

**FRIDLEY CITY CODE**  
**CHAPTER 126. HOUSES OF PROSTITUTION; PUBLIC NUISANCE**  
(Ref. 821, 8311 841)

**126.01. STATEMENT OF PURPOSE**

The use or maintenance of buildings and movable property within the City of Fridley for purposes of conducting prostitution or prostitution related activities constitutes a threat to the public health, safety and welfare. The City of Fridley has an interest in insuring the lawful use of property within the community and in protecting its citizens from uses of property which endanger public health, safety and welfare. The City Council of the City of Fridley deem it necessary and appropriate to enact procedures to prevent and eliminate the use of buildings and moveable property within the City of Fridley for purposes of conducting prostitution or prostitution related activities.

**126.02. DEFINITIONS**

The terms used in Sections 126.01 through 126.08 shall have the meaning herein given:

1. Building.

Includes any structure suitable for human shelter and the ground itself.

2. Movable Property.

Includes furniture, fixtures and materials.

3. Materials.

Includes books, magazines, pamphlets, papers, writings, cards, advertisements, circulars, prints, pictures, photographs, motion picture films, plays, images, instruments, statues, drawings and videos.

4. Prostitution and Prostitution Related Offenses.

Includes the conduct defined in Minnesota Statutes, Sections 609.321 through 609.324.

**126.03. ACTS CONSTITUTING A NUISANCE**

1. Any building or portion thereof and any movable property used or maintained for the purpose, of committing acts of prostitution or prostitution related offenses shall constitute reasonable cause that a public nuisance exists.

2. A rebuttable presumption as to the existence of a public nuisance shall exist upon proof of three (3) or more misdemeanor convictions or two (2) or more gross misdemeanors or felony convictions within the previous two (2) years for acts of prostitution or prostitution related offenses arising out of conduct committed within or upon such building or portion thereof.

3. Any building or portion thereof and all movable property used in conducting or maintaining a public nuisance shall be enjoined and abated as provided for in Sections 126.05 through 126.08.

#### **126.04. NOTICE**

Notice of any convictions described in Section 126.03 of, this Chapter shall be sent by United States mail to the owner of record, all other interested persons or parties of record, the, occupant of such building or portion thereof and shall be filed with the County Recorder's Office when permitted by law. Such notice shall be deemed sufficient as to all interested persons including persons or parties not of record or unknown, that the building, or a portion thereof is being used for purposes constituting a public nuisance.

#### **126.05. INJUNCTIVE REMEDIES**

1. Whenever any county attorney, city attorney, or resident of the City has reasonable cause to believe that any person within the City is violating Section 126.03, he or she may by verified petition seek a temporary injunction in district court in Anoka County. No temporary restraining order or preliminary injunction shall be issued without a prior show cause notice of hearing to the respondents to be heard. Personal service of the show cause order and of the petition made as in civil actions on the named respondents, or, upon any of their employees or agents found within the State, shall constitute sufficient notice. Such show cause order for hearing may be returnable on the third day from the date of service, as to a respondent who is present in this State, and on the fifth day as to a person not a resident or not found within this State.

2. Any temporary restraining order or temporary injunction granted shall be binding on the owner and all, other, persons or parties, known or unknown, claiming any right, title, estate, lien or other interest in the building or portion thereof used or maintained for purposes constituting a public nuisance.

#### **126.06. TRIAL, ORDER AND ABATEMENT**

1. Pursuant to the Rules of Civil Procedure, the court may also order the trial of the action on the merits to be advanced and consolidated with the hearing on the motion for a temporary injunction. Proof of any of the circumstances enumerated in Section 126.03.2 shall create a rebuttable presumption as to the existence of a public nuisance and the court shall order the abatement of the nuisance.

2. The court is authorized to order the removal from the building or portion thereof of all movable property used in conducting or maintaining such nuisance and may direct the sale of such property as belongs to the defendants who were notified or appeared and shall direct the closing of the building or portion thereof for a period of one (1) year, except as to such use requested by a person appointed by the court as receiver of such building or portion thereof and as such use is further approved by the court. All remedies providing for the seizure of property for the purpose of securing satisfaction of a judgment shall be available under the circumstances and in the manner provided by the law of the State. All costs of receivership shall be paid out of the receipts from the sale of the property or rents collected.

3. Where the building or portion thereof is a nonconforming use for municipal zoning purposes, the abatement shall constitute a discontinuance of such use and, thereafter, the use of the building or the portion thereof abated must conform to the use permitted in the zoning district in which it is located. Additionally, if the abatement of a portion of the building results in a reduction of the degree of the building's nonconformity, the degree of nonconformity may not be thereafter returned to its original status.

4. This Section does not limit the destruction of any materials pursuant to Minnesota Statutes, Section 617.27.

### **126.07. CONTEMPT**

Whoever violates a restraining order, temporary injunction or abatement order granted under Sections 126.03 through 126.08 may be adjudged in contempt of court and punished accordingly. In addition, if any defendant fails to perform an ordered act, the court may direct the act to be done in accordance with Rule 70 of the Rules of Civil Procedure.

### **126.08. PARTIES TO ACTION**

Before any abatement order shall be enforced against the building or the portion thereof abated, the owner thereof shall be served with a summons in accordance with Rule 4 of the Rules of Civil Procedure. The person in whose name the building or affected portion thereof is recorded with the County Auditor for purposes of taxation shall be presumed the owner. In case of unknown persons having or claiming any ownership, right, title or interest in the property, they may be made parties to the action by designating them in the summons and complaint as "all other persons unknown claiming any ownership, right, title or interest in the property affected by the action" and service thereon made in the manner prescribed in Rule 4.04 of the Rules of Civil Procedure.