

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST PUBLIC MORALS

131. HUMAN RIGHTS

CHAPTER 130: OFFENSES AGAINST PUBLIC MORALS

Section

130.01 Use of weapons

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§ 130.01 USE OF WEAPONS

(A) *Restrictions.* No person except a police officer in the performance of duty shall, within the city, discharge any gun, pistol or firearm of any description or carry any such weapon unless it is dismounted, broken apart or carried in a case in such a manner that it cannot be discharged. This division does not prevent the carrying of a handgun within the city under a permit subject to the restrictions imposed by law.

(B) *Air rifles, slingshots.* No person shall use or discharge any air rifle or slingshot within the city.

(C) *Offense by parents, guardians.* It is unlawful for any parent or guardian of any person under the age of 18 years to knowingly permit the person to violate any provision of this section.

(D) *Concealed weapons.* No person shall carry any dagger, dirk, firearm or other sharp or dangerous weapon concealed about his or her person except as permitted by state law.

(Prior Code, § 803.01) Penalty, see § 130.99

§ 130.02 CURFEW

(A) *Restrictions.* No person under the age of 17 years, when not accompanied by his or her parents or guardian, shall loiter or be upon the streets, sidewalks or any public place in the city after the hour of 10:00 p.m. or before the hour of 5:00 a.m. the succeeding morning.

(B) *Offense by parents, guardians.* It is unlawful for any parent or guardian of any person under the age of 17 years to knowingly permit the person to violate any provision of this section.

(Prior Code, § 803.02)

(C) *Exemptions.* This section does not apply to a minor who is:

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- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
- (9) Married or had been married or had disabilities of minority removed in accordance with state law.
Penalty, see § 130.99

§ 130.99 PENALTY

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) The violation of § 130.02 shall be a petty misdemeanor.
(Prior Code, § 803.02)

CHAPTER 131: HUMAN RIGHTS

Section

- 131.01 Findings, declaration of policy and purpose
- 131.02 Definitions
- 131.03 Exemptions
- 131.04 Acts of discrimination
- 131.05 Responsibilities and duties of city employees

§ 131.01 FINDINGS, DECLARATION OF POLICY AND PURPOSE

(A) *Findings.* The Council finds that discrimination because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability adversely affects the health, welfare, peace and safety of the community. Discriminatory practices that threaten the rights, privileges and opportunities of any city resident or non-resident are hereby declared to be unlawful, and the adoption of this chapter is deemed to be an exercise of the police power of the city to protect such rights.

(B) *Declaration of policy and purpose.* It is the public policy of the City of Cokato and the purpose of this chapter:

- (1) To encourage all citizens, whether individual or corporate, to join in establishing and preserving full and true equality among all residents and visitors;
- (2) To declare as civil rights, the rights of all persons to equal opportunities in obtaining employment, education, housing, public accommodations and public services without regard to their race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability;
- (3) To prevent and prohibit any and all discriminatory practices based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability with respect to education, employment, housing, public accommodations and public services;
- (4) To protect all persons from unfounded charges of discrimination; and

(5) To effectuate the foregoing policy by means of public information and education, mediation, conciliation and enforcement.

(Prior Code, § 804.01)

§ 131.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ACTS OF DISCRIMINATION. Any act described in § 131.04.

COMMISSION. The Cokato City Council.

DISABILITY. A mental or physical condition that constitutes a handicap.

DISCRIMINATION. Any act or attempted act which, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability, causes the unequal treatment or involuntary separation or segregation of any person, or denies, prevents, limits or otherwise adversely affects, or if accomplished would deny, prevent, limit or otherwise adversely affect the benefit or enjoyment by any person of any educational, employment, housing, public accommodation or public service opportunity.

EDUCATIONAL INSTITUTIONS. A public or private institution and includes an academy, college, nursery, school system and a business, nursing, professional, secretarial, technical, vocational school, and includes an agent of an educational institution.

EMPLOYEE. Any and all persons who perform services for any employer for compensation, whether in the form of wages, salary, commission or otherwise.

EMPLOYER. Any person within the City of Cokato who hires or employs any employee whose services are to be partially or wholly performed in the City of Cokato.

LABOR ORGANIZATION. Any organization that exists wholly or partly for one or more of the following purposes:

- (1) Collective bargaining;
- (2) Dealing with employers concerning grievances, terms or conditions of employment; or
- (3) Mutual aid or protection of employees.

NATIONAL ORIGIN. The place of birth of an individual or of any of his or her lineal ancestors.

PERSON. Includes partnership, association, corporation, legal representative, trustee, trustee in bankruptcy, receiver, and the state and its departments and political subdivisions.

PUBLIC ACCOMMODATIONS. A business, accommodation, refreshment, entertainment, recreation or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold or otherwise made available to the public.

PUBLIC SERVICES. Any public facility, department, agency, board or commission owned, operated or managed in the city by or on behalf of the State of Minnesota or any subdivision thereof, including the City of Cokato, and includes any public utility providing services in the city.

