

## 703. Miscellaneous Offenses

§703.010 MISCELLANEOUS OFFENSES; FIREWORKS, SALE PROHIBITED, USE RESTRICTED. No person shall sell or dispose of any fireworks, crackers or other explosives in the City at any time, nor shall any person exhibit any fireworks within the City without a permit from the City Council which shall limit the time of such firing. Such permit is subject to revocation by the Council at any time after it has been granted. (Ref. §1302.010, 1302.020, Code 1966)

§703.020 MISCELLANEOUS OFFENSES: DISCHARGE OF FIREARMS AND EXPLOSIVES, PERMIT REQUIRED. No person shall fire or discharge any cannon, gun, fowling piece, pistol or firearms of any description, or fire, explode or set off any squib, cracker or other thing containing powder or combustibles or explosive material without a permit from the Chief of Police which shall limit the time of such firing. Such permit is subject to revocation by the Chief of Police at any time after it has been granted. (Ref. §1302.020, Code 1966)

§703.030 MISCELLANEOUS OFFENSES: CONCEALED WEAPONS, LICENSE. No person shall carry or wear concealed about his person any firearm not regulated by Minn. Stat. §§624.711 to 624.717, dagger, slingshot, or knuckles of lead, brass or other metal, bowie knife, razor or any other dangerous or deadly weapons in the City, except as provided herein. Any such weapon adjudged by the Municipal Court of Ramsey County to have been worn or carried in violation of this section shall be confiscated by the City and handed over to the City Manager to be kept, sold or disposed of in the manner provided by law.

This section shall not apply to the officers or members of the police force of the City, nor to any officer of any court whose duty it may be to serve warrants or make arrests, nor to persons whose business or occupation may require the carrying of weapons for protection and who shall have obtained from the Chief of Police a license to do so as hereinafter provided. The Chief of Police may grant to such persons as he may think proper a license to carry concealed weapons, and he may revoke any such license at his pleasure. Application for such license shall be made to the Chief of Police of the City in writing, and when granted, the person applying therefor shall pay into the City Treasury the sum of twenty (\$20.00) dollars and thereupon a license shall be issued by the City Clerk and signed by the Chief of police. Every such license shall state the name, age, location and residence of the person to whom it is granted and shall expire on December thirty first (31st) next following its issuance. (Ref. §1302.030, Code 1966: Ord. No. 570, 2/11/75)

§703.040 MISCELLANEOUS OFFENSES; DANGEROUS WEAPONS, EXCEPTIONS. No person shall have in his possession, except within his own domicile, or carry, use or discharge any firearm, air-gun, "B-B" gun, gas operated gun or any other similar type instrument for the purpose of throwing or projecting missiles of any kind whatsoever, whether such instrument is called by any name set forth or by any other name. The prohibition of this section shall not apply to licensed shooting galleries or in private grounds or premises under circumstances where such instrument can be and is fired, discharged or operated in such a manner as not to endanger persons or property, and also in such a manner as to prevent the projectile from transversing any grounds or space outside of such galleries, grounds or residences; and provided further, that nothing herein contained shall be construed to prevent the carrying of any type of gun whatsoever when unloaded and properly cased. (Ref. §1302.040, Code 1966)

§703.050 MISCELLANEOUS OFFENSES; DISORDERLY CONDUCT. No person shall conduct himself in a disorderly manner by disturbing, tending to disturb or aiding in disturbing the comfort,

repose, health, peace or safety of others within the City by violent, tumultuous, offensive or obstreperous conduct and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control.

The following conduct shall be deemed disorderly:

1. Any person who congregates with two (2) or more other persons together or near each other in any public street, or on any footwalk or sidewalk in the City so as to obstruct the free passage or foot passage and who so standing refuses to move immediately after requested to do so by any law enforcement officer.

2. Any person who uses vulgar, profane or indecent language on any public street or other public place or in any public dance hall, club dance, skating rink or other place of business open to public patronage.

3. Any person who acts in any manner as to annoy, disturb, interfere with, obstruct or to be offensive to another or other person.

4. Any person who shall make, continue or cause to be made or continued, any loud, unnecessary or unusual noise or shouts or any noise or shouting which either annoys, disturbs, injures or endangers any other person.

5. Any person who engages with others in brawling, fighting or other quarrelsome, boisterous or noisy conduct.

6. Any person who uses or exhibits offensive, disorderly, threatening, indecent, profane, vulgar, abusive or insulting language, conduct, behavior or appearance.

7. Any person who interferes with, obstructs or renders dangerous for passage any lake, park, public square, street, alley, sidewalk or any public place in the City. (Ref. §1302.050, Code 1966)

§703.060 MISCELLANEOUS OFFENSES; LOITERING. The following conduct shall be deemed loitering:

1. Any person who stands or loiters in or about a doorway or any building or sits upon the steps, window sill or railing of any building in such a manner to obstruct ingress or egress to and from such building or to the annoyance of occupants thereof, or the public in case of a public building.

