

**SPRING LAKE PARK
ORDINANCE 472**

**AN ORDINANCE RELATING TO AND REGULATING TARGETED PICKETING
IN RESIDENTIAL NEIGHBORHOODS IN THE CITY OF SPRING LAKE PARK**

WHEREAS, the City Council finds that targeted residential picketing in front of or about a residential dwelling causes emotional distress to the dwelling’s occupants, obstructs and interferes with the free use of public rights-of-way and has as its object the harassment of the dwelling occupants; and

WHEREAS, the City Council further finds that, without resorting to targeted residential picketing, ample opportunities exist for those otherwise engaged in targeted residential picketing to exercise constitutionally protected freedom of speech and expression; and

WHEREAS, the protection and preservation of the home is the keystone of democratic government; the public health, safety and welfare and the good order of the community require that members of the community enjoy, in their homes and dwellings, a feeling of wellbeing, tranquility and privacy and, when absent from their homes and dwellings, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes and dwellings; the practice of picketing before or about residences and dwellings causes emotional disturbance and distress to the occupants, obstructs and interferes with the free use of public sidewalks and public ways of travel; such practice has as its object the harassing of such occupants and, without resort to such practice, full opportunity exists, and under the terms and provisions of this section, will continue to exist for the exercise of freedom of speech and their constitutional rights; and that the provisions hereinafter enacted are necessary for the public interest to avoid the detrimental results herein set forth.

NOW THEREFORE, be it ordained by the Council of Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** “13.04.020 Offenses Against Public Order And Safety” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

13.04.020 Offenses Against Public Order And Safety

- A. *Disorderly Conduct*. The doing of any of the following act without authority of law and by any person or persons is hereby declared to be disorderly conduct: willfully disturbing any assembly or meeting not unlawful in its character or the peace and quiet of any family or neighborhood.
- B. *Obstruction Of Health Officer*. Every person who shall willfully oppose or obstruct a health officer or physician charged with the enforcement of the health laws in

performing any legal duties shall be guilty of a misdemeanor.

- C. *Intimidation Of Public Officer.* Every person who shall directly or indirectly address any threat or intimidation to a public officer or to a referee, arbitrator, appraiser, or assessor or to any other person authorized by law to hear or determine any controversy or matter with intent to induce him or her contrary to his or her duty to do or make or to omit or delay in any act, decision, or determination, shall be guilty of a misdemeanor.
- D. *Inflammable Products.* Every manufacturer or vendor who shall sell or cause to be sold, place or cause to be placed any gasoline or benzine in quantities of more than one pint, in any receptacle except of a bright red color and tagged and labeled in large plain letters with the name of the contents, or who shall sell or cause to be sold, place or cause to be placed, kerosene or other illuminating oil in the same quantities in a receptacle of red color, shall be guilty of a misdemeanor.
- E. *Furnishing Firearms To Minor.* Every person who shall sell, give, loan, or in any way furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his or her parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.
- F. *Firecrackers; Explosives.* Every person who shall purchase, manufacture, use, sell, or keep for sale within this city, firecrackers, crackers, and other explosive pyrotechnics, except by special permit, shall be guilty of a misdemeanor.
- G. *Use Of Firearms And The Like.* No person shall fire or discharge any gun, pistol, B.B. gun, air rifle, or firearms of any description, or any other similar type instrument for the purpose of throwing or projecting missiles of any kind whatsoever, including bows and arrows, whether that instrument is called by any name set forth or any other name, within the city limits without having first obtained a permit from the City Council. Any permit of this type granted shall be subject to revocation at the pleasure of the Council.
- H. *Ultimate Fighting.*
 - 1. *Definition and purpose.* Ultimate fighting is as an organized event where the primary practice involves individuals engaged in physical contact by striking an opponent with hands, head, feet or body. The City Council finds that the practice of ultimate fighting is dangerous and puts the public health, safety and welfare at great risk.
 - 2. *Prohibited conduct.* It shall be unlawful in any public or private building or place to permit the practice of ultimate fighting or to participate in the practice of ultimate fighting as above defined. Officially sanctioned and regulated boxing and wrestling and team sports in which physical contact is incidental to the primary purpose of the game such as basketball, volleyball, soccer, baseball and softball are not included among activities prohibited by this paragraph.
- I. *Targeted Picketing in Residential Neighborhoods.*
 - 1. *Purpose.* The City has an interest in the protection of residential privacy, the wellbeing and tranquility of the home, and protecting citizens from unwanted speech when they are a captive audience within their homes. The city council finds that, without resorting to targeted residential picketing, amply opportunities exist for those otherwise engaged in targeted residential picketing to exercise conditionally protected freedoms of speech and expression.

2. Definitions. For the purposes of this section, the following definitions shall apply.

TARGETED RESIDENTIAL PICKETING means:

a. Marching, standing or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security or privacy of an occupant of the building; or

b. Marching, standing or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which a residential building is located; or

c. Standing, marching, patrolling or picketing by one or more persons focused in front of or adjacent to a particular residential dwelling without the consent of the dwelling's occupants.

3. Prohibited Activity. No person shall engage in targeted residential picketing within the City.

4. Violation/Penalty. Every person convicted of a violation of any provision of this section shall be guilty of a misdemeanor.

SECTION 2: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3: **EFFECTIVE DATE** This Ordinance shall be in full force and effect upon its passage and publication.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	_____	_____	_____	_____
Councilmember Delfs	_____	_____	_____	_____
Councilmember Goodboe-Bisschoff	_____	_____	_____	_____
Councilmember Dircks	_____	_____	_____	_____
Mayor Nelson	_____	_____	_____	_____

Presiding Officer

Attest

Robert Nelson, Mayor, Spring Lake
Park

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer Spring Lake Park