

Ordinance No. 457

An ordinance repealing Article IV, Section 4-3 of Ordinance No. 278, and all conflicting prior ordinance provisions concerning disorderly conduct and loitering in the City of Rolla and enacting the following penalties for violation.

BE IT ORDAINED by the City Council of The City of Rolla, North Dakota:

A person is guilty of a class B misdemeanor if, with intent to harass, annoy, or alarm another person or in reckless disregard of the fact that another person is harassed, annoyed, or alarmed by his behavior, that person:

- a. Engages in fighting, or in violent, tumultuous or threatening behavior;
- b. Makes unreasonable noise;
- c. In a public place, uses abusive or obscene language, or makes an obscene gesture, which language or gesture by its very utterance or gesture inflicts injury or tends to incite an immediate breach of the peace;
- d. Obstructs vehicular or pedestrian traffic, or the use of a public facility;
- e. Persistently follows a person in or about a public place or places;
- f. While loitering in a public place for the purpose of soliciting sexual contact, he or she solicits such contact;
- g. Creates a hazardous, physically offensive or serious alarming condition by any act which serves no legitimate purpose;
- h. Engages in harassing conduct by means of intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person.
- i. Uses a fixed optical device that enhances or records a visual occurrence to view through any window of another person's property; or uses a surveillance camera to capture an image from the dwelling or accessory structure of another person; however, an individual using a surveillance camera has seven days from notice by a law enforcement officer to direct or shield the camera so as to not capture an image from another person's dwelling or accessory structure before there is an offense.

This section does not apply to constitutionally protected activity. If an individual claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.

This ordinance shall be in full force and take effect immediately upon its final passage and publication.

First Reading: February 7, 2024
Second Reading: February 21, 2024
Approved: _____

Kevin Juntunen, Mayor

Attest: Valerie McCloud, City Auditor