2. Any person who loiters or wanders without apparent business or reason in a place or manner not usual for law abiding individuals and under circumstances which justify suspicion that he may be engaged or about to engage in crime and who refuses the request of a law enforcement officer that he identify himself and give a reasonably credible account of the lawfulness of his conduct and purposes. (Ref. §1302.050, Code 1966; Ord. No. 441, 5/9/67)

§703.070 MISCELLANEOUS OFFENSES; EXCESSIVE NOISE.

Subd. 1. Definitions.

A. General. Words and phrases defined in this section have, when used in this ordinance, the meanings given below. Any other word or phrase used in this ordinance, and defined in Rules NPC 1, 2 and 4 of the Minnesota Pollution Control Agency, has the meaning given in those rules.

B. Person. Means an individual, firm, partnership, corporation, trustee, association, the state and its agencies and subdivisions, or any body of persons whether incorporated or not. With respect to acts prohibited or required herein, "person" shall include employees and licensees.

Subd. 2. Receiving Land Use Standards.

A. Maximum Noise Levels By Receiving Land Use Districts. No person shall operate or cause or permit to be operated any source of noise in such a manner as to create a noise level exceeding the limits established in the rules promulgated by the Minnesota Pollution Control Agency, except for household unit(s) on property zoned for other than residential uses, shall be classified as Noise Area Classification 2. The Minnesota Pollution Control Agency, NPC-2 Noise Standards, in force and in effect on June 14, 1983, and as they may be hereinafter amended, are hereby adopted by reference and incorporated herein. (Ref. Ord. No. 865, 4/92)

B. Exemptions.

- 1) The levels prescribed in subparagraph 1 do not apply to noise originating on public streets and alleys but such noise shall be subject to all other applicable sections of this ordinance.
- 2) The removal or moving of snow from public and private roadways, driveways and sidewalks using machinery equipped with the manufacturers exhaust noise mitigation components are exempt from the provisions of this section. (Ref. Ord. 1078, 11/09/11)
- 3) Street sweeping or cleaning operations sanctioned by the City of White Bear Lake are exempt from the provisions of this section. (Ref. Ord. 1078, 11/09/11)

Subd. 3. Noises Prohibited.

A. General Prohibition. No person shall make or cause to be made any distinctly and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person or precludes their enjoyment of property or affects their property's value. This general prohibition is not limited by the specific restriction of the following subparagraphs.

B. Motor Vehicles. No person shall operate a motor vehicle in the City in violation of the motor vehicle noise limits established in the rules as listed in M.S. 169.69. (Ref. Ord. 987, 7/10/01)

C. Horns, Audible Signaling Devices, Etc. No person shall sound any audible signaling device on any vehicle except as a warning of danger.

D. Exhaust. No person shall discharge the exhaust or permit the discharge of the exhaust of any steam engine, internal combustion engine, motor boat, motor vehicle, or snowmobile except through a muffler or other device that effectively prevents loud or explosive noises therefrom and complies with all applicable state laws and regulations.

E. Specific Prohibitions. Between the hours of 10:00 P.M. and 6:00 A.M., the following activities are prohibited:

- 1) Collection of garbage and refuse.
- 2) The operation of chain saws or the operation of appliances or tools powered by electric motors, compressed air or internal combustion engines.
- 3) Construction, repair or servicing of automobile, recreational vehicles or other equipment if noise from that activity is audible beyond the limits of the property on which it is being conducted.

F. Construction Noise: Construction activities related to buildings, roadways and utilities, except under an emergency for which the City has granted approval, shall not be constructed between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, nor between the hours of 9:00 p.m. and 9:00 a.m. on weekends and holidays. (Ref. Ord. 997, 11/12/02)

G. Model Boats. No person shall operate a model boat powered by an internal combustion engine within the City of White Bear Lake except between the hours of noon and 3:00 P.M. on Saturdays. Any model boat powered by an internal combustion engine operated within the City of White Bear Lake must at all time be equipped with a properly installed stock muffler in working order. (Ref. Ord. No. 835, 5/15/91)

Subd. 4. Participation in Noisy Parties or Gatherings.

A. No person shall congregate because of, or participate in, any party or gathering of people from which noise emanates of a sufficient volume or of such nature to disturb the peace, quiet, or repose of other persons.

B. A police officer may order all persons present other than the owners or tenants of the building or place to immediately disperse. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this subparagraph.

C. Any owner or resident of the building or place who has knowledge of the disturbance and fails to immediately abate said disturbance shall be guilty of a violation of this subparagraph.

