

City Code Chapter 18

Offenses

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Article 1. General Conditions

Sec. 18-1. Criminal Offenses.

To the extent that the same may be adopted and enforced by the City, the various criminal offenses and misdemeanors enacted by the State of Minnesota are hereby adopted by reference. (Code 1966; Code of 1988; Code of 2001)

Sec. 18-2. Threatening a Public Officer.

A person shall be guilty of a misdemeanor who shall directly or indirectly address any threat or intimidation to a public officer with the intent to induce the official to do, make omit, or delay any act decision, or determination contrary to the official's duty. The definition of a "public officer" shall include a juror, referee, arbitrator, appraiser, or assessor, or to any other person authorized by law to hear or determine any controversy or matter. (Ord. No. 96, 5-3-60; Code 1966; Code of 1988; Code of 2001)

Sec. 18-3. Disorderly Conduct.

The doing of any of the acts specified in this Section without authority of law is declared to be disorderly conduct and a misdemeanor.

- (1) Willful disturbance of an assembly or meeting not unlawful in its character.
- (2) Willful disturbance of the peace and quiet of any family or neighborhood.
- (3) Willful and lewd exposure of oneself or the private parts thereof, or procuring another to expose himself or herself, or gross lewdness or lascivious behavior, or any act of public indecency.
- (4) Use of profane, vulgar, or indecent language in or about any public building, store, place of business, or upon any of the streets, alleys, or sidewalks so as to be audible and offensive.

(5) Voluntarily entering the water of any lake or public swimming pool without being garbed in bathing suit sufficient to cover the person and equal to the standards generally adopted and accepted by the public.

(6) Appearing upon any street or other public place in an intoxicated condition or drinking intoxicating liquor on any street or in a vehicle upon a public street. (Ord. No. 45, 6-3-52; Code 1966; Code of 1988; Code of 2001)

Sec. 18-4. Curfew.

(1) ***Persons Under Sixteen Years of Age.*** No person under the age of sixteen years shall loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, public places, and public buildings, places of entertainment and amusement, vacant lots, and other unsupervised places between the hours of 10:00 p.m. and 5:00 a.m. of the following day.

(2) ***Persons Sixteen or Seventeen Years of Age.*** A person sixteen or seventeen years of age shall not loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, public places and public buildings, places of entertainment and amusement, vacant lots, and other unsupervised places between the hours of 12:00 midnight and 5:00 a.m. of the following morning.

(3) ***Exemptions.*** The provisions of Section 18-3 (1) through (2) shall not apply to a minor:

A. Accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor.

B. Who is upon an emergency errand or other legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor.

C. Where the presence of the minor is connected with and required by some legitimate business directed by the minor's parent, guardian or other adult person having the care and custody of the minor.

D. Where the presence of the minor is connected with and required by some legitimate business, trade, profession, or occupation in which the minor is permitted by law to be engaged.

(4) ***Duties of Parents or Guardians.*** It shall be unlawful for the parent, guardian, or other adult person having charge of a minor under the age of eighteen years to permit the minor to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, places and public buildings, places of entertainment and amusement, vacant lots and other unsupervised places during the hours prohibited by this Section except when the minor is:

A. Accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor.

B. Where the presence of the minor is required by some legitimate business, trade, profession, or occupation in which the minor is permitted by law to be engaged.

(5) ***Minors in Amusement Places.*** No person who is operating or in charge of any place of amusement, entertainment or refreshment shall permit a minor under the age of eighteen years to remain in such place during the hours prohibited by this Section except when the minor is accompanied by the minor's parent, guardian or other adult person having the care and custody of the minor. (Code 1966, Ord. No. 277, 2-23-71; Code of 1988; Code of 2001, Ordinance No. 812 , 04-10-2012))

Sec. 18-5. Unauthorized Entrance Upon School Premises.

It shall be a misdemeanor for a person not to leave the premises of a school upon demand of the person in charge of the school. Further, it shall be a misdemeanor for a person to return to the school property after having been requested to leave without first obtaining permission to re-enter upon the school premises. The word "school" as used in this Section shall apply to public schools as defined by Minnesota Statutes, Sections 120A.05. (Ord. No. 414, 3-28-78; Code of 1988; Code of 2001)

Sec. 18-6. Use of City Property.

(1) ***Need Declared.*** The City Council finds it necessary that:

A. Functions and proceedings of the City remain free from organized or calculated confusion, disturbances, or delay.

B. The free, proper, and lawful access to, egress from, and proper use of public property be protected.

C. The conduct of public business on public property be free from interferences or disruption or the threat thereof be protected.

D. Employees and citizens be free to work and conduct their lawful activities without unreasonable interference or annoyance, delay, harassment, intimidation, disturbance, fear, unwanted advances, disruption, oppression, or persecution.