REAL ESTATE BROKER or SALESPERSON. Respectively, a real estate broker as defined by M.S. § 82.17, Subdivision 4, as it may be amended from time to time, and a real estate salesperson as defined by M.S. § 82.17, as it may be amended from time to time.

REAL PROPERTY. Real estate, lands, tenements and hereditaments, corporal and incorporeal.

RELIGIOUS OR DENOMINATIONAL EDUCATIONAL INSTITUTIONS. An educational institution which is operated, supervised, controlled or sustained primarily by a religious or denominational organization, or is one which is stated the parent church body to be and is, in fact, officially related to that church by being represented on the board of the institution, and by providing substantial financial assistance and which has certified, in writing, to the board that it is a religious or denominational educational institution.

STATUS WITH REGARD TO PUBLIC ASSISTANCE. The condition of being a recipient of federal, state or local assistance, including medical assistance, or of being a tenant receiving federal, state or local subsidies, including rental assistance or rent supplements.
(Prior Code, § 804.02)

§ 131.03 EXEMPTIONS

(A) *Employment.* The provisions of § 131.04(A) shall not apply to:

(1) The employment of any individual:

(a) By his or her parent, grandparent, spouse, child or grandchild; or

(b) In the domestic service of any person.

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(2) A religious or fraternal corporation, association or society, with respect to qualifications based on religion, when religion shall be a bona fide occupational qualification for employment; and

(3) The employment of one person in place of another, standing by itself, shall not be evidence of an unfair discriminatory practice. It is not an unfair employment practice for an employer, employment agency or labor organization:

(a) To require a person to undergo physical examination for purpose of determining the person's capability to perform available employment; or

(b) To conduct an investigation as to the person's medical history for the purpose of determining the person's capability to perform available employment.

(B) *Real property.* The provisions of § 131.04(B) shall not apply to:

(1) Rooms in a temporary or permanent residence home run by a nonprofit organization if the discrimination is by sex; or

(2) The rental by an owner or occupier of a one-family accommodation in which he or she resides of a room or rooms in the accommodation to another person or persons if the discrimination is by sex, marital status or status with regard to public assistance. Nothing in this chapter shall be construed to require any person or group of persons selling, renting or leasing property to modify the property in any way, or exercise a higher degree of care for a person having a disability than for a person who does not have a disability; nor shall this chapter be construed to relieve any person or persons of any obligations generally imposed on all persons regardless of any disability in a written lease, rental arrangement or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations of the lease, agreement or contract.

(C) *Education.* It is not an unfair discriminatory practice for a religious or denominational institution to limit admission or give preference to applicants of the same religion. The provisions of § 131.04(E), relating to sex, shall not apply to a private educational institution, branch or level of a private educational institution, in which students of only one sex are permitted to enroll. Nothing in this chapter shall be construed to require any education institution to provide any special service to any person because of the disability of the person or to modify in any manner its buildings, grounds, facilities or admission procedures because of the disability of any person. Nothing in this chapter shall prohibit an educational institution from discriminating on the basis of academic qualifications or achievements or requiring from applicants' information that relates to academic qualifications or achievements.

(D) *Public accommodations.* The provisions of § 131.04(C), relating to sex, shall not apply to the facilities as restrooms, locker rooms and other similar places.

(E) *Disability.* Nothing in this chapter shall be construed to prohibit any program, service, facility or privilege afforded to a person with a disability that is intended to habilitate, rehabilitate or accommodate that person.

(Prior Code, § 804.03)

§ 131.04 ACTS OF DISCRIMINATION

(A) *Employment.* Except when based on a bona fide occupational qualification, it is unfair employment practice:

(1) For a labor organization, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability to do the following:

(a) Deny full and equal membership rights to a person seeking membership or to a member;

(b) Expel a member from membership; and

(c) Discriminate against a person seeking membership or a member with respect to his or her hire, apprenticeship, tenure, compensation, terms, upgrading, conditions, facilities or privileges of employment or otherwise to discriminate against a person or member.

(2) For an employer, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability to do the following:

(a) Refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment;

(b) Discharge an employee; or

(c) Discriminate against a person with respect to his or her hire, tenure, compensation, terms, upgrading, conditions, facilities or privileges of employment.

(3) For an employment agency, because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability to do the following:

(a) Refuse or fail to accept, register, classify properly or refer for employment or otherwise to discriminate against a person; or

(b) Comply with a request from an employer for referral of applicants for employment if the request indicates directly or indirectly that the employer fails to comply with the provisions of this chapter.

(4) For an employer, employment agency or labor organization, before a person is employed by an employer or admitted to membership in a labor organization, to:

(a) Require the person to furnish information that pertains to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability, unless, for the purpose of national security, information pertaining to national origin is required by the United States,

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this state or a political subdivision or agency of the United States or this state, or for the purpose of compliance with the Public Contracts Act or any rule, regulation or laws of the United States or of this state requiring information pertaining to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability is required by the United States, a political subdivision or agency of the United States; or

(b) Cause to be printed or published a notice or advertisement that relates to employment or membership and discloses a preference, limitation, specification or discrimination based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability.