Subd. 5. Noise Near Schools, Churches, Hospitals, Etc. No person shall create any excessive noise on a street, alley, or public grounds adjacent to any school, institution of learning, church, or hospital when the noise unreasonably interferes with the working of the institution or disturbs or unduly annoys its occupants or residents and when conspicuous signs indicate the presence of such institution.

Subd. 6. Radios, Phonographs, Paging Systems, Etc. No person shall use or operate or permit the use or operation of any radio receiving set, musical instrument, phonograph, paging system, machine, or other device for the production or reproduction of sound in a distinct and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby. Operation of any such set, instrument, phonograph, machine, or other device in such a manner as to be plainly audible at the property line of the structure of building in which it is located, in the hallway or apartment unit adjacent if located in an apartment unit, or at a distance of 50 feet if the source is

located outside a structure or building shall be prima facie evidence of a violation of this section. This includes radios and stereos emitting from a motorized vehicle. (Ref. Ord. 987, 7/10/01)

Subd. 7. Loudspeakers, Amplifiers for Advertising, Etc. No person shall operate or permit the use or operation of any loudspeaker, sound amplifier, or other device for the production or reproduction of sound on a street or other public place for the purpose of commercial advertising or attracting the attention of the public to any commercial establishment or vehicle.

Subd. 8. Exception for Emergency Work. Noise created exclusively in the performance of emergency work to preserve the public health, safety, or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this ordinance for a period not to exceed 24 hours after the work is commenced. Persons responsible for such work shall inform the issuing authority of the need to initiate such work, or if the work is commenced during non-business hours of the City, at the beginning of business hours of the first business day thereafter. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

Subd. 9. Enforcement.

A. Enforcement Duties. The White Bear Lake Police Department and City Code Enforcement Office shall enforce the provisions of this ordinance. The Police Department or its members and the officers of the Code Enforcement Department may inspect private premises other than private residences and may make all reasonable efforts to prevent violations of this ordinance.

B. Civil Remedies. This ordinance may be enforced by injunction, action for abatement, or other appropriate civil remedy.

C. Noise Impact Statements. The Council may require any person applying for a change in zoning classification or a permit or license for any structure, operation, process, installation or alteration, or project that may be considered a potential noise source to submit a noise impact statement on a form prescribed by the Council. It shall evaluate each statement and may take its evaluation into account in approving or disapproving the license or permit applied for or the zoning change requested.

D. Criminal Penalties. Every person who violates any provision of this ordinance is guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$500 or imprisonment for a term of not to exceed ninety (90) days, or both plus, in either

case, the costs of prosecution. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

Subd. 10. Severability. If any provision of this ordinance or the application of any provisions to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.

Subd. 11. Conflict With Other Code Provisions. If any provision in this ordinance is in conflict with a provision of any other portion of the City Code, the provision which establishes a higher standard for the promotion and protection of the health and safety of the people shall prevail. (Ref. §1302.060, Code 1966: Ord. No. 665, 6/14/83)

§703.080 MISCELLANEOUS OFFENSES; DEFACING LAMP POSTS. No person shall carelessly or willfully deface, injure or damage any electric light, pole or wire, or any lamppost, or City lamp, within the City. (Ref. §1302.070, Code 1966)

§703.090 MISCELLANEOUS OFFENSES; OBSTRUCTING WATER FLOW. No person shall dam or otherwise obstruct the passage of water in any ditch, sewer, culvert or gutter within the City. (Ref. §1302.080, Code 1966)

§703.100 MISCELLANEOUS OFFENSES; SLIDING IN STREETS. No person shall slide or coast upon sleds, skates or in any other manner upon any street or alley in the City. (Ref. §1302.090, Code 1966)

§703.110 MISCELLANEOUS OFFENSES: HORSES ON CITY STREETS. No person having in his charge any horse or horses within the City shall leave the horse standing in or along a street or alley without securely hitching or fastening it or having the horse securely held by someone. No person shall hitch or fasten a horse to a lamppost, telephone pole or electric pole in the City. No person shall leave any horse standing on any street, alley or any public ground of the City for a period of more than two (2) consecutive hours. (Ref. §1302.100, Code 1966)

§703.120 MISCELLANEOUS OFFENSES: INTERFERENCE WITH FIRE DEPARTMENT, FALSE ALARMS. No person, not a member of the Fire Department, or not authorized by proper authority, shall ride upon any fire engine or other vehicle belonging to the Fire Department or going to or returning from fires. No person shall willfully injure in any manner, or interfere with at any time, any hose, fire alarm, fire engine, automobile or other apparatus, or any building containing the same, belonging to the City. No person shall neglect or refuse to obey any order of the Fire Chief or his assistants at a fire, or in any way interfere with the Fire Department in the discharge of its duties.

No person shall knowingly give or cause to be given a false alarm of fire.