E. Public property be protected from damage or destruction.

(2) ***Duties of City Manager.*** To these ends the City Manager shall have supervision over the building and other property owned by or under the control of the City. The City Manager is authorized, pursuant to Minnesota Statutes, Sections 624.72, 412.211, and 412.221, Subdivision 3, to promulgate reasonable rules and regulations for the government of the public property. The City Manager shall enforce such rules and regulations and is authorized to take all reasonable and necessary action to achieve and secure compliance.

(3) ***Privilege of Access.*** Persons not abiding by the rules and regulations shall be asked to leave the premises. The City Manager may revoke or suspend the person's privilege of access to the public property. The City Manager may make continued use of the public property subject to reasonable conditions. A person whose privilege has been revoked or suspended or made subject to conditions by a designee of the City Manager may appeal such action to the City Manager. The decision of the City Manager shall be final.

(4) ***Unlawful to Remain.*** It shall be unlawful for a person to remain on the premises of public property after demand is given by the City Manager for that person to leave the premises.

(5) ***Unlawful to Return.*** It shall be unlawful for a person to return to the premises after having been directed to leave without first having obtained permission from the City Manager to re-enter upon the premises.

(6) ***Violation.*** Violation of the rules and regulations which have been published, posted, or announced in a reasonable manner is a violation of this Section and of Minnesota Statutes, Section 624.72. (Ord. No. 631, 5-13-97; Code of 2001)

Sec. 18-7. Use of Traps.

(1) ***Prohibited.*** The setting of conibear or double-jawed steel leg hold traps or the possession of these traps with intent of using them for trapping within the City is prohibited.

(2) ***Exceptions.*** The provisions of this Section shall not apply to representatives of the City, County, State, or Federal governments who may be required to use these traps in the course of their official duties.

(3) ***Misdemeanor Declared.*** A person who violates any of the provisions of this Section shall be guilty of a misdemeanor. (Ord. No. 445, 2-27-79; Code of 2001)

Secs. 18-8--18-15. Reserved. (Code of 2001)

Article 2. Weapons

Sec. 18-16. Concealed Weapons Forbidden.

Except as authorized by this Article, it shall be unlawful for a person to carry or wear under his or her clothing, or conceal about his or her person, or conceal in any vehicle, a pistol or other firearm, dirk, dagger, sword, slingshot, cross knuckles or knuckles of lead, brass or other metal, bowie-knife, dirk-knife, razor, or any other dangerous or deadly weapon. (Code 1966; Ord. No. 337, 8-27-74; Code of 1988; Code of 2001)

Sec. 18-17. Transportation of Firearms.

Except as authorized in this Article, no person shall carry or transport any gun, pistol or firearm of any description unless the pistol, gun, or firearm is dismantled or broken apart or carried in a case in such a manner that it cannot be discharged. If the firearm is being transported in a vehicle, it is further required that the dismantled firearm be placed in the trunk, or if there is no trunk, in the farthest rear position of the vehicle. (Code 1966, Ord. No. 337, 8-27-74; Code of 1988; Code of 2001)

Sec. 18-18. Possession of Firearm.

No person shall have any firearm in his or her possession or control or carry the same on his or her person who:

(1) Has been convicted of a felony or

(2) Is addicted to the use of drugs or

(3) Is under the influence of drugs or alcohol. (Code 1966; Ord. No. 337, 8-27-74; Code of 1988; Code of 2001)

Sec. 18-19. Discharge of Firearm.

No person shall fire or discharge any gun, pistol, or firearm of any description except on a firing range approved by the City and at a time designated by the City. (Code 1966; Ord. No. 337, 8-27-74; Code of 1988; Code of 2001)

Sec. 18-20. Confiscation.

A weapon shall be forfeited to or confiscated by the City when it is adjudged that it was worn or carried or used in violation of this Article. (Code 1966; Ord. No. 337, 8-27-74; Code of 1988; Code of 2001)

Sec. 18-21. Transportation of Air Rifles.

No person shall carry or transport an air rifle, air pistol, BB gun, slingshot, or bow and arrow unless it is broken down, dismantled, or otherwise made inoperable or in the alternative carried in a case or covering so as to make the same unusable without removal from the case except in conformity with Section 18-22. (Code 1966; Ord. No. 337, 8-27-74; Code of 1988; Code of 2001)

Sec. 18-22. Display of Air Rifles.

No person shall fire, discharge, or shoot an air rifle, air pistol, BB gun, slingshot, or bow and arrow except on a range designed for this use and approved by the City. (Code 1966; Ord. No. 337, 8-27-74; Code of 1988; Code of 2001)

Sec. 18-23. Permits and Fees.

