

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130.OFFENSES AGAINST PUBLIC PEACE AND SAFETY**

**131.OFFENSES AGAINST PUBLIC MORALS**

**132.ISSUANCE OF DISHONORED CHECKS**

## Hamburg - General Offenses

## Offenses Against Public Peace and Safety

### CHAPTER 130: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

#### *Disorderly Conduct*

- 130.01 Prohibited
- 130.02 Disturbing lawful gatherings
- 130.03 Disturbing religious meetings

#### *Firearms*

- 130.15 Firearms use restricted

### ***DISORDERLY CONDUCT***

#### **§ 130.01 PROHIBITED.**

It shall be unlawful for any person or persons to engage in any disorderly conduct, riot, quarrel, or assembly, with intent to injure or disturb the good order and public peace of the city, within the corporate limits thereof, either upon the public streets, alleys, or public grounds, or within any public or private buildings or dwellings.

(‘82 Code, § 4-101) (Ord. 5, passed 5-17-1900) Penalty, see § 10.99

#### **§ 130.02 DISTURBING LAWFUL GATHERINGS.**

It shall be unlawful for any person or persons to disturb or interrupt any assemblage of people at any picnic or at any public gathering.

(‘82 Code, § 4-102) (Ord. 5, passed 5-17-1900) Penalty, see § 10.99

#### **§ 130.03 DISTURBING RELIGIOUS MEETINGS.**

No person or persons shall disturb any religious meeting by uttering any profane discourse, committing any rude or indecent act, or making any unnecessary noise, either within the place where the meeting is held or so near to it as to disturb the order and solemnity of these meetings.

(‘82 Code, § 4-103) (Ord. 5, passed 5-17-1900) Penalty, see § 10.99

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### *FIREARMS*

#### **§ 130.15 FIREARMS USE RESTRICTED.**

(A) It shall be unlawful for any person to carry or shoot any gun, air gun, pistol, revolver, or any other firearm or bow and arrow within the limits of the city, unless:

(1) The firearm is encased in a transportable case or container, unloaded, and the mechanical safety device is activated so that the firearm cannot be discharged; and

(2) A permit is obtained by owner to carry that firearm or weapon.

(B) Nothing in this section shall be construed to prohibit any firing of a gun, pistol, or firearm when done in the lawful defense of person or property or family, or the necessary enforcement of the law.

('82 Code, § 4-601) (Ord. 4, passed - -; Am. Ord. 117, passed 3-23-99) Penalty, see § 10.99

## **Offenses Against Public Morals**

### **CHAPTER 131: OFFENSES AGAINST PUBLIC MORALS**

#### Section

131.01 County Curfew Law adopted by reference

#### **§ 131.01 COUNTY CURFEW LAW ADOPTED BY REFERENCE.**

The Carver County Curfew Law is hereby adopted by reference as if set out in full herein.



## Issuance of Dishonored Checks

### CHAPTER 132: ISSUANCE OF DISHONORED CHECKS

#### Section

- 132.01 Definitions
- 132.02 Issuance of dishonored checks
- 132.03 Proof of intent
- 132.04 Proof of lack of funds or credit
- 132.05 Exceptions
- 132.06 Release of account information to law enforcement authorities
- 132.07 Release of account information to payee or holder
- 132.08 Notice

#### § 132.01 DEFINITIONS.

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

**CHECK.** A check, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument.

**CREDIT.** An arrangement or understanding with the drawee for the payment of a check.  
(M.S. § 609.535, Subd. 1)

#### § 132.02 ISSUANCE OF DISHONORED CHECKS.

Whoever issues a check which, at the time of issuance, the issuer intends shall not be paid, is guilty of issuing a dishonored check and is guilty of a misdemeanor. In addition, restitution may be ordered by the court.

(M.S. § 609.535, Subd. 2) Penalty, see § 10.99

#### § 132.03 PROOF OF INTENT.

(A) Any of the following is evidence sufficient to sustain a finding that the person at the time the person issued the check intended it should not be paid:

- (1) Proof that, at the time of issuance, the issuer did not have an account with the drawee;
- (2) Proof that, at the time of issuance, the issuer did not have sufficient funds or credit with the drawee and that the issuer failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision; or

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(3) Proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that the issuer failed to pay the check within five business days after mailing of notice of nonpayment or dishonor as provided in this subdivision.

