



City of Blaine Anoka County, Minnesota

Blaine City Hall
10801 Town Sq Dr NE
Blaine MN 55449

Legislation Details (With Text)

File #: ORD 22-2508 **Version:** 1 **Name:** Conduct in Public Parks - Beach
Type: Ordinance **Status:** Agenda Ready
File created: 7/6/2022 **In control:** City Council
On agenda: 7/6/2022 **Final action:**
Title: Chapter 54 - Parks and Recreation Article III. - Conduct In Public Parks
Sponsors: Brian Podany
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
7/6/2022	1	City Council	Amended	Pass

Administration - *Brian Podany, Safety Services Manager/Police Chief*

Title

Chapter 54 - Parks and Recreation Article III. - Conduct In Public Parks

Executive Summary

Council is asked to adopt an emergency ordinance to address unlawful conduct in the City's parks and beach.

Background

As Council is aware, we have a history of behaviors at the beach that are problematic and create disturbances to the public. In consultation with the city attorney and after review of existing ordinances, staff found a need for an ordinance amendment in key areas. Currently, if someone needs to be removed from a park due to behavior, we cannot trespass them as it is a city park and we currently do not have an existing ordinance allowing for that process. The only option would be to request a ban from the park from a judge as part of an ongoing criminal process, which would be a long, untimely process. Additionally, although city code allows for closure of a park, the code is lacking strength and clarity. Staff is recommending both items be addressed by adopting an emergency ordinance as allowed by city charter. Some additional points for Council to consider:

- The recitals at the beginning are included to comply with the Charter's emergency ordinance provision, which requires the City to define the need for an emergency ordinance.
- The proposed General Conduct section (54-77) is limited at present to disorderly behaviors. This section could be expanded at any time upon if a new item (such as golf) needs to be addressed. It could go to the Park Board for suggestions for expansion after enactment.
- Proposed Section 54-89 provides a mechanism to expel persons from public parks or beach, and both police officers and parks employees, as drafted, would have the authority to expel persons.
- There is a general provision already existing in ordinance, Section 54-96, which makes any violation of Chapter 54 a misdemeanor. Violations of the new proposed park conduct rules or the

existing beach conduct rules (54-94) can be cited, in addition to disorderly conduct citations under state statute.

- An emergency ordinance requires five votes to approve.

Strategic Plan Relationship

N/A

Board/Commission Review

N/A

Financial Impact

N/A

Public Outreach/Input

If adopted the ordinance will be posted at City Hall, at the beach, on the City's website, and at the Johnsville Library for 24 hours prior to enforcing the provisions.

Staff Recommendation

By motion, waive first and second reading and adopt the ordinance as proposed pursuant to Section 3.06 of the City Charter, emergency ordinances.

Attachment List

None

WHEREAS, the City of Blaine has an immediate need to address ongoing disorderly, abusive, and disrespectful behavior by individuals in its public parks and beach;

WHEREAS, the City's ordinances do not address sufficiently prohibited conduct in the public parks or beach;

WHEREAS, the City has determined that individuals acting in a disorderly, abusive, and disrespectful manner should be expelled from the public parks and beach in order to maintain these amenities as safe, clean, peaceful, and fun places of recreation for all City residents and guests;

WHEREAS, the City has an immediate need to enact a mechanism to permit its police officers and parks and recreation employees to expel disruptive individuals from the public parks and beach;

WHEREAS, the City requires an emergency ordinance, pursuant to City Charter Section 3.06, to immediately preserve public peace, health, morals, safety and welfare of those persons using the city parks and beach;

NOW, THEREFORE, THE CITY OF BLAINE DOES ORDAIN: (Added portions are underscored and deleted portions are shown in brackets with overstrike)

Sec. 54-77. - General Conduct.

It is unlawful for any person in a public park or beach to:

- 1) Use threatening, abusive, insulting, obscene or indecent language; or to act in an indecent, lascivious or improper manner; commit any nuisance; appear nude; or do any act that constitutes a breach of the public peace;
- 2) Engage in fighting or brawling;

- 3) Misuse park property in one or more of the following ways: in a manner that it was not designed or intended for; in a manner that would likely cause damage or injury to the person using the property, the property itself or others on or near the property; or in a manner that is disruptive or offensive to other park users or person;
- 4) Prevent or hinder usage of park equipment by children and their chaperones;
- 5) Disturb, harass or interfere with any park visitor or park visitor's property;

Secs. 54-7[7]8.-54-88[9]. - Reserved.

Sec. 54-89. - Enforcement.

Enforcement. Police Department and Department of Parks and Recreation employees may diligently enforce the provisions of this Chapter and eject park and/or beach visitors acting in violation of this article from any park or beach.

A person may be expelled from a park or beach for a period of 24 hours or longer if there is reasonable cause to believe that person violated the rules of general conduct by intentionally disrupting the orderly operation of a park, beach, or any program or event occurring within a park or beach. A person may also be expelled for an extended period (in no case longer than 6 months) and be reinstated when there is evidence that the person's presence will no longer threaten the orderly operation of the park or beach.

In addition, the City Manager or their designee may declare any park facility or beach or any portion thereof closed to the public at any time and for any interval of time, as the City Manager or their designee may find reasonably necessary to preserve the health, safety and welfare of a park visitor or the park facility.

Sec. 54-95 - Enforcement.

This article may be enforced by any duly authorized law enforcement officer, as well as other individuals designated by the City of Blaine. This article may be enforced in accordance with Section 54-89 of this Ordinance.

INTRODUCED AND READ in full the 6th day of July, 2022 and pursuant to City Charter Section 3.06, emergency ordinances, is hereby adopted.