383B.78 BATHING BEACHES.

Subdivision 1. **Public bathing beach; definition.** For purposes of this section, a public bathing beach means public land, roads, and highways adjoining public waters that have been or may be used for bathing or swimming, and privately owned places that the public is allowed to frequent or use for bathing.

Subd. 2. **Unlawful to bathe at public beaches at certain times.** In counties that have a population of 450,000 or more, a person may not frequent, swim, bathe, or congregate at a public bathing beach or public waters adjacent to a public bathing beach for the purpose of swimming or bathing, or congregating with others, from 10:30 p.m. to 5:00 a.m. of the next day.

Subd. 3. **Regulatory ordinances.** (a) The governing bodies of counties having a population of more than 450,000, and all cities and towns located in the counties may, by ordinance, resolution, or bylaw, regulate the use of public bathing beaches and public waters where a public bathing beach immediately borders for the purpose of bathing, swimming, or congregating with others, within their respective territorial limits, in a manner that is not inconsistent with this section.

(b) If a governing body determines that the safety, health, morals, or general welfare of the public require, the governing body may, by ordinance, resolution, or bylaw, provide that a public bathing beach is closed to bathing, swimming, and congregating after 9:00 p.m.

Subd. 4. **Not restrictive.** This section does not limit or abrogate any of the existing powers of a body or governing board of a county, home rule charter or statutory city, or town.

Subd. 5. **Penalty.** A person who violates a provision of this section is guilty of a misdemeanor.

History: *1990 c 391 art 8 s 43; 1997 c 7 art 1 s 132*