

# City Code Chapter 23

## Public Safety

**Article 1. General Conditions, §§ 23-1--23-15**

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### Article 1. General Conditions

**Sec. 23-1. Reserved.**

**Editor's Note: Ordinance 626 established a new section, 2-140, regulating the City's Police Civil Service Commission.**

**Sec. 23-2. Authorization to Issue Citations.**

(1) Except as expressly provided by this Section, no person other than a peace officer, constable, or part-time peace officer may issue a citation in lieu of arrest or continued detention, ask a person receiving a citation to give a written promise to appear in court, or take a person into custody as permitted by Minnesota Statutes, Section 629.34.

(2) The Code Enforcement Officer may issue a citation in lieu of arrest where the Code Enforcement Officer has probable cause to believe that the person or corporation to whom the citation is issued has violated the provisions of Chapters 6, 10, 11, 12, 13, 15, 17 or 27, of this Code or any State statutes that relate to the same subject matter and provide for a criminal penalty. (Ord. No. 778, 6-9-09)

(3) The Community Development Director, City Planner and/or Community Development Specialist may issue a citation in lieu of arrest when they have probable cause to believe that the person or corporation to whom the citation is issued has violated the provisions of the Zoning Code. (Ord. No. 554, 11-24-87; Code of 1988; Code of 2001)

**Secs. 23-3--23-15. Reserved. (Code of 2001)**

## **Article 2. Public Safety Auxiliary Unit**

### **Sec. 23-16. Functions.**

The functions of the Public Safety Auxiliary Unit shall be coordinated to the maximum extent practicable with the City's Public Safety Department. (Ord. No. 106, 10-18-60; Code 1966; Code of 1988; Code of 2001)

### **Sec. 23-17. General Supervision.**

The general supervision of the Public Safety Auxiliary Unit shall be in accordance with the terms of this Section.

(1) The Public Safety Auxiliary Unit shall be under the direct supervision and control of the City's Public Safety Director.

(2) The Public Safety Director shall be responsible for the organization, administration and operation of the Police Auxiliary Unit subject to the direction and control of the City Manager.

(3) The Public Safety Director may designate members of the Public Safety Auxiliary Unit to serve as officers of the Unit with the approval of the City Manager. (Ord. No. 106, 10-18-60; Code 1966; Code of 1988; Code of 2001)

### **Sec. 23-18. Powers and Duties of the Public Safety Director.**

The Public Safety Director shall be responsible for coordinating the functions of the Public Safety Auxiliary Unit in accordance with the terms of this Section.

(1) The Public Safety Director may institute such training programs and public information programs as are deemed necessary.

(2) The Public Safety Director shall be in charge of organizing the Public Safety Auxiliary Unit, selecting its personnel, and discharging any member for proper cause.

(3) Any member who is discharged must surrender to the Public Safety Director any equipment and identification furnished by the City.

(4) The Public Safety Director shall maintain an inventory of all equipment issued to the Public Safety Auxiliary Unit. (Ord. No. 106, 10-18-60; Code 1966; Code of 1988; Code of 2001)

**Sec. 23-19. Qualifications.**

(1) No person shall be appointed to the Public Safety Auxiliary Unit who has been convicted of a felony or gross misdemeanor charge.

(2) No person is eligible for membership who has been convicted of a misdemeanor involving moral turpitude. (Ord. No. 106, 10-18-60; Code 1966; Code of 1988; Code of 2001)

**Sec. 23-20. Oath.**

A member must take the prescribed oath before assuming any duties of the Public Safety Auxiliary Unit. (Ord. No. 106, 10-18-60; Code 1966; Code of 1988; Code of 2001)

**Sec. 23-21. Compensation.**

Members of the Public Safety Auxiliary Unit shall serve without compensation. (Ord. No. 106, 10-18-60; Code 1966; Code of 1988; Code of 2001)

**Sec. 23-22. Proper Identification.**

The City shall furnish each member of the Public Safety Auxiliary Unit with proper identification.

(1) No member of the Public Safety Auxiliary Unit shall exercise authority over the persons or property of others without proper identification.

(2) Only an authorized member of the Public Safety Auxiliary Unit shall use proper identification or represent themselves to be a member of the Public Safety Auxiliary Unit. (Ord. No. 106, 10-18-60; Code 1966; Code of 1988; Code of 2001)

**Sec. 23-23. Civil Defense Force.**

All members of the Public Safety Auxiliary Unit shall be members of the City's Civil Defense Force. (Ord. No. 106, 10-18-60; Code 1966; Code of 1988; Code of 2001)

**Sec. 23-24. Exempt from Civil Service.**

Members of the Public Safety Auxiliary Unit are in no way covered by the provisions of the Police Civil Service Commission. (Ord. No. 106, 10-18-60; Code 1966 Code of 1988; Code of 2001)

**Sec. 23-25. Worker's Compensation Insurance Coverage.**

Members of the Public Safety Auxiliary Unit shall be covered by the provisions of the City's worker's compensation insurance and liability insurance policies. (Ord. No. 106, 10-18-60; Code 1966; Code of 1988; Code of 2001)

**Sec. 23-26. Firearms.**

A member of the Public Safety Auxiliary Unit shall not carry any firearm while on duty except with the expressed order of the Public Safety Director. (Ord. No. 106, 10-18-60; Code 1966; Code of 1988; Code of 2001)

**Secs. 23-27--23-37. Reserved.** (Code of 2001)

### **Article 3. Unclaimed Property**

#### **Sec. 23-38. Custody and Sale of Property.**

(1) All property which lawfully comes into the possession of the City in the course of municipal operations and is unclaimed by the lawful owner shall be kept in custody by the Public Safety Department.

