) SS.  
COUNTY OF WINONA )

I, Catherine Sherwood, duly elected County Auditor for the County of Winona, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Ordinance with the original minutes of the proceedings of the Board of County Commissioners, Winona County, Minnesota, at their session held on the 22 day of Oct, 1985, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Winona, Minnesota, this 9th day of May, 1986.

*Catherine Sherwood*  
County Auditor

Publication Wed., Nov. 20, 1985  
**WINONA COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**OFFICIAL PROCEEDINGS**  
**SESSION HELD OCTOBER 22, 1985**

The unfinished proceedings are incomplete in that they simply summarize the action of the Winona County Board. A complete copy of the proceedings is on file in the office of the Winona County Auditor and may be examined by the public. Those present were Commissioner Edwin Kobler, Everett Ledebuhr, Lee Luebke and Charles R. Smith. Commissioner Lorraine Cleminski was absent.

A summary of the actions by the Board is as follows:  
Approved the County Board minutes for October 15, 1985.  
Approved the minutes for the October 1, 1985 Committee of the Board meeting.  
Approved the minutes for the October 15, Committee of the Board meeting.  
Approved alterations to the LEC Jail booking area.  
Approved contracts and bonds with Sugar Loaf Ford for the purchase of three LEC vehicles.  
Confirmed payment of Auditor's Warrants.  
Adopted Resolution Appropriating Funds for County Extension Work.  
Approved Minnesota Trail Assistance Program agreements.  
Approved requests for Cost Sharing Under the Garvin Brook Rural Clean Water Program.  
Received financial summary for August, 1985.  
Approved the agreement with Recycling Coordinator.  
Nominated Pauline Knight to the Job Training Partnership Joint Powers Board for appointment to the Private Industry Council.  
Approved Addendum Number 2 to Queen's Cove Subdivision Agreement.  
Decided not to abate tax penalties for farm hardship cases due to administrative difficulties in determining eligibility and because the letter was received after the October 15, 1985 deadline, making the abatement unfair to those who paid their taxes on time.  
Approved the revised budget for the Solid Waste Management Fund.  
Approved applications for First Responder Training Funds.  
Conducted public hearing on a proposed ordinance to control trespassing for the purpose of consuming alcohol or controlled substances.  
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(5) noise level;  
(6) lighting;  
(7) identified physiological responses; and  
(8) conduct of persons in the presence of a peace officer.  
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Section 6. EFFECTIVE DATE. This ordinance shall be effective upon its passage and publication as provided by law.  
Dated October 22, 1985  
Approved the recommendation for increasing DAC rates.  
Approved the 1986 Permanency Planning Program Plan.  
Approved the 1986 Local Service Unit Plan.  
Authorized application for supplemental funding for the Broadway Center.  
Approved the Department of Social Service Actions and Payments for October, 1985.  
The Board meeting was adjourned at 11:58 a.m.  
Charles R. Smith, Chairman  
Winona County Board of Commissioners  
Attest:  
C. Donald Gilomen  
Clerk/County Coordinator

WINONA DAILY NEWS  
PUBLIC NOTICE  
AFFIDAVIT OF PUBLICATION

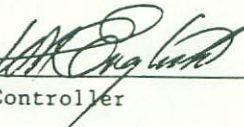
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has complied with all of the requirements on as a qualified newspaper, as provided by , 331A.07, and other applicable laws, as

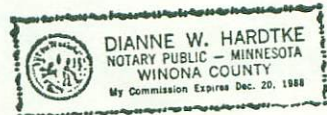
ounty Board Summary - 10/22/85

t from the columns of said newspaper, and d Wednesday the 20th day of November, w is a copy of the lower case alphabet from which is hereby acknowledged as being the ed in the composition and publication of the

opqrstuvwxz

BY:   
Controller

before November



RATE INFORMATION

ate paid by	\$ .271
r comparable space	Line rate
d by law for the	\$ .253
	Line rate
ed for the above	\$ .1695
	Line rate

NOTICE OF INTENT TO ENACT ORDINANCE

Notice is hereby given that the County of Winona intends to give consideration to the enactment of an ordinance which will prohibit Trespassing by prohibiting a person from entering onto the land of another without invitation from the landowner for the purpose of consuming alcohol or controlled substances and by prohibiting a person from bringing a motor vehicle onto the land of another without invitation from the landowner as a means of facilitating the consumption of alcohol or controlled substances on that land.

The Winona County Board will meet on October 22, 1985 at 10:30 o'clock A.M. in the Commissioners Room located in the Winona County Court House in the City of Winona, Minnesota to consider the enactment of this ordinance and this will be a public hearing during which input from the public will be accepted.