It shall be lawful for the Fire Chief or his assistants to arrest any suspected person, or any person hindering, resisting or in any manner interfering with the Fire Department, or refusing to obey any such officers while acting in the discharge of their duty. (Ref. §1302.110, Code 1966)

§703.130 MISCELLANEOUS OFFENSES: CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES. It shall be unlawful for any person to consume intoxicating liquor or non-intoxicating

malt liquor or possess an open bottle, can or other container of such on any public street, sidewalk, alley, municipal parking lot or in the public park in the blocks bounded by Washington Square, Washington Avenue, State Highway 61 and Third (3rd) Street unless specific permission to do so is granted by resolution of the City Council. (Ref. Ord. Nos. 578, 9/9/75; 579, 12/9/75)

§703.140 TRESPASSING. An individual is guilty of a misdemeanor if the person intentionally:

- A) Enters upon the premises of another without claim of right and without permission or refuses to depart from the premises on demand of the lawful possessor; or
- B) Refuses to leave or returns to the premises of another which is open to the public for the public's patronage, after having been requested to leave by one with authority. (Ref. Ord. 900, 8/24/93)

§703.145 MISCELLANEOUS OFFENSES; PUBLIC INTERFERENCE/BEGGING.

Subd. 1. Definitions

A. Beg Means to ask for money or goods as a charity, whether by words, bodily gestures, signs or by other means.

B. Intimidate Means to engage in conduct which would make a reasonable person fearful or feel compelled.

C. Aggressive Manner Means (1) to beg in a manner that intimidates another person into giving money or goods; (2) approaching, touching or following a person in such a manner that would cause a reasonable person to fear bodily harm or the commission of a criminal act upon the person or upon property in the person's immediate possession; (3) touching another person without consent when asking for alms; (4) continuously begging a person after the person has made a negative response; (5) intentionally blocking or interfering with a person's safe and reasonable passage, including causing a person to take evasive action to avoid physical contact.

D. Public Place Means an area generally visible to public view and includes public transportation, alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks, and streets open to the general public, including those that serve food and drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

Subd. 2. Prohibited Acts

A. No person shall ask, beg, or solicit alms, including money, food or other things of value, in an aggressive manner in public places or within ten feet of an automatic teller machine.

B. No person, in any public or private place, shall use offensive, obscene or abusive language, or grab, follow or engage in conduct which reasonably tends to arouse, alarm, or anger others, or walk, sit stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a

vehicle to take evasive action to avoid contact.

Subd. 3. Enforcement

- A. A person who violates this ordinance is guilty of a misdemeanor.
- B. A person's exercise of his/her constitutional right to lawfully picket, protest or speak shall not constitute criminal activity within the meaning of this act.

Updated 1/14/99

§703.150 MISCELLANEOUS OFFENSES: INTENTIONAL FEEDING OF DEER

Subd. 1 **Feeding Prohibited.** No person shall feed deer within the City. For purposes of this subdivision, feeding shall mean the provision of one half cubic foot or more of grain, fruit, vegetables, nuts, hay or other edible material either on the ground or at a height of less than five feet above the ground, in a manner that attract deer. Living food sources such as trees and other live vegetation shall not be considered as deer feeding.

Subd. 2 **Exception.** The provisions of Subd. 1 of this subsection shall not apply to the employees or agents of the City, the County, the State, the Federal government or veterinarians who in the course of their official duties have deer in their custody or under their management. Updated 3/27/2013

§703.160 MISCELLANEOUS OFFENSES: USE OF CANNABIS PRODUCTS IN PUBLIC PLACES.

Subd. 1. Definitions. For the purposes of this section, the following terms shall have the meanings given them in this subdivision.

- A. Cannabis Product. "Cannabis product" means any of the following: cannabis flower; cannabis products; lower-potency hemp edibles; or hemp-derived consumer products, as each are defined in Minnesota Statutes, section 342.01.
- B. Park. "Park" means any public park, playground, sports field, open space, swimming pool, community center, or other recreational area or facility, including the grounds of any such facility.
- C. Parking Lot. "Parking lot" means any state, county, or city owned parking area that is made available to the public for parking.
- D. Public Place. "Public place" means any park, right-of-way, or parking lot. The term does not include any of the following: a private residence, including the person's curtilage or yard; private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or the premises of an establishment or event licensed to permit on-site consumption.
- E. Right-of-Way. "Right-of-way" means the entire area within a public roadway, highway, street, alley, cartway, bicycle lane, trail, or public sidewalk.



Subd. 2. Prohibition. It is unlawful for a person to use a cannabis product in a public place within the city.

Subd. 3. Enforcement. A violation of this section is a petty misdemeanor. A violation of this section is also an administrative offense and is subject to an administrative penalty as provided in Chapter 205 of this Code.

(Ref. Ord. 23-09-2068, 09/12/2023)