



Legislation Text

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Amending Chapter 366A of the Legislative Code entitled "Parades, Races and Public Assemblies" to prohibit possession of certain items at such events. (To be withdrawn)

SECTION 1

WHEREAS, it is imperative that individuals engaging in peaceful expressive public activity, and law enforcement personnel dedicated to protecting such activity, be allowed to do so without suffering injury; and

WHEREAS, numerous protests and public assemblies conducted throughout the nation in cities such as Charlottesville, St. Louis, and Berkeley, as well as cities in Minnesota, such as Minneapolis and Saint Paul have erupted in violence between demonstrators and counter-demonstrators, including massive destruction of property, and violence against law enforcement personnel; and

WHEREAS, individuals, acting alone or in concert with others, have used improvised weapons to inflict injury upon members of the public attending these events and law enforcement personnel responding to these events, thereby posing a real and serious threat to life and safety. In addition, individuals, acting alone or in concert have also used improvised shields to conceal illegal activity, including but not limited to destruction or defacing of property, thereby posing a real and serious threat to property; and

WHEREAS, various improvised items have been used to injure attendees and harm or incapacitate law enforcement officers, including wood and metal pipes, poles, bats, chains, projectiles (such as rocks, concrete, pellets and ball bearings), glass bottles and containers filled with inflammable or noxious substances, and aerosol sprays deployed to cause flames or attack olfactory systems. In addition, spray paint has been used to deface and damage property; and

WHEREAS, the City of Saint Paul has a compelling interest in allowing individuals to engage in peaceful expressive public activity, while at the same time protecting those individuals and law enforcement personnel dedicated to protecting that activity; now therefore be it;

RESOLVED, that the Council wishes to allow individuals to engage in peaceful expressive public activity safely and without serious threat to life and safety; and for the law enforcement personnel dedicate to protecting that activity, to do so safely without serious threat to life and safety, and be it;

FINALLY RESOLVED, that the Council of the City of Saint Paul does hereby ordain:

SECTION 2

Section 366A.02 is hereby amended as follows:

Sec. 366A.02. - Definitions.

- (a) *Chief of police* means the chief of police of the city or his/her designee.
- (b) *City* means the City of Saint Paul.
- (c) *Parade* means any march, demonstration, procession, or motorcade, consisting of persons, animals or vehicles or a combination thereof upon the streets, sidewalks or other public grounds within the city that interferes with the normal flow or regulation of traffic upon the streets, sidewalks or other public grounds.
- (d) *Parade, race or public assembly permit* means a permit as required by this chapter.
- (e) *Person* means any person, firm, partnership, association, corporation, company or organization of any kind.
- (f) *Public assembly* means any meeting, demonstration, picket line, rally or gathering of five (5) or more than twenty-five (25) persons for a common purpose as a result of prior planning in or upon any street, sidewalk or other public grounds in a place open to the general public.
- (g) *Race* means any scheduled public event or gathering of persons for athletic events that move from one location to another such as bicycle or running races.
- (h) *Sidewalk* is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.
- (i) *Street* is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way or median strip thereof.

SECTION 3

Section 366A.03 is hereby amended as follows:

Sec. 366A.03. - Exceptions.

The permit requirement described in section 366A.01 shall not apply to the following:

- (a) Funeral processions;
- (b) Students going to and from school classes or participating in educational activities, provided that such conduct is under the immediate direction and supervision of the proper school authorities;
- (c) A governmental agency acting within the scope of its functions; and
- (d) Parades, races or public assemblies in parks, which are governed by Legislative Code Chapter 170.
- (e) Public assemblies of less than 24 (twenty-four) persons.

SECTION 4

Section 366A.14 is hereby amended as follows:

Sec. 366A.14. - Prohibitions.