(B) *Real property.* It is unfair discriminatory practice:

(1) For an owner, lessee, sublessee, assignee or managing agent of, or other person having the right to sell, rent or lease any real property, or any agent of any of these to do the following:

(a) Refuse to sell, rent or lease or otherwise deny to or withhold from any person or group of persons any real property because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability;

(b) Discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability in the terms, conditions or privileges of the sale, rental or lease of any real property or in the furnishing of facilities or services in connection therewith; or

(c) In any transaction involving real property, to print, circulate, post or cause to be printed, circulated or posted any advertisement, signs or use any form of application for the purchase, rental, or lease of real property or make any record or inquiry in connection with the prospective purchase, rental or lease of real property which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, or disability or any intent to make any limitation, specification or discrimination.

(2) For a real estate broker, real estate salesperson or employee, or agent thereof to do the following:

(a) Refuse to sell, rent or lease or to offer for sale, rental or lease any real property to any person or group of persons or to negotiate for the sale, rental or lease of any real property to any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability, or represent that real property is not available for inspection, sale, rental or lease when in fact it is so available, or otherwise deny or withhold any real property or any facilities or real property to or from any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability;

(b) Discriminate against any person because of his or her race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability in the terms, conditions or privileges of the sale, rental or lease of real property, or in the furnishing of facilities or service in connection therewith; or

(c) Print, circulate or post or cause to be printed, circulated or posted any advertisement or sign, or use any form of application for the purchase, rental or lease of any real property to make any record or inquiry in connection with the prospective purchase, rental or lease of any real property, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability or any intent to make any limitation, specification or discrimination.

(3) For a person, bank, banking organization, mortgage company, insurance company or other financial institution or lender to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair or maintenance of any real property or any agent or employee thereof to do the following:

(a) Discriminate against any person or group of persons because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability of the person or group of persons or of the prospective occupants or tenants of the real property in the granting withholding, extending, modifying or renewing, or in the rates, terms, conditions or privileges of any financial assistance or in the extension of services in connection therewith; and/or

(b) Use any form of application for the financial assistance or make any record or inquiry in connection with applications for the financial assistance which expresses, directly or indirectly any limitation, specification or discrimination as to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability or any intent to make any limitation, specification or discrimination.

(4) For any real estate broker or real estate salesperson, for the purpose of inducing a real property transaction from which the person, his or her firm or any of its members may benefit financially, to represent that a change has occurred, will or may occur in the composition with respect to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other public facilities.

(C) *Public accommodations.* It is an unfair discriminatory practice:

(1) Deny any person the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a place of public accommodation because of race, color, creed, religion, national origin, sex or disability; and/or

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(2) For a taxicab company to discriminate in the access to, full utilization of or benefit from service because of a person's disability.

(D) *Public services.* It is an unfair discriminatory practice to discriminate against any person in the access to, admission to, full utilization of or benefit from any public service because of race, color, creed, religion, national origin, sex, marital status or status with regard to public assistance or disability.

(E) *Educational institution.* It is unfair discriminatory practice to do the following:

(1) Discriminate in any manner in the full utilization of or benefit from any educational institution, or the service rendered thereby to any person because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability;

(2) Exclude, expel or otherwise discriminate against a person seeking admission as a student, or a person enrolled as a student because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance or disability; and/or

(3) Make or use a written or oral inquiry, or form of application for admission that elicits or attempts to elicit information, or to make or keep a record, concerning the race, color, creed, religion, national origin, sex, marital status or disability of a person seeking admission, except as permitted by regulations of the Department.

(F) *Aiding, abetting and obstruction.* It is an unfair discriminatory practice for any person:

(1) Intentionally to aid, abet, incite, compel or coerce a person to engage in any of the practices forbidden by this chapter;

(2) Intentionally to attempt to aid, abet, incite, compel or coerce a person to engage in any of the practices forbidden by this chapter; and/or

(3) To intentionally obstruct or prevent any person from complying with the provisions of this chapter.

(G) *Reprisals.* It is an unfair discriminatory practice for any employer, labor organization, employment agency, lessor, public accommodation, public service or educational institution to intentionally engage in any reprisal against any person because that person:

(1) Opposed a practice forbidden under this chapter or has filed a charge, testified, assisted or participated in any matter in an investigation, or criminal prosecution under this chapter; or

(2) Associated with a person or group of persons of a different race, color, creed, religion or national origin.

(Prior Code, § 804.04) Penalty, see § 131.99

§ 131.05 RESPONSIBILITIES AND DUTIES OF CITY EMPLOYEES

All elected and appointed officials, commissioners, agents and employees, of the City of Cokato, including civil service employees, and whether serving with or without compensation, shall observe the terms and provisions of this chapter and shall, except as expressly prohibited by law, respond to requests by the Commission for information and for access to data and records for the purpose of investigating complaints filed with the Commission.

(Prior Code, § 804.05)