Dated Oct 2, 1985, 1985

  
\_\_\_\_\_  
Winona County Board Clerk

Certificate of Recording

County

State of Minnesota, County of Winona ss

I hereby certify that the within instrument was filed in this office and recorded as microfilm Document Number **303540**

on May 9, 1986

at 10:00 AM

fees paid No Fee

Robert J. Bambenek  
Winona County Recorder

*Robert J. Bambenek*

303540

WINONA DAILY NEWS  
PUBLIC NOTICE  
AFFIDAVIT OF PUBLICATION

ENACT ORDINANCE  
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Dated Oct. 21, 1985  
C. Donald Johnson  
Winona County Clerk

MINNESOTA )  
                  ) ss.  
WINONA )

H. English, being duly sworn, on oath says that he is the owner or authorized agent and employee of the publisher of the newspaper known as Winona Daily News, and has full knowledge of the facts which are stated below:

The newspaper has complied with all of the requirements regarding qualification as a qualified newspaper, as provided by Statute 331A.02, 331A.07, and other applicable laws, as

The printed Intent to Enact Ordinance

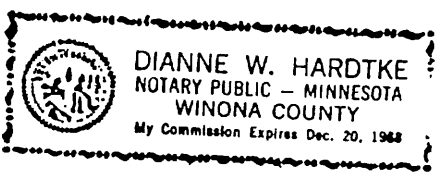
attached was cut from the columns of said newspaper, and was printed and published Wednesday the 2nd day of October, 1985; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: [Signature]  
Controller

Subscribed and sworn to before me on this 2nd day of October, 1985.

[Signature]  
Notary Public



RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space \$ .271  
Line rate
- (2) Maximum rate allowed by law for the above matter \$ .253  
Line rate
- (3) Rate actually charged for the above matter \$ .1695  
Line rate

*verified Oct 4th  
cc to Auditor for ord. file.  
cdg*

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Dated October 22, 1985, 1985

*Charles R. Smith*

Chairperson  
Winona County Board of County  
Commissioners

ATTEST:

*C. Donald Glomen*  
County Coordinator

-2-

STATE OF MINNESOTA )  
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COUNTY OF WINONA )

I, Catherine Sherwood, duly elected County Auditor for the County of Winona, State of Minnesota, do hereby certify that I have compared the foregoing copy of a Ordinance with the original minutes of the proceedings of the Board of County Commissioners, Winona County, Minnesota, at their session held on the 22 day of Oct., 1985, now on file in my office, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal at Winona, Minnesota, this 9th day of May, 1986.

*Catherine Sherwood*  
County Auditor



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The Winona County Board will meet on October 22, 1985 at 10:30 o'clock A.M. in the Commissioners Room located in the Winona County Court House in the City of Winona, Minnesota to consider the enactment of this ordinance and this will be a public hearing during which input from the public will be accepted.

Dated Oct 2, 1985, 1985

C. Donald Lilomen  
Winona County Board Clerk

WINONA DAILY NEWS  
PUBLIC NOTICE  
AFFIDAVIT OF PUBLICATION

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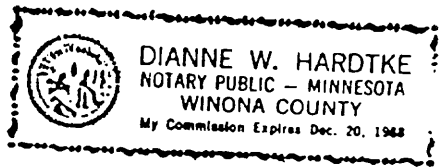
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size and kind of type used in the composition and publication of the  
notice:

abcdefghijklmnopqrstuvwxyz

BY: [Signature]  
Controller

Subscribed and sworn to before  
me on this 2nd day of October,  
1985.

[Signature]  
Notary Public



RATE INFORMATION

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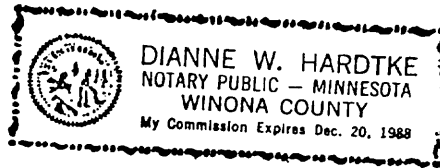
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Office of  
**WINONA COUNTY ATTORNEY**

JULIUS E. GERNES

Court House  
Winona, Minn. 55987

Telephone:  
(507) 452-3311

September 25, 1985

Mr. C. Donald Gilomen  
County Coordinator

Dear Don:


With this letter I enclose a Notice of Intent to Enact Ordinance which you will arrange to have published in the Winona Daily News on October 2nd, 1985.

Please remember that if the Ordinance is enacted that proof of the publication of the attached Notice has to be attached to and filed with the Ordinance and this has to be then kept in the Office of the County Auditor.

Also remember that after the Ordinance itself is enacted that a proof of the publication of the Ordinance itself has to be attached to and filed with the Ordinance in the Office of the County Auditor and that every ordinance has to be recorded in an Ordinance book in the Office of the County Auditor within 20 days after its publication.

I will bring the original Ordinance to the County Board Meeting on Oct. 22, 1985.

Very truly yours,

  
Julius E. Gernes  
Winona County Attorney

JEG/sh

Enc.

Cc to Mrs. Catherine Sherwood

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Dated \_\_\_\_\_, 1985

\_\_\_\_\_  
Winona County Board Clerk