(B) Notice of nonpayment or dishonor that includes a citation to and a description of the penalties in this section shall be sent by the payee or holder of the check to the maker or drawer by certified mail, return receipt requested, or by regular mail, supported by an affidavit of service by mailing, to the address printed on the check. Refusal by the maker or drawer of the check to accept certified mail notice or failure to claim certified or regular mail notice is not a defense that notice was not received.

(C) The notice may state that unless the check is paid in full within five business days after mailing of the notice of nonpayment or dishonor, the payee or holder of the check will or may refer the matter to proper authorities for prosecution under this section.

(D) An affidavit of service by mailing shall be retained by the payee or holder of the check.  
(M.S. § 609.535, Subd. 3)

### **§ 132.04 PROOF OF LACK OF FUNDS OR CREDIT.**

If the check has been protested, the notice of protest is admissible as proof of presentation, nonpayment, and protest, and is evidence sufficient to sustain a finding that there was a lack of funds or credit with the drawee.

(M.S. § 609.535, Subd. 4)

### **§ 132.05 EXCEPTIONS.**

This chapter does not apply to a postdated check or to a check given for a past consideration, except a payroll check or a check issued to a fund for employee benefits.

(M.S. § 609.535, Subd. 5)

### **§ 132.06 RELEASE OF ACCOUNT INFORMATION TO LAW ENFORCEMENT AUTHORITIES.**

(A) A drawee shall release the information specified below to any state, county, or local law enforcement or prosecuting authority which certifies in writing that it is investigating or prosecuting a complaint against the drawer under this chapter or M.S. § 609.52, Subdivision 2, clause (3)(a), and that 15 days have elapsed since the mailing of the notice of dishonor required by subdivisions 3 and 8. This section applies to the following information relating to the drawer's account:

(1) Documents relating to the opening of the account by the drawer and to the closing of the account;

(2) Notices regarding insufficient funds, overdrafts, and the dishonor of any check drawn on the account within a period of six months of the date of request;



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(3) Periodic statements mailed to the drawer by the drawee for the periods immediately prior to, during, and subsequent to the issuance of any check which is the subject of the investigation or prosecution; or

(4) The last known home and business addresses and telephone numbers of the drawer.

(B) The drawee shall release all of the information described in division (A) that it possesses within ten days after receipt of a request conforming to all of the provisions of this section. The drawee may not impose a fee for furnishing this information to law enforcement or prosecuting authorities.

(C) A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this section.

(M.S. § 609.535, Subd. 6)

### **§ 132.07 RELEASE OF ACCOUNT INFORMATION TO PAYEE OR HOLDER.**

(A) A drawee shall release the information specified in division (C) to the payee or holder of a check that has been dishonored who makes a written request for this information and states in writing that the check has been dishonored and that 30 days have elapsed since the mailing of the notice described in § 132.08 and who accompanies this request with a copy of the dishonored check and a copy of the notice of dishonor.

(B) The requesting payee or holder shall notify the drawee immediately to cancel this request if payment is made before the drawee has released this information.

(C) This section applies to the following information relating to the drawer's account:

(1) Whether at the time the check was issued or presented for payment the drawer had sufficient funds or credit with the drawee, and whether at that time the account was open, closed, or restricted for any reason and the date it was closed or restricted;

(2) The last known home address and telephone number of the drawer. The drawee may not release the address or telephone number of the place of employment of the drawer unless the drawer is a business entity or the place of employment is the home; and

(3) A statement as to whether the aggregated value of dishonored checks attributable to the drawer within six months before or after the date of the dishonored check exceeds \$250; for purposes of this clause, a check is not dishonored if payment was not made pursuant to a stop payment order.

(D) The drawee shall release all of the information described in division (C) that it possesses within ten days after receipt of a request conforming to all of the provisions of this section. The drawee may require the person requesting the information to pay the reasonable costs, not to exceed \$0.15 per page, of reproducing and mailing the requested information.

(E) A drawee is not liable in a criminal or civil proceeding for releasing information in accordance with this section.

(M.S. § 609.535, Subd. 7)

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### **§ 132.08 NOTICE.**

The provisions of §§ 132.06 and 132.07 of this chapter are not applicable unless the notice to the maker or drawer required by § 132.03 states that if the check is not paid in full within five business days after mailing of the notice, the drawee will be authorized to release information relating to the account to the payee or holder of the check and may also release this information to law enforcement or prosecuting authorities.

(M.S. § 609.535, Subd. 8)