Ordinance No. 2020-09
An Emergency Ordinance establishing a temporary nighttime curfew

The City of Minnetonka Ordains:

Section 1. Preamble
On May 25, 2020, George Perry Floyd died while in the custody of the Minneapolis Police Department. The death of Mr. Floyd has sparked widespread civil unrest, not only in the cities of Minneapolis and St. Paul but in major cities across the United States. Several cities within the Twin Cities metropolitan area experienced incidents and threats of civil unrest, including looting, destruction of property, and unlawful gatherings of large crowds. As a result of the widespread unrest, Governor Tim Walz has declared a state of peacetime emergency and has established a temporary nighttime curfew, by Executive Order Nos. 20-64 and 20-65. The governor has extended the temporary nighttime curfew by Executive Order Nos. 20-68 and 20-69, and additional extensions are possible. Numerous cities in the Twin Cities metropolitan area have declared emergencies and established temporary nighttime curfews. On May 30, 2020, Mayor Brad Wiersum declared a local state of emergency, to which the Minnetonka City Council has consented by adopting Resolution No. 2020-42. This emergency ordinance is adopted pursuant to Section 900 of the City Code in order to regulate the conduct of persons, safeguard essential public services, and protect the public safety, health and welfare of the community.

Section 2. Temporary Nighttime Curfew

2.01. Nighttime Curfew. A curfew is imposed in all public places within the City of Minnetonka between the hours of 10:00 p.m. and 4:00 a.m. of each day beginning June 1, 2020 and continuing until the city council rescinds Resolution No. 2020-42, at which point the curfew is automatically terminated.

2.02. Travel Prohibited. During this curfew, all persons must not travel on any public street or in any public place unless required to do so for work.

2.03. Exemptions. All law enforcement, fire, and medical personnel and members of the news media, as well as other personnel authorized by the City of Minnetonka, Minnesota Department of Public Safety, Minnesota State Patrol, or Minnesota National Guard, are exempt from the curfew. Individuals seeking emergency care, fleeing dangerous circumstances, or experiencing homelessness are also exempt.

2.04. Definitions.

a. For the purposes of this order, “travel” includes, without limitation, travel on foot, bicycle, skateboard, scooter, motorcycle, automobile, public transit, or any other mode of transporting a person from one location to another.

b. For the purposes of this order, a “public place” is any place, whether on privately or publicly owned property, accessible to the general public, including but not limited to public streets and roads, alleys, highways, driveways, sidewalks, parks, vacant lots, and unsupervised property.
Section 3. Penalty.

Pursuant to Minnesota Statutes, section 12.45 and City Code Section 900.55, an individual who willfully violates this ordinance is guilty of a misdemeanor.

Section 4. Authority to Suspend Enforcement

The mayor, acting in consultation with the city manager, emergency management director and chief of police, is authorized to direct the Minnetonka Police Department to suspend enforcement of this ordinance at any time after the expiration of State of Minnesota Executive Order No. 20-69 or any extension of that order, by the adoption of an order pursuant to City Code Section 900.

Section 5. Effect

This emergency ordinance supersedes inconsistent or conflicting provisions of the City Code and any resolution or ordinance while this emergency ordinance remains in effect.

Section 6. Duration

This emergency ordinance is effective immediately upon adoption and shall expire sixty-one (61) days after its effective date or upon the expiration of the local emergency to which it relates, whichever comes first.

Adopted by the city council of the City of Minnetonka, Minnesota, on June 1, 2020.

______________________________
Brad Wiersum, Mayor

Attest:

______________________________
Becky Koosman, City Clerk

Action on this Ordinance:

Date of introduction: Not applicable
Date of adoption: June 1, 2020
Motion for adoption: Schack
Seconded by: Kirk
Voted in favor of: Calvert-Carter-Coakley-Kirk-Schack-Schaeppi-Wiersum
Voted against: None
Abstained: None
Absent: None
Ordinance adopted.

Date of publication:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at an emergency meeting held on June 1, 2020.

Becky Koosman, City Clerk

The stricken language is deleted; the underlined language is inserted.
NOTICE OF ADOPTION OF ORDINANCE NO. 2020-09

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on June 1, 2020, the Minnetonka City Council adopted Ordinance No. 2020-09, An Emergency Ordinance establishing a temporary nighttime curfew (the Ordinance”). The Ordinance prohibits all travel on public streets or in public places within the city between the hours of 10 p.m. and 4 a.m. of each day beginning June 1, 2020 and continuing until the city council rescinds the local state of emergency as set forth in Resolution 2020-42. Law enforcement, fire and medical personnel, members of the news media, and authorized personnel are exempt. Individuals seeking emergency care, fleeing dangerous circumstances or experiencing homelessness are also exempt. The Ordinance authorizes the mayor to suspend enforcement of the ordinance after expiration of the State of Minnesota Executive Order 20-69 or any extension thereof.

A full copy of the Ordinance is available on the city’s website (www.minnetonkamn.gov). A copy may also be obtained by standard or electronic mail by contacting the city clerk at 952-939-8200 or bkoosman@minnetonkamn.gov.

Becky Koosman, City Clerk