Any person not prohibited from owning or possessing a firearm may make application to the City for a permit to carry a firearm. The application shall include the information required by the City for a background investigation and shall describe in detail the need for carrying the firearm. Based on the conclusions of the City, a permit shall be issued if the applicant is found to be of good moral character and has a justifiable need to carry a weapon. Any person having a permit is exempt from the provisions of Sections 18-16 through 18-19. A permit shall be issued for a year and may be revoked prior to that time by the City for cause. (Code 1966; Ord. No. 337, 8-27-74; Code of 1988; Code of 2001)

Sec. 18-24. Exemptions.

The provisions of this Article shall not prohibit the carrying or use of firearms by duly authorized Public Safety Officers and Law Enforcement Officers. (Code 1966; Ord. No.337, 8-27-74; Code of 1988; Code of 2001)

Secs. 18-25--18-35. Reserved.

Article 3. Narcotics and Drugs

Sec. 18-36–18-41. Reserved. (Code of 2001)

Secs. 18-42--18-50. Reserved. (Code of 2001)

Article 4. Fireworks

Division 1. General Fireworks

Sec. 18-51. Definition.

Fireworks mean any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation and includes blank cartridges, toy cannons, and toy canes, in which explosives are used, the type of balloons that require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers, except those specified in Section 18-51.1 (2), or other fireworks of like construction, and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks. (Ord. No. 481, 5-12-81; Code of 1988; Code of 2001, Ord. No.721, 6/22/04)

Sec. 18-51.1 Exclusions.

The term “fireworks” does not include:

- (1) Any toy pistols or toy guns, in which paper caps containing .25 grains or less of explosive compound are used and toy pistol caps that contain less than .20 grains of explosive mixture; and
- (2) “consumer fireworks” which are defined as wire or wood sparklers of not more than 100 grams of mixture per item, other sparkling items that are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes and glow worms, smoke devices, or trick noisemakers that include paper streamers, party poppers, string poppers, snappers and drop pops, each consisting of not more than 0.25 grains of explosive mixture. The term does not include auto flares, toy pistols, or toy guns, in which paper caps containing .25 grains or less of explosive compound are used and toy pistol caps that contain less than .20 grains of explosive mixture.(Ord. No. 706, 4-8-03, Ord No.721 6/22/04)

Sec. 18-52. Prohibition.

- (1) ***Unlawful Sales.*** It is unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, advertise, use, or explode any fireworks, except for sales at wholesale to those persons holding valid permits for a fireworks display from the City of New Brighton or as otherwise allowed by Minnesota Statutes sections 624.20 to 624.25.
- (2) ***No Sales to Minors.*** Consumer fireworks shall not be sold to persons younger than 18 years of age. The age of a purchaser must be verified by photographic identification. (Ord. No. 481, 5-12-81; Code of 1988; Code of 2001, Ord No. 721 6/22/04)

Sec. 18-53. Forfeiture.

Any fireworks adjudged to have been carried, used, possessed, stored, or otherwise in violation of this Article shall be forfeited to or confiscated by the City. (Ord. No. 481, 5-12-81; Code of 1988; Code of 2001)

Secs. 18-54—18-59 Reserved. 4-8-03

Division 2 – Consumer Fireworks

Sec. 18-60. Definition.

The New Brighton City Code Section 18-60 is repealed by Ord. No. 721 6/22/04.
(Ord. No. 706, 4-8-03)

Sec. 18-61. Sale of Consumer Fireworks.

It is unlawful to sell consumer fireworks without a valid license issued by the City. (Ord. No. 706, 4-8-03)

Sec. 18-62. License Application.

The application for a license shall contain the following information: name, address, and telephone number of applicant; the address of the location where fireworks will be sold; the type of consumer fireworks to be sold; the estimated quantity of consumer fireworks that will be stored on the licensed premises; and, if the applicant does not own the business premises, a copy of the executed lease, as well as the written authorization of the property owner for the applicant's use of the property for the sale of consumer fireworks.(Ord. No. 706, 4-8-03, Ord. No.721, 6/22/04)

Sec. 18-63. License Prohibitions.

The New Brighton City Code Section 18-63 is repealed by Ord. No.721, 6/22/04.
(Ord. No. 706, 4-8-03)

Sec. 18-64. Insurance Required.

The New Brighton City Code Section 18-64 is repealed by Ord. No.721, 6/22/04
(Ord. No. 706, 4-8-03)

Sec. 18-65. Processing Application.

The application must be filed with the City Clerk together with the license fee. Following an inspection of the premises proposed to be licensed, the City Manager or the Manager's designee shall issue the license if the conditions for license approval are satisfied and the location is properly zoned. If the City Manager or the Manager's designee denies the license application, the applicant may, within ten (10) days, appeal the decision to the City Council. (Ord. No. 706, 4-8-03)

Sec. 18-66. Conditions of License.