The following prohibitions shall apply to all parades, races, and public assemblies:

- (a) It shall be unlawful for any person to stage, present or conduct any parade, race, or public assembly without first having obtained a permit as herein provided;
- (b) It shall be unlawful for any person to participate in a parade, race, or public assembly for which the person knows a permit has not been granted;
- (c) It shall be unlawful for the chairperson or any person in charge of, or responsible for the conduct of, a duly licensed parade, race, or public assembly to knowingly fail to comply with any condition of the permit;
- (d) It shall be unlawful for any person to engage in any parade, race, or public assembly activity that would constitute a substantial hazard to the public safety or that would materially interfere with or endanger the public peace or rights of residents to the quiet and peaceful enjoyment of their property;
- (e) It shall be unlawful for any person while attending or participating in any parade, race, or public assembly to carry, or possess, or use any of the following items or articles:
 1. Any length of metal, lumber, wood, wood lath or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is one-fourth (1/4) inch or less in thickness and two (2) inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths (3/4) inch in its thickest dimension; Both ends of the lumber, wood or wood lath shall be blunt;
 2. Any length of metal or plastic pipe, whether hollow or solid; provided, however, that hollow plastic piping not exceeding 3/4 inch in its thickest dimension and not exceeding 1/8 inch in wall thickness, and not filled with any material, liquid, gas or solid may be used solely to support a sign, banner, placard, puppet or other similar expressive display. Both ends of any metal or plastic pipe permissible under this subsection shall be blunt;
 3. Signs, posters, banners, plaques or notices, whether or not mounted on a length of material permitted under Subdivisions 1 and 2 of this section, unless such sign, poster, banner, plaque or notice is constructed solely of soft material, such as cloth, paper, soft plastic capable of being rolled or folded, or cardboard material no greater than 1/4 inch in thickness;
 4. Baseball or softball bats, regardless of composition or size; provided, however, that such items are permissible when configured of cloth, cardboard, soft plastic, foam or paper for expressive purposes;
 5. Any aerosol spray, tear gas, mace, pepper spray or bear repellent;
 6. Any projectile launcher or other device, such as a catapult or wrist rocket, which is commonly used for the purpose of launching, hurling or throwing any object, liquid, material or other substance, whether through force of air pressure, spring action or any other mechanism;
 7. Dangerous items such as knives, swords, sabers or other bladed devices, axes, hatchets, ice picks, razor blades, nunchuks or martial arts weapons of any kind, box cutters, conducted electrical weapons (CEWs), including, but not limited to, Tasers or stun guns, metal/composite/wooden knuckles, or any chain greater than 20 inches in length or greater

than 1/4 inch in diameter.

8. Balloons, bottles or any other container such as water cannons or water guns, filled with any flammable, bodily fluid, bodily waste, biohazard or other noxious matter, which is injurious, or nauseous, sickening or irritating to any of the senses.
 9. Glass bottles, whether empty or filled;
 10. Open flame torches, lanterns or other devices that utilize combustible materials such as gasoline, kerosene, propane or other fuel sources;
 11. Shields made of metal, lumber, wood, wood lath, hard plastic or any combination thereof;
 12. Bricks, rocks, pieces of asphalt, concrete, pellets or ball bearings.
 13. Laser pointers or other laser lighting device(s) capable of emitting a beam of light, used to indicate, signal, mark or identify a person, place and/or object, regardless of the color and/or intensity of the emitted light.
- (f) When feasible, excluding exigent circumstances, authorized peace officers, or employees, agents or representatives of the City will issue a warning before engaging in enforcement of the provisions of this section. Such warning(s) shall be sufficient if provided orally, by posted signs, or by amplified announcement. Failure to issue a warning prior to enforcement will not affect the prosecution of any citations issued under this section.
- (g) Authorized peace officers, or employees, agents or representatives of the City, shall be exempt from the provisions of this section when such officers, employees, agents or representatives of the City are engaged in official business of the City.
- (h) Nothing in this section shall prohibit an individual from carrying a cane or using a walker or other device necessary for providing mobility so that the person may participate in a parade, race, or public assembly. Further, nothing in this section shall prohibit the imposition of specific conditions for activities expressly authorized under permit issued by the City of Saint Paul. Legislative
- (fi) It shall be unlawful for any person participating in a parade, race, or public assembly to utilize sound amplification equipment at decibel levels that exceed those limits imposed by federal, state or city law, regulation, or ordinance without a variance granted by the council pursuant to Legislative Code chapter 293; and
- (gj) It shall be unlawful for any person to ride, drive, or cause to be ridden or driven, any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

SECTION 5

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval, and publication.