

Bond Case Briefs

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MUNICIPAL ORDINANCES - MINNESOTA

State v. McElroy

Court of Appeals of Minnesota - April 8, 2013 - N.W.2d - 2013 WL 1393622

City ordinance restricting the volume of music emanating from an electronic device located within a motor vehicle that is being operated on a public street is not unconstitutionally overbroad or vague.

Local ordinance prohibits “the operation of any electronic device used for the amplification of music or other entertainment, which is located within a motor vehicle being operated on a public street or alley, or in commercial or residential parking facilities, which is audible by any person from a distance of fifty (50) feet or more from the vehicle.”

Individual challenged his conviction for violating the ordinance, arguing that: 1) the ordinance is unconstitutionally vague and overbroad; 2) the state failed to prove the element of amplification beyond a reasonable doubt; and 3) the district court erred by instructing the jury that it must reach a verdict.

The court of appeals held that the ordinance is neither vague nor overbroad, and thus constitutional. And because the evidence was sufficient to sustain appellant’s conviction, and the district court properly instructed the jury, the conviction was affirmed