



## **Meeting Announcement and Agenda**

**City Council Workshop  
Council Chambers  
315 West Fourth Street, Red Wing, MN  
Date: Monday, April 27, 2026  
Time: 5:00 PM**

### **1. Call to Order**

### **2. Workshop Items**

#### **2.A. City Council Administrator's Evaluation Summary.**

The City Council met in closed session on Monday, April 13, 2026, and now concludes the evaluation process by providing the following summary statement.

Administrator Heineman was reviewed on his hiring terms and the City's strategic plan initiatives. The Council deemed him strong in strategic plan leadership, government & policy knowledge, and fiscal organization. He needs improvement in organizational culture, communication, and building trust.

#### **2.B. Draft Public Facility Use Policy.**

Council discussion is requested on proposed changes to the Public Facility Use policy.

#### **2.C. Draft Amendment of Ordinance Section 10.30, Unauthorized Use of City Sidewalks, Right-of-Way, Stairwells, and Parking Ramps.**

#### **2.D. Draft Ordinance on Aggressive Panhandling.**

This ordinance is intended to balance the rights of individuals to engage in protected speech with the public's right to feel safe and free from intimidation in public spaces. It aims to reduce disruptive and coercive behavior while maintaining access to community resources and services for those in need.

#### **2.E. Draft Ordinance of Drones.**

The proposed UAS ordinance is presented to the City Council for review and discussion. Staff seeks feedback and policy direction from the Council prior to bringing the ordinance forward for formal adoption.

### **3. Adjournment**

Accommodations for signing interpreter, Braille, large print, etc. can be made. Call City Hall at 385.3600 seven days prior to the need. Hearing assistance devices are available during meetings.



To: City Council Members and Mayor  
Meeting Date: April 27, 2026  
Agenda Item Number: 2.B.

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### **Title and Purpose**

Draft Public Facility Use Policy.  
Council discussion is requested on proposed changes to the Public Facility Use policy.

### **Attachments**

1. Draft Facility Use Policy
2. Appendix A - Park Facilities
3. Appendix B - Fire Station Training Room
4. Appendix C - Red Wing Public Library
5. Appendix D - Sheldon Theatre

### **Background**

In Minnesota, local governments are considered non-partisan political subdivisions of the State. As such, it is important for local municipalities to establish clear policies to prevent the appearance of public endorsement of a particular candidate or political party. This also builds public trust and helps to ensure that municipal staff and elected officials are focused on non-partisan service delivery. Without a clear policy, City staff are often placed in a difficult position when evaluating facility use requests, particularly those involving politically sensitive or potentially controversial activities. Staff must balance customer service, legal compliance, and the risk of perceived bias without consistent standards to guide decision-making.

The First Amendment to the U.S. Constitution protects the rights of individuals and groups to gather for peaceful protests, demonstrations, and association. It also limits the City's ability to restrict access to public facilities based on viewpoint or content, requiring that any regulations be content-neutral, reasonable, and narrowly tailored to serve a significant governmental interest. While municipalities have some discretion to regulate gatherings in nonpublic forums, such as City office buildings, restrictions must still be applied consistently and reasonably. Without a clear policy grounded in legal principles, staff face increased legal risk and uncertainty in applying standards fairly. The attached draft Public Facility Use Policy is presented to establish a clear, consistent framework for the use of City-owned facilities. As noted in the policy, these spaces are "primarily intended for official City business," but may be made available for approved public uses when not otherwise needed. Formalizing this policy aligns the City with common municipal practice and provides staff with necessary guidance on scheduling, prioritization, liability, and appropriate use.

A key purpose of the policy is to ensure equitable and transparent access to public facilities while maintaining the City's operational integrity. The draft emphasizes that all approved uses must "serve a public purpose or public benefit," such as civic engagement, education, or community discussion. At the same time, it clarifies that approval of a reservation "does not constitute City sponsorship or endorsement," which is an important distinction to maintain public trust and neutrality.

The policy also reflects these legal considerations by treating City facilities as limited public forums and establishing viewpoint-neutral restrictions. Consistent with best practices, the draft includes explicit prohibitions on certain uses, particularly partisan political activities. The policy states that facilities may not be used for campaign-related purposes such as rallies, fundraisers, or strategy meetings conducted on behalf of a candidate, political party, or ballot committee. These provisions are critical to preventing the appearance of City endorsement and ensuring that public resources are not used to support political campaigns.

