

**ORDINANCE NO. 862**

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA  
AMENDING CHAPTER 38 – OFFENSES AND MISCELLANEOUS PROVISIONS OF THE  
BAYPORT CITY CODE, BY ADDING ARTICLE V. – PROHIBITED OBSTRUCTIONS**

**THE CITY COUNCIL OF THE CITY OF BAYPORT DOES HEREBY ORDAIN:**

**Section 1.** The following article is added to the Bayport City Code, at Chapter 38 – Offenses:

**ARTICLE V. – PROHIBITED OBSTRUCTIONS**

Sec. 38-72. – Purpose.

The city recognizes and supports the longstanding individual constitutional rights of freedom of speech and freedom of assembly. The city also recognizes the potential that utilization of such rights may transform into unlawful activities, such as unlawful assemblies and interference with public property. Accordingly, in order to protect and enshrine First Amendment rights, while maintaining public safety and order in the city, the city deems it necessary to define and regulate obstructions on public property and within the city’s right-of-way.

Sec. 38-73. – Public Nuisance.

It shall be unlawful and a violation of this Code for any person to:

- (1) unlawfully interfere with the use of or obstruct or tend to obstruct or render dangerous for passage, a public water, park, square, street, alley, highway, parcel or portion of public property, or other city right-of-way;
- (2) in any way render the inhabitants of the city, or a considerable number thereof, insecure in life or in use of property;
- (3) place, deposit, display, install, construct, alter or maintain any structure, fence, good, landscape, or other obstruction upon, across or under any city property or public right-of-way; or
- (4) intentionally interfere with the lawful right of another to free access to or egress from or to use or remain in or upon public property, or in like manner interfere with the transaction of public business.

Sec. 38-74. – Obstruction of Traffic on Public Streets.

No person or persons shall in any manner or at any time obstruct the traffic on any public street, road, easement or other right-of-way, except that any railroad company may obstruct or close for traffic any public street or road by a standing car, train or engine, or other railroad equipment for not longer than ten (10) minutes at any one time.

Sec. 38-75. – Congregating on Sidewalks or Crosswalks

It shall be unlawful for any person or persons to stand or congregate upon the sidewalks or crosswalks of the city in such manner as to unnecessarily interfere with the free passage of pedestrians

along the same. It shall be the duty of the peace officers of the city to notify all persons unnecessarily obstructing said sidewalks or crosswalks, as herein before set forth, to pass along and cease obstructing the same.

Sec. 38-76. – Unlawful Assembly.

Unless as otherwise provided by Minnesota Statutes, Sections 609.705 and 609.715, as amended, it shall be a violation of this Code for three or more persons to do any of the following:

- (1) to assemble with an intent to commit any unlawful act by force,
- (2) to intend to carry out any purpose in such manner as will disturb or threaten the public peace, or
- (3) without an unlawful purpose, to conduct themselves in a disorderly manner as to disturb or threaten the public peace.

It shall additionally be a violation of this Code for a person without a lawful purpose to be present at an unlawful assembly to refuse to leave when directed by a peace officer.

Sec. 38-77. – Notification to City of Lawful Assembly.

Any time three or more persons seek to lawfully access public property, including a public park, square, street, alley, highway, parcel or portion of public property, or other city right-of-way, to hold a gathering or assembly, best efforts shall be undertaken to notify the city of the same, through its administrative offices or police department, in a timely fashion, but no later than the day before the planned assembly. The city will use its best efforts to assist the assembly and secure the area of assembly, while maintaining public access to all public property within the area.

Sec. 38-78. – State Laws May Apply.

Notwithstanding anything in this article, all state laws related to prohibited obstructions, trespasses, and similar unlawful actions, may be governed by applicable Minnesota Statutes, including but not limited to Sections 609.74, 609.705, 609.715, and 624.72, as amended.

Sec. 38-79. – Severability.

In the event that a court of competent jurisdiction adjudges any part of this article to be invalid, such judgment shall not affect any other provision of this article not specifically included within the judgment.

Secs. 38-80 – 38.89. – Reserved

**Section 2.** This Ordinance shall be in full force and effect from and after its passage and publication according to law. Adopted by the City Council of the City of Bayport, Minnesota, this 2nd day of October, 2017.

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Susan St. Ores, Mayor

ATTEST:

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Adam Bell, City Administrator