

CHAPTER 453—H.F.No. 2204

An act relating to civil actions; creating a nuisance action by individuals and neighborhood organizations; proposing coding for new law in Minnesota Statutes, chapter 617.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[617.88] DEFINITION.**

(a) The terms used in section 617.89 have the meanings given in this section.

(b) "Nuisance" means:

(1) an act of prostitution that would violate sections 609.321 to 609.324;

(2) unlawful sale or possession of controlled substances; or

(3) unlawful use or possession of a firearm in violation of section 609.66, subdivision 1a; 609.67; or 624.713.

(c) "Neighborhood organization" means a nonprofit corporation incorporated under chapter 317A that satisfies clauses (1) and (2).

The corporation shall:

(1) designate in its articles of incorporation or bylaws a specific geographic community to which its activities are limited; and

(2) be formed for the purposes of promoting community safety, crime prevention, and housing quality in a nondiscriminatory manner.

Sec. 2. **[617.89] NUISANCE ACTION.**

Subdivision 1. ACTION ESTABLISHED. A nuisance action may be brought under this section for a nuisance as defined in section 617.88. The action may be brought by a resident of a jurisdiction or a neighborhood organization in a jurisdiction where a nuisance has occurred. Upon the request of a resident or neighborhood organization, the prosecuting attorney for the jurisdiction may bring an action under this section. The complaint shall be filed with the court and served on the respondent in the manner provided by the rules of civil procedures.

Subd. 2. PROOF. A nuisance may be proved by evidence of:

(1) two or more separate behavioral incidents within the previous 12 months that would constitute a nuisance as defined in section 617.88; or

(2) two or more convictions within the previous 12 months for violating any of the offenses described in section 617.80 or 617.88.

Proof of nuisance under clause (1) exists if each of the elements of the conduct constituting the nuisance is established by clear and convincing evidence. Illegally obtained evidence is not admissible in these actions.

Subd. 3. REMEDIES. If, upon a hearing, the court finds proof of a nuisance under this section, it shall permanently enjoin the respondent from engaging in the nuisance activity. The court shall award a prevailing individual or neighborhood organization dam-

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ages in the amount of actual damages suffered or exemplary damages of \$500 per incident, whichever is greater. If the action is brought by the prosecuting attorney, the court shall order the damages, other than actual damages, to be paid to a crime victim witness fund serving the jurisdiction. The court may award a prevailing petitioner reasonable attorney fees and costs.

Subd. 4. DEFENSES. It is a defense to a complaint or action brought under this section that:

(1) the individual alleged to be committing a nuisance was coerced, as defined in section 611A.80, subdivision 2, into committing the alleged nuisance; or

(2) the prosecution of the nuisance action was brought on the basis of discrimination based on membership in a protected class under chapter 363.

The defense in clause (1) may be proved without identifying any person who coerced the individual.

Sec. 3. REPEALER.

Sections 1 and 2 are repealed August 1, 1999.

Presented to the governor April 4, 1996

Signed by the governor April 12, 1996, 9:50 a.m.

CHAPTER 454—H.F.No. 1800

An act relating to local government; requiring a sustainable development planning guide and a model ordinance to be developed for local government use by the office of strategic and long-range planning; directing the environmental quality board to adopt principles of sustainable development; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 4A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [4A.07] SUSTAINABLE DEVELOPMENT FOR LOCAL GOVERNMENT.

Subdivision 1. DEFINITIONS. (a) "Local unit of government" means a county, statutory or home rule charter city, town, or watershed district.

(b) "Sustainable development" means development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

Subd. 2. PLANNING GUIDE. The office of strategic and long-range planning must develop and publish a planning guide for local units of government to plan for sustainable development, based on the principles of sustainable development adopted by the

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