

NININGER PLANNING COMMISSION
PUBLIC HEARING – PROPOSED VAGRANCY AND TRESPASS STATUTE
July 10, 2023

PURPOSE: The purpose of the public hearing is to gather and review public comments on the addition of a proposed vagrancy and trespass statute to Nininger Township Ordinance No. 15.

COMMISSION MEMBERS PRESENT: John Bremer, chair; Gary Rotty; Steve Boetcher; Ted Wagner; Mary Dalaska, secretary; Mike Hamilton, township attorney.

TOWNSHIP BOARD MEMBERS IN ATTENDANCE: Karen Bremer, Robert Rotty, David Bauer, Margaret Flower

HEARING CALLED TO ORDER by Chair Bremer at 7:59 p.m. Bremer read aloud the main points of the proposed vagrancy and trespass statute (below) written by township attorney, Mike Hamilton, and submitted to the Planning Commission by township board supervisor, David Bauer.

VAGRANCY AND TRESPASS STATUTE (Proposed)

No vagrancy or trespass is allowed in any district, whether private or public land, and is unlawful. This shall include the following:

1. No person shall enter the private land and/or premises of another, nor shall any person loiter in or near any structure, vehicle or machinery on any private or public land, who is there without the permission and consent of the owner or lawful possessor and is unable to reasonably account for his or her presence.
2. No person shall occupy private or public land without the permission and consent of the owner of the land, or the permission and consent of one who has authority to give permission and consent. This includes, but is not limited to, obtaining required permits for the occupancy of public land. Occupancy includes a person and/or the personal property and belongings of the person.
3. No person shall enter the private land and/or premises of another and refuse to depart from the private land and/or premises on demand of the owner or lawful possessor, without a legal claim of right to be on the private land and/or premises.
4. No person shall occupy or enter the dwelling or other buildings on the private land and/or premises of another, without a legal claim of right or the permission and consent of the owner of the private land and/or premises, or the permission and consent of one who has the authority to give permission and consent. This restriction shall not apply to emergency situations.
5. No person shall return to the private land and/or premises of another with the intent to abuse, disturb, or cause distress in or threaten another, after being told to leave the private land and/or premises, without a legal claim of right or the permission and consent of the owner of the private land and/or premises, or the permission and consent of one who has the authority to give permission and consent.

COMMENTS: Chair Bremer stated the statute addition will strengthen the current ordinance to allow the Dakota County sheriff to enforce the statute through our Joint Powers Agreement and remove violators. Bremer called for public comments to the proposed statute. No public comments were made.

PUBLIC HEARING ADJOURNED: Chair Bremer officially closed the public hearing at 8:08 p.m.

Respectfully submitted by:
Mary Dalaska, Planning Commission Secretary