This approach is also consistent with Minnesota law. Local governments in Minnesota operate as non-partisan political subdivisions of the State and are subject to statutory limitations on the use of public funds and resources for political purposes. Establishing clear, written policies helps ensure compliance with these requirements, reinforces the City's role as a neutral service provider, and maintains public confidence that municipal operations are not influenced by partisan considerations.

In addition, the policy establishes clear administrative procedures. Facility use is subject to availability and City operational needs, with reservations generally processed on a first-come, first-served basis. The City retains the authority to deny or revoke reservations to protect operations, safety, and legal compliance. Departments are responsible for day-to-day administration, with final interpretive authority assigned to the City Council Administrator or designee, supporting consistent implementation across facilities.

The draft also incorporates accountability measures, including the ability to deny future use to applicants with prior violations or outstanding obligations. Requiring acknowledgment of the policy further ensures that users understand their responsibilities. Overall, adoption of this policy will promote consistency, fairness, and transparency in how City facilities are used. It provides staff with clear direction, supports equitable access for community groups, and safeguards the City from legal and reputational risks associated with inconsistent or unclear practices.

### **Discussion**

City Council feedback and discussion is welcomed. Following the presentation and discussion, staff is requesting City Council direction on any potential changes and how to proceed.



## Public Facility Use Policy

### Purpose

The purpose of this policy is to establish consistent rules governing the use of City of Red Wing public facilities. The policy ensures fair access to public spaces, protection of City property, and compliance with the City Charter, City Code, and applicable state and federal law.

City facilities are primarily intended for official City business. When not required for City use, certain facilities may be made available for approved public uses that serve a public purpose. The City may impose reasonable, viewpoint-neutral restrictions on the use of its facilities to ensure compliance with this policy, protect City operations, and preserve the intended purpose of the facilities.

### Facilities Covered

This policy applies to meeting and gathering spaces in the following City-owned buildings:

- City Hall
- Public Works
- Red Wing Airport
- Fire Station Training Room
- Community Development Annex

Separate policies govern the reservation of park shelters, park facilities, the Red Wing Public Library, and the Sheldon Theatre and, accordingly, this policy shall not apply to those facilities.

### Eligible Use

When available, City facilities may be used by:

- Government agencies
- Nonprofit organizations
- Civic or community groups

All approved uses must:

- Serve a public purpose or public benefit, such as education, training, civic engagement, community discussion, or delivery of information or services of general interest to the public, and not be primarily intended to promote the private financial or commercial interests of an individual or business.
- Comply with City policies, ordinances, and applicable law

Approval of facility use does not constitute City sponsorship or endorsement of the views expressed by users.

Use of a facility does not create any ongoing right or entitlement to City property.

## **Prohibited Uses**

The following uses are not permitted in City facilities:

- Private social events or parties
- Commercial activities, except nonprofit fundraising serving a public purpose
- Events or activities that are sponsored, coordinated, or paid for by a candidate for public office, a political party, a political committee, individual or group of individuals. This includes campaign rallies, campaign fundraisers, campaign strategy meetings, or petition drives conducted on behalf of a candidate or ballot committee.
- Activities that violate law or City policy
- Activities that create an unreasonable risk to public safety or City property
- Alcohol, illegal drug use, or smoking anywhere on City property
- Reservations based on false or misleading information regarding the nature of the event

## **Reservations**

Facility use is subject to availability and City operational needs.

Reservations must be requested in advance and are approved on a first-come, first-served basis.

The City reserves the right to deny, revoke, or preempt reservations when necessary to protect City operations, public safety, or legal compliance.

## **Administration**

Day-to-day administration of facility use shall be managed by the department responsible for the facility. The City Council Administrator, or designee, has final authority to interpret this policy and resolve disputes or conflicts regarding facility use.

Specific facility procedures, reservation processes, and operational rules may be established administratively or through facility-specific policies.

- Appendix A – Park Facilities
- Appendix B – Fire Station Training Room
- Appendix C – Red Wing Public Library
- Appendix D – Sheldon Theatre

**Prior Violations or Damage**

The City reserves the right to deny or cancel a reservation if the applicant, user, or sponsoring organization has previously violated City policies, caused damage to City property, or failed to pay assessed fees, repair costs, or cleaning charges related to prior use of City facilities.

**Acknowledgement**

I have read and agree to comply with the City of Red Wing Park Facility Use Policy.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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**CITY OF RED WING**  
**RESERVED PARK FACILITY USE POLICY**  
**(Reserved Park Shelters, Pavilions & Colvill Courtyard)**

**1. Purpose**

The purpose of this policy is to establish consistent procedures and requirements for the reservation and permitted use of City park shelters, pavilions, Bandshell, and the Colvill Courtyard during reservation periods. This policy is intended to ensure public safety, equitable access, protection of public property, proper facility maintenance, and compliance with applicable City regulations and state law. This policy only applies to individuals or organizations who have reserved a park facility. For the avoidance of doubt, it does not apply to park facilities when they are being used by members of the public without a reservation.

**2. Authority**

This policy is adopted under the administrative authority of the City Council. The Public Works Director, or designee, is authorized to administer and enforce this policy.

**3. Scope**

This policy applies to the following facilities when they are reserved by individuals, organization, or groups:

- All City-owned park shelters and pavilions.
- The Colvill Courtyard facility.
- The Central Park Bandshell.

This policy does not apply to park athletic field permits, park-specific event permits, or other uses governed by separate City policies. It also does not apply to general public use of City park facilities.

**4. Prohibited Uses**

The following activities are not permitted in City park shelters, pavilions, Bandshell or the Colvill Courtyard:

- Events or activities that are sponsored, coordinated, or paid for by a candidate for public office, a political party, a political committee, individual or group of individuals. This includes campaign rallies, campaign fundraisers, campaign strategy meetings, or petition drives conducted on behalf of a candidate or ballot committee.
- Activities that create an unreasonable risk to public safety or City property.
- Smoking or illegal drug use anywhere on City property
- Reservations based on false or misleading information regarding the nature of the event

## **5. General facility reservation regulations**

### **5.1 Park Hours**

- Standard park hours are 8:00 a.m. to 10:30 p.m.
- Use outside of standard hours requires written approval.

### **5.2 Cleanup Responsibilities**

The reserving party is responsible for restoring the facility and surrounding area to its original condition. This includes removal of decorations and event materials, bagging and proper disposal of garbage, and placing trash in designated receptacles.

Any cost for staff to clean up after events shall be incurred by the event organizer.

Failure to comply may result in forfeiture of deposits and/or denial of future reservations.

### **5.3 Alcohol Use**

- All possession, service, and consumption of alcohol on City property must comply with all applicable federal, state, and local laws and regulations.
- Alcohol may be served and consumed only by individuals 21 years of age or older during standard park hours (8:00 a.m.–10:30 p.m.).
- Alcohol may not be sold in City parks.
- Alcohol service beyond 10:30 p.m. requires written confirmation of onsite police presence, submission of documentation to the Public Works Director, and written approval prior to the event.
- Security arrangements: 651-267-2613.

### **5.4 Tents and Temporary Structures**

- Tents must be approved in advance by the Public Works Director or their designee.
- Staking tents into the ground is prohibited without authorization.
- Contact Public Works at 651-385-3674 prior to installation.

## **6. Reservation Procedures**

### **6.1 General Shelters & Pavilions**

- Available approximately mid-May through mid-October (weather dependent).
- Reservations are first-come, first-served.
- Reservations open on the first working day of each calendar year for that year.
- A completed Facility Use Request Form is required.
- Full payment must be received at least 30 days prior to the reservation date.
- Reservations remain tentative until payment is received in full.

## 6.2 Cancellation Policy

<u>Cancellation Notice</u>	<u>Refund Amount</u>
30+ days prior	100% refund
14–29 days prior	50% refund
Less than 14 days	No refund

## 7. Specific Requirements for Colvill Courtyard

### 7.1 Facility Overview

- Seating capacity: 151 people (tables and chairs included).
- Indoor facility with attached garden space.
- Cleaning supplies provided onsite.

### 7.2 Reservation Timeline

- May be reserved up to one year in advance.
- Payment is required at time of reservation.
- Cleaning deposit is due when keys are picked up.
- Standard cancellation policy applies.

### 7.3 Cleaning Deposit

The cleaning deposit will be refunded only if decorations are removed, garbage is properly disposed of, and the facility is left in clean and orderly condition. The building will be inspected the morning following the event.

### 7.4 Special Hours

- Courtyard events may occur from 8:00 a.m. to midnight.
- Other park areas close at 10:30 p.m.
- Alcohol permitted in accordance with Section 5.3 of this policy.

## 9. Accessibility And ADA Compliance

The City complies with the Americans with Disabilities Act (ADA). Individuals requiring reasonable accommodation should contact Public Works in advance of the event to ensure appropriate arrangements can be made.

## 10. Enforcement

Violation of this policy may result in immediate termination of the event, forfeiture of deposits, denial of future reservations, and/or other remedies permitted by law.

## 11. Administration

The Public Works Director, or designee, has final authority regarding reservation approvals, alcohol extensions, after-hours usage, and policy interpretation.