A license for the sale of consumer fireworks is subject to the following conditions:

- (a) The license is non-transferable, either to a different person or location.
- (b) Consumer fireworks may only be stored in or sold from buildings or retail stands that comply with National Fire Protection Association Standard 1124 (2003 edition) as required under Minnesota Statutes section 624.20 (d) (2).
- (c) The license must be publicly displayed on the licensed premises.

- (d) The premises are subject to inspection by City employees during normal business hours.
- (e) The applicant must be at least 18 years of age.
- (f) The sale of consumer fireworks must be allowed by the zoning ordinance and must comply with all zoning ordinance requirements including signs.
- (g) The applicant shall not have had a license to sell fireworks revoked within the last three years.
- (h) The premises must be in compliance with the State Building Code and State Fire Code.

(Ord. No. 706, 4-8-03, Ord No.721, 6/22/04)

Sec. 18-67. License Period and License Fee.

Licenses shall be issued for a calendar year. The license fee shall be established annually by ordinance. License fees shall not be prorated. (Ord. No. 706, 4-8-03, Ord. 751, 11-13-2007)

Sec. 18-68. Revocation of License.

Following written notice and an opportunity for a hearing, the City Manager or the Manager's designee may revoke a license for violation of this Article or state law concerning the sale, use or possession of fireworks. If a license is revoked, neither the applicant nor the licensed premises may obtain a license for twelve (12) months. If the City Manager or the Manager's designee revokes a license, the license holder may within ten (10) days appeal the decision to the City Council. (Ord. No. 706, 4-8-03)

Secs. 18-69--18-70. Reserved. (Code of 2001)

Article 5. Administrative Offense

Sec. 18-70. Purpose

Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring criminal charges in accordance with law. Likewise, the City, in its discretion, may choose not to initiate an administrative offense and may bring criminal charges in the first instance. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation. (Ord. #704 3/25/03)

Sec. 18-71 Administrative Offense Defined.

An administrative offense is a violation of a provision of this Code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Section 18-78, hereafter. (Ord. #704 3/25/03)

Sec. 18-72 Notice.

Any officer of the New Brighton Department of Public Safety (Police) or any other person employed by the City, and having authority to enforce this Code, shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. Said notice shall set forth the nature, date and time of violation, the name of the official issuing the notice, and the amount of the scheduled penalty. (Ord. #704 3/25/03)

Sec. 18-73 Payment.

Once such notice is given, the alleged violator may, within seven (7) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a hearing in writing, as is provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation. (Ord. #704 3/25/03)

Sec. 18-74 Hearing.

Any person contesting an administrative offense pursuant to this Chapter may, within seven (7) days of the time of issuance of the notice, request a hearing by a hearing officer who shall forthwith conduct an informal hearing to determine if a violation has occurred. The hearing officer shall have authority to dismiss the violation or reduce or waive the penalty. If the violation is sustained by the hearing officer, the violator shall pay the penalty imposed. (Ord. #704 3/25/03)

Sec. 18-75 Hearing Officer.

The City Manager or a City employee designated in writing by the City Manager shall be the hearing officer. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this Chapter. (Ord. #704 3/25/03)

Sec. 18-76 Failure to Pay

In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the City for the same violation. (Ord. #704 3/25/03)

Sec. 18-77 Disposition of Penalties.

All penalties collected pursuant to this Chapter shall be paid to the City Finance Director and may be deposited in the City's general fund. (Ord. #704 3/25/03)

Sec. 18-78 Offenses and Penalties.

Offenses which may be charged as administrative offenses and the penalties for such offenses may be established by resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Manager. (Ord. #704 3/25/03)

Sec. 18-79 Subsequent Offenses.

In the event a party is charged with a subsequent administrative offense within a twelve (12) month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by twenty-five percent (25%) above the previous administrative penalty except as otherwise stated in the fine schedule or by resolution. (Ord. #704 3/25/03)

April 21, 2003

Due to unforeseen circumstances the section numbers for ordinance #704 have been changed from:
18-60 thru 18-69 to: 18-70 thru 18-79.

Karen Halley
Deputy Clerk

Editor's Notes
City Code-Chapter 18
Offenses

This Chapter has been renumbered to be consistent with the numbering system used throughout the Code:

The first division within a Section is numbered “(1)” followed by “(2)”, etc.

The next division of a Section is numbered with an “A” followed by “B”, etc.

As with all other parts of the codification, the language in this Chapter has been simplified and made general neutral.

Sections 18-36 through 18-41. Narcotics. Since the provisions of State Statute are adequate for regulating sale, use, and possession of controlled substances, Article 3 has been deleted.

Margaret A. Egan
Finance Director/City Clerk
March 22, 2000