(2) After sixty days, the property may be sold at public auction. (Code 1966; Ord. No. 306, 7-11-72; Code of 1988; Code of 2001)

#### **Sec. 23-40. Notice of Public Auction.**

When a public auction is to be held:

(1) Notice of the auction shall be published at least twice in the official City newspaper.

(2) The notice shall set forth the date, time, and place of the sale along with a general description of the items to be sold. (Code 1966; Ord. No. 306, 7-11-72; Code of 1988; Code of 2001)

#### **Sec. 23-41. Conduct of Sale.**

The public auction shall be conducted by the Public Safety Department. All sales shall be for cash to the highest bidder. A record shall be kept of each item sold and the payment received. (Code 1966; Ord. No. 306, 7-11-72; Code of 1988; Code of 2001)

#### **Sec. 23-42. Disposition of Proceeds.**

All monies received from a public auction shall be deposited into the General Fund of the City. The amount received for each item shall be subject to repayment to the former owner upon application and satisfactory proof of ownership any time within six months following the date of sale. (Code 1966; Ord. No. 306, 7-11-72; Code of 1988; Code of 2001)

**Secs. 23-43--23-49. Reserved.** (Code of 2001)

## **Article 4. False Alarm Response**

### **Sec. 23-50. Definitions.**

The definitions in this Section shall apply when these words and phrases are used in this Article.

(1) **Alarm.** A mechanical, electrical, or electronic device designed to detect and/or signal intrusion, holdup, trouble or fire, excluding such a device affixed to a motor vehicle.

(2) **False Alarm.** An alarm signal when response by the Public Safety Department is not in fact required but excluding an alarm caused by storm or other conditions beyond the reasonable control of the alarm or alarm user. (Ord. No. 542, 5-13-86; Ord. No. 556, 12-8-87; Code of 1988; Code of 2001)

### **Sec. 23-51. Fee.**

(1) A fee shall be collected by the City for the third false alarm within a calendar year.

(2) The fee shall be established by ordinance.

(3) To allow for the repair and correction of the malfunction, false alarms signalled within a 24 hour period of the original false alarm will not be counted as an additional alarm.

(4) The City will document alarm calls for the purpose of enforcing this Article.

(5) The City shall have the power to collect the fee by whatever means necessary including the issuance of ordinance violation summons for failure to comply with the requirements of this Section within twenty working days of receiving notice of the payment being due. The person responsible for payment of the fee shall be the person cited. (Ord. No. 542, 5-13-86; Ord. No. 556, 12-8-87; Code of 1988; Code of 2001, Ord. No 751, 11-13-2007)

### **Sec. 23-52. Petty Misdemeanor.**

Violation of this Article shall be declared a petty misdemeanor. (Ord. No. 542, 5-13-86; Ord. No. 556, 12-8-87; Code of 1988; Code of 2001)

**Secs. 23-53--23-59.** (Code of 2001)

## **Article 5. Targeted Residential Picketing**

### **Sec. 23-60. Definitions.**

When the phrase “targeted residential picketing” is used in this Section it shall mean an activity focused on a single residential dwelling without the consent of the dwelling’s occupant. (Ord. No. 598, 6-22-93; Code of 2001)

### **Sec. 23-61. Residential Privacy.**

The City declares that:

- (1) It has an interest in the protection of residential privacy and protecting the well-being, tranquility, and privacy of the home which is certainly of the highest order in a free and civilized society.
- (2) 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. (Ord. No. 598, 6-22-93; Code of 2001)

### **Sec. 23-62. Prohibited Activity.**

No person shall engage in targeted residential picketing within the City. (Ord. No. 598, 6-22-93; Code of 2001)

**Secs. 23-63–23-69. Reserved.** (Code of 2001)

## **Article 6. Criminal History Background**

### **Sec. 23-70. Criminal History, Driving Record and License Background Checks.**

- (1) **Purpose.** The purpose and intent of this section is to establish regulations that will allow the New Brighton Public Safety Department access to Minnesota’s Computerized Criminal History information for specified non-criminal purposes of employment and licensing background checks.
- (2) The New Brighton Public Safety Department is hereby required, as the exclusive entity within the City, to conduct a criminal history background investigation on all paid or volunteer positions and license applicants within the City, unless the City’s hiring authority concludes that background investigation is not needed.
- (3) The City of New Brighton conducts criminal history background investigations to screen employees, voluntary personnel, and license applicants. The New Brighton Public Safety Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Public Safety Center

facility under the care and custody of the Director of Public Safety or his/her designee. A summary of the results of the Computerized Criminal history may be released by the New Brighton Public Safety Department to the hiring or license review authority, including the City Council, City Manager, Assistant to the City Manager, or other City staff involved in the hiring or license approval process.

- (4) Before the investigation is undertaken, the applicant must authorize the New Brighton Public Safety Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City of New Brighton will not reject an applicant for employment or a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reason for denial.
- B. The applicant's complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- C. The earliest date the applicant may reapply for employment or a license with the City.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

(Ord.No. 780 6/9/2009)



**Editor's Notes**  
**Chapter 23**  
**Police**

**Introduction.** The main purpose of this Chapter is to regulate certain areas of public safety.

**General Comments.** As with all other parts of the codification, the language in this Chapter has been simplified and made gender neutral.

September, 1999

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