Public Works Contact: 651-385-3674

**12. Prior Violations or Damage.**

The City reserves the right to deny or cancel a reservation if the applicant, user, or sponsoring organization has previously violated City policies, caused damage to City property, or failed to pay assessed fees, repair costs, or cleaning charges related to prior use of City facilities.

**13. Acknowledgement**

I have read and agree to comply with the City of Red Wing Park Facility Use Policy.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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## **Fire Station 2 Community Room Use Policy**

### **1. Facility Overview**

The Fire Station 2 Community Room, located at 4880 Moundview Drive, is available for meetings and community functions when the space is not required for official Fire Department operations. The room is primarily used for Red Wing Fire Department training and education, and Fire Department needs take priority over all other reservations.

### **2. Eligible Use**

When available, the Community Room may be used by:

- Government agencies
- Nonprofit organizations
- Civic or community groups

All approved uses must:

- Serve a public purpose or public benefit, such as education, training, civic engagement, community discussion, or delivery of information or services of general interest to the public, and not be primarily intended to promote the private financial or commercial interests of an individual or business
- Comply with City policies, ordinances, and applicable law

Approval of facility use does not constitute City sponsorship or endorsement of the views expressed by users. Use of a facility does not create any ongoing right or entitlement to City property.

### **3. Reservations**

Reservations must be made through the Fire Department Administrative Assistant.

Contact: 651-388-7141

Monday – Friday, 8:00 a.m. – 4:00 p.m.

Reservation Rules:

- Reservations are accepted up to three (3) months in advance.
- Recurring meetings may be scheduled with approval.
- Reservations are first-come, first-served.
- Reservation times must include setup and cleanup time.

- A reservation must be made by an adult age 18 or older.
- Reservations may not be transferred to another group.

The Fire Department may cancel or reschedule reservations when necessary due to emergencies or operational needs.

#### **4. Hours and Capacity**

Available Hours: Monday – Sunday, 8:00 a.m. – 8:00 p.m.

Maximum Occupancy: 60 persons, including children and infants.

Attendance may not exceed this capacity due to fire safety requirements.

#### **5. Prohibited Uses**

- Private social events or parties
- Commercial activities, except nonprofit fundraising serving a public purpose
- Events or activities that are sponsored, coordinated, or paid for by a candidate for public office, a political party, a political committee, individual or group of individuals. This includes campaign rallies, campaign fundraisers, campaign strategy meetings, or petition drives conducted on behalf of a candidate or ballot committee.
- Activities that create an unreasonable risk to public safety or City property
- Alcohol, illegal drug use, or smoking anywhere on City property
- Reservations based on false or misleading information regarding the nature of the event
- Activities that interfere with Fire Department operations or emergency response.

#### **6. General Facility Rules**

- Groups must provide their own setup and cleanup.
- The Fire Department does not provide event staffing.
- The room must be vacated at the end of the reservation time.
- Public Wi-Fi is available in the Community Room.
- Only the Community Room and designated restrooms may be used.

##### Food and Beverages:

- Full meals are not permitted.
- Coffee and light refreshments are allowed.

##### Alcohol, Drugs, and Smoking:

- Alcohol and illegal drugs are strictly prohibited.
- Smoking is prohibited in the building and on Fire Department property.

Children:

Children must be supervised at all times. Groups with minors must provide one adult supervisor for every five participants under age 18.

Animals:

Only service animals are permitted.

## **7. Facility Care and Cleaning**

Groups must leave the facility in clean and orderly condition.

After each use:

- Tables and chairs must be wiped and returned to their original arrangement.
- Trash must be removed and disposed of in the dumpster on the south side of the building or taken offsite.
- Whiteboard must be erased.
- Window shades must be raised.
- All lights must be turned off.

Damage to the facility must be reported immediately to the station officer or on-duty Captain at 651-388-7141. Groups will be billed for damage, repair, or additional cleaning costs.

## **8. Parking**

Public parking for Community Room users is located on the side of the building adjacent to the meeting room. Users must not block fire station driveways or emergency vehicle access routes. The rear lot is reserved for Fire Department personnel only.

## **9. Prior Violations or Damage.**

The City reserves the right to deny or cancel a reservation if the applicant, user, or sponsoring organization has previously violated City policies, caused damage to City property, or failed to pay assessed fees, repair costs, or cleaning charges related to prior use of City facilities.

## **10. Acknowledgement**

I have read and agree to comply with the City of Red Wing Park Facility Use Policy.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# MEETING ROOMS POLICY

## Red Wing Public Library

### General Purpose and Availability

Red Wing Public Library offers multipurpose meeting rooms and study rooms to provide the community access to semi-private meeting spaces. Meeting rooms are available to the public on an equitable basis, regardless of the beliefs, affiliations, or economic standing of individuals or groups requesting their use. In keeping with the American Library Association's "Library Bill of Rights", the Library prefers that the meeting rooms be used by non-profit organizations, sponsoring meetings which are free and open to the public. All individuals and groups must follow the Library's Guidelines for Use.

Use of the Library's meeting rooms does not constitute or imply Library endorsement, advocacy, or sponsorship by the Library. Further, the Library does not endorse, advocate, or sponsor the viewpoints of meetings or meeting room users.

Library programs and Library-related functions, including the Friends of the Library, have priority over all other room reservations and shall receive preference in the event of a scheduling conflict. Should it become necessary for the Library to cancel a reservation, every reasonable effort will be made to contact the affected group or individual as soon as possible. Public meetings of concern to a large segment of the population may be given precedence.

Meeting rooms and study rooms must be left clean and in the original condition. Individuals and groups must dispose of trash and wipe down all tables and counters, if needed. Fees may be charged for additional cleaning and/or any damage to Library property.

The Library Director or their designee has final authority on all matters pertaining to meeting room usage. Failure to comply with the regulations set forth in this policy will result in the denial of future use of a Library meeting and study rooms and/or immediate removal from the room and Library.

### Study Rooms

Study rooms intended for 1 to 8 individuals are free available for public use but reservations are required. Study room use is limited to two (2) hours per day per individual and group. Study rooms may be allowed beyond 2 hours at the discretion of library staff and if no other individual is waiting to use a study room. Study rooms may be reserved up to sixty (60) days in advance. Children age 15 and under must be accompanied by an adult. A study room will be released for use by others if the reserving party is more than 15 minutes late. Study rooms must be vacated ten (10) minutes prior to closing.

## Meeting Rooms

Meeting rooms are large rooms that can accommodate seating for up to 150 individuals. Meeting rooms may be used by non-profit groups for educational, cultural, and civic purposes. In cases where non-profit status is in question, the Library may request proof of tax exemption. Meeting rooms may not be used for events such as potluck dinners, birthday parties, wedding anniversaries, etc. Except for library sponsored events, no fundraisers or general sales can be scheduled. Groups may not impose admission or entry fees. The meeting rooms are not available for commercial purposes, private parties, or partisan political activities. Any action or event organized by a campaign committee or group designed specifically to promote or oppose a candidate or ballot issue is not permitted. Meetings at which candidates will discuss current election issues are permitted, provided the event is hosted by a non-partisan, non-profit organization (e.g. League of Women Voters) and all candidates for the same office have been invited. Meetings held by elected officials to gather input or communicate with their constituents are permitted.

Individuals reserving meeting rooms for themselves or a group must be at least 18 years old. The individual reserving the room or another responsible party, 18 years or older, must be present at all times during use of the room. The individual initiating the original reservation will be considered the official representative of the group and will communicate the Library guidelines to the group. This representative assumes financial responsibility for any damage done to, or theft of, Library property. Damage must be immediately reported to library staff.

Meeting rooms may be reserved up to ninety (90) days in advance. In order to provide equitable access to meeting space, the Library will only accept four (4) reservations per group per calendar quarter.

Meeting rooms are generally available during the Library's open hours.

Meetings must end at least 10 minutes prior to closing so that all participants are out of meeting rooms by library closing. An hourly surcharge will apply to any meeting that runs past closing time. The room must be restored to a standard setup prior to closing or a re-set fee may apply. Reservations for meeting rooms must include time to set up and break down the room. [Refer to the Library's fee schedule for details.]

Payment is due on the day of the meeting. Checks payable to Red Wing Public Library, cash, and credit cards are accepted. No refunds can be processed. Meeting cancellations must be made at least 24 hours in advance. No shows will be invoiced for the time reserved. Meeting room fees may be waived based on the following guidelines:

1. the program is sponsored or co-sponsored by the Library or Friends of the Library,
2. the event is hosted by the City of Red Wing government,
3. the room is used by an organization for which the Library Board has formally waived fees.

The Library will allow use of meeting facilities by the City of Red Wing government without charge and outside of regular business hours, when (a) City government staff has received library building security and emergency training; (b) City government staff are present to supervise the meeting area and the 3rd Street lobby and will ensure proper closure of the building. City government meetings refers to any meeting scheduled by the City Council, a board or commission of the City Council, and City Staff.

Generally, the use of meeting facilities at the Library outside of regular business hours will be due to meetings that involve public participation.

Groups must comply with the maximum seating capacity of meeting rooms as determined by the local Fire Marshal and code. Each meeting room has a posted maximum capacity. Fire exit procedures are posted at each exit. In case of fire, the library's fire alarm system is activated and the meeting room doors will close automatically to control smoke and fire. They will NOT be locked. In the event the fire alarm system is activated, all occupants shall exit the building. Groups are responsible for the evacuation of meeting attendees. Elevators cannot be used in case of fire.

The Americans with Disabilities Act requires that groups using the library's meeting rooms provide accommodations for persons with disabilities. Public notices of groups' meetings should include this statement: "Persons who need special accommodations please notify (group's contact person at a phone number other than the library's) 2 weeks in advance." Groups then must notify the library at 385-3642 of any special needs 2 weeks in advance. The Library will work with groups to arrange for special accommodations with any additional costs being the group's responsibility. Both library entrances are accessible and open during regular library hours. If groups rearrange furniture in the meeting rooms, ADA requires that a 36" walkway be maintained.

Public performance laws require that groups showing videos while using the library's meeting rooms must use videos with public performance rights, or secure necessary public performance licenses to the videos. The applicant is responsible for obtaining written documentation of permission to publicly display the film, and a copy of the written permission must be provided prior to receiving approval for your event.

Furniture, equipment, supplies, and other materials may not be stored on Library property between meetings. The Library is not responsible for materials or personal equipment left in the building by users. Groups may not post any items to the wall using any method that damages the wall by leaving a puncture, stain, or adhesive residue.

Except in partnership with the Library or programming, medical testing, specimen collection, and services such as haircuts, spa treatments, massage, tattooing, or similar activities involving close personal contact are not permitted in any Library spaces.

Hazardous materials, including but not limited to paints, solvents, and explosives, are prohibited. Candles or open flames of any kind may not be used in meeting rooms. Alcoholic beverages are not permitted on Library property.

Refreshments may be served, but groups may not prepare food on Library property. Outside catering for organization meetings is not permitted. Groups are responsible for providing their own supplies.

Each group is responsible for its own publicity. No announcement, press release, flyer, or other promotion should state or imply Library endorsement or sponsorship of the event or the organization. Such announcements, press releases, flyers, or other promotions, should clearly state the sponsoring group's name and refer to the Library only as the location of the meeting/event. Groups may not use the Library's name or address as their own address or headquarters location. The Library telephone

number may not be placed on the publicity, as the Library is not a source of information concerning the event. The sponsoring group must use its own telephone number for publicity. Use of the Library's logo is prohibited without prior written permission.

### **Public Seating Areas**

No other seating area or workspace in the library can be reserved, except by library staff for library programs or library-related functions and is strictly used on a walk-in basis.

**Groups or individuals using meeting rooms and study rooms shall indemnify and reimburse the City of Red Wing for all damage to the room and/or equipment resulting from the use of the room. Further, those using meeting and study rooms shall hold harmless the City of Red Wing, the Library, its trustees, officers, agents, and employees, and indemnify the City including but not limited to the costs of defense, including attorneys' fees, from any and all claims or causes of action resulting from the use of the room.**

To request this information in another format, contact the Library (651-385-3642) at least 7 days in advance.

DRAFT



## **Sheldon Theatre Rental Policy Draft 4.23.26**

### **Purpose**

The Sheldon Theatre is a historic performing arts venue dedicated to enriching the cultural life of our community. This policy outlines the terms and conditions under which the Theatre may be rented by external individuals, organizations, and community groups.

### **Eligible Use**

Rental of the Sheldon Theatre is available to:

- Nonprofit organizations
- Educational institutions
- Community groups
- Businesses and individuals hosting public or private events

All rentals must align with the Theatre's mission and values and may not conflict with scheduled programming or organizational priorities.

### **Priority of Scheduling**

Scheduling priority is given in the following order:

1. Sheldon Theatre-presented events
2. Educational and community programming
3. Returning rental clients in good standing
4. New renters

## **Permitted Uses**

Approved rentals may include:

- Live performances (music, dance, theatre, lectures)
- Film screenings
- Community events and ceremonies
- Corporate presentations or private rentals

The Sheldon Theatre reserves the right to decline any proposed rental that:

- Conflicts with its mission
- Poses undue risk to the facility or staff
- Competes directly with existing programming

## **Facility Rental Use Guidelines**

Users agree to:

- Respect the historic nature of the facility
- Follow all safety, fire, and occupancy regulations
- Leave the facility in the condition it was found

Prohibited activities include:

- Smoking or vaping inside the building
- Use of open flames without prior approval
  - Including but not limited to fireworks, combustibles, excess haze and smoke effects
- Unauthorized alterations to the facility

## **Insurance and Liability**

- Renters must provide a Certificate of Insurance naming the Sheldon Theatre and City of Red Wing as additionally insured
- Renters assume responsibility for all damage caused by their event, participants, or guests
- The Theatre is not responsible for lost, stolen, or damaged property

## **Food & Beverage**

- All concessions and bar services are managed exclusively by the Sheldon Theatre unless otherwise approved
- Outside catering may require prior approval and proof of licensing and insurance

## **Marketing & Promotion**

- All promotional materials must be approved by the Sheldon Theatre prior to distribution
- Use of the Sheldon Theatre name and logo must follow brand guidelines
- The Theatre may assist with promotion at its discretion

## **Accessibility & Inclusion**

The Sheldon Theatre is committed to accessibility and inclusion. Renters are expected to:

- Ensure their event is welcoming and inclusive
- Coordinate any special accessibility needs with Theatre staff in advance

## **Compliance**

All users must comply with:

- Local, state, and federal laws
- Licensing and copyright regulations (e.g., music performance rights)
- All Sheldon Theatre policies and staff direction

Failure to comply may result in termination of the event and/or denial of future use.

## **Agreement**

Use of the Sheldon Theatre requires a signed rental agreement acknowledging acceptance of this policy and all associated terms.



City of  
**RED WING**<sup>®</sup>  
CITY COUNCIL MEETING STAFF REPORT

To: City Council Members and Mayor  
From: Nick Sather, Police Chief  
Meeting Date: April 27, 2026  
Agenda Item Number: 2.C.

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### **Title and Purpose**

Draft Amendment of Ordinance Section 10.30, Unauthorized Use of City Sidewalks, Right-of-Way, Stairwells, and Parking Ramps.

### **Attachments**

1. Proposed Amendment to section 10.30
2. Ordinance 10.30 city comparison

### **Background**

This provides an overview of the legal framework, recent federal rulings, and public safety concerns associated with managing the presence of unhoused individuals on city-owned property. It also includes operational observations specific to the Red Wing Police Department (RWPD), which responds to calls for service involving the unhoused on various city-owned properties.

### **Discussion**

#### **Legal Standard for Regulating Use of City-Owned Property**

Cities maintain broad authority to regulate the use of city-owned land under their police powers, provided those regulations comply with constitutional protections. Relevant standards include:

- Fourth Amendment: Prohibits unreasonable seizure, requiring cities to follow lawful processes when clearing encampments.
- Fourteenth Amendment: Requires due process, including notice and opportunity to retrieve belongings.
- Eighth Amendment: Historically limited enforcement when individuals had no access to shelter, but this has been clarified by recent rulings.
- State public health and safety authority: Allows regulation of sanitation, fire hazards, and environmental damage on public land.

#### **Recent Federal Rulings Allowing More Restrictive Enforcement**

In 2024 and 2025, federal courts—including the U.S. Supreme Court—issued rulings that clarified the extent to which cities may restrict public camping. A key shift occurred when the Court determined that prohibitions on camping on public property do not inherently violate the

Eighth Amendment, even when shelter availability is limited. This overturned previous interpretations that restricted enforcement.

As a result, municipalities now have greater latitude to enforce ordinances that prohibit camping, sleeping, or storing personal property on public land, provided they do so in a nondiscriminatory manner and offer reasonable alternatives or services when feasible. We have consulted with the City Attorney on the proposed amendments to our ordinance and were informed that with the Supreme Court's decision in Grants Pass Case, it has given municipalities far more leeway to impose restrictions on camping on any public land or right of way without express written permission from the City.

### **Public Safety Concerns for Red Wing residents and visitors**

Red Wing officers continue to observe safety and operational challenges linked to encampments on city-owned property. These concerns include:

- Fire hazards from open flames or improvised heating sources.
- Medicals related to mental health crises, substance use, or environmental exposure.
- Accumulation of hazardous materials, refuse, and human waste.
- Conflict between unhoused individuals, residents, businesses, and visitors.
- Reduced access and perceived safety in public walkways, stairwells, and parking ramps.

### **Operational impact and calls for service**

Red Wing officers respond to calls for service involving the unhoused on multiple types of city-owned property. These calls frequently originate from business owners and citizens concerned about safety, trespassing, welfare checks, or disorderly behavior.

In addition to encampments on larger city-owned parcels, RWPD consistently responds to incidents occurring in:

- City-owned walkways
- Stairwells
- Parking ramps

These calls significantly increase officer workload and present ongoing safety challenges for both the unhoused population and the community.

### **Summary**

Given the evolving legal landscape and the documented safety impacts on both the community and the unhoused, a more restrictive ordinance governing city-owned properties would align with current federal authority and address recurring public safety concerns.

Our department supports the development of a policy framework that ensures clarity, consistency, and lawful enforcement. It is not the goal of our department to criminally charge individuals experiencing homelessness for remaining on city property. Our primary focus is to engage with them through education, outreach, and the offer of supportive resources. Officers provide information on available services, including potential housing options, mental health support, social services, and detox facilities. To assist with these efforts, officers carry resource cards that can be distributed during contacts to ensure individuals are aware of the resources available to them.

**Recommended Action**

Provide direction on draft amendment.

Ordinance No. \_\_\_\_, \_\_\_\_ Series

***AN ORDINANCE AMENDING SECTION 10.30 OF THE  
RED WING CODE OF ORDINANCES***

**THE CITY COUNCIL OF THE CITY OF RED WING DOES ORDAIN:**

**SECTION 1.** Chapter 10, Section 10.30 of the City Code is hereby amended by deleting the ~~overstruck~~ language and inserting the underlined language as shown below:

**SECTION 10. 30 UNAUTHORIZED USE OF CITY SIDEWALKS,  
RIGHT-OF-WAY, STAIRWELLS, AND PARKING RAMPS**

**Subd. 1.** Purpose and Intent. The purpose and intent of this Section is to promote the public health, safety, and general welfare of the community, and to prevent harm to the health and safety of the community, by prohibiting camping on and obstruction of public sidewalks, right-of-way, stairwells, and parking ramps, which interfere with the rights of others to use City property in the manner for which it is intended, while also preserving the ability of members of the community to utilize public spaces within City limits.

**Subd. 2.** Definitions. As used in this Section, the following terms and phrases shall have the meanings stated herein:

- A. “City” refers to the City of Red Wing, Minnesota.
- B. “Campsite” refers to any place where any tent, lean-to, shack, or other structure, or any bedding, sleeping bag, or other sleeping matter, or any stove or fire is placed, established, or maintained for the purpose of establishing or maintaining a temporary place to live.
- C. “Obstruct” refers to walking, standing, sitting, lying, or placing an object in such a manner as to block passage by another person, or to require another person to take evasive action to avoid physical contact.
- D. “Overnight shelter” refers to a public or private shelter, whether in the City or in a nearby community, with an available overnight space, that is open to unhoused individuals at no charge.

**Subd. 3.** Prohibited Acts.

- A. At no time shall any person maintain a campsite, sleep, lie down, or obstruct any portion of public land, public property, the public sidewalk or right-of-way in or along West Third Street within the City unless the person has obtained written permission from an

authorized representative of the City including, but not limited to, approval granted through the City's Private Use of Public Property ("PUPP") application process. This prohibition does not apply to an individual lying down on the public sidewalk land or right-of-way due to a medical emergency.

~~B. No person shall maintain a campsite upon any City property to which the public is not ordinarily allowed access, including but not limited to, public buildings, water storage tank sites, well sites, and other secured facilities.~~

~~C. No person shall maintain a campsite upon any other City sidewalk or City right of way, or in any public stairwell or parking ramp, unless otherwise specifically authorized, subject to the enforcement requirements of Subdivision 4.~~

B. Any campsite materials or personal property maintained within a campsite in violation of this ordinance may be removed or cleaned up by the City or a designated contractor. Campsite materials will not be removed or cleaned up unless oral or written notice and a reasonable period of time (generally 24 to 48 hours) is given for persons to ~~access available services, seek shelter options, and~~ remove campsite materials or personal property. Personal property that is removed shall be stored by the City for at least 48 hours before any action is taken to dispose of the property. If the owner of a particular item of personal property can reasonably be identified, the City shall attempt to contact the owner and provide notice that the item has been removed and how to claim the item. Litter or solid waste shall be properly disposed of without any waiting period.

C. No person shall urinate or defecate on any ~~City sidewalk or City right of way, or in any public stairwell or parking ramp, or any public building~~ public land, public property, City right of way, or any building where the public gathers or has access, or in any other place, whether public or private, where such act could be observed by any member of the public, except in such place that has been designated as a restroom.

**Subd. 4. Penalty.**

A. A person's first violation of this Section shall be deemed a petty misdemeanor, as defined in Minnesota Statute Section 609.02, subdivision 4a, which does not constitute a crime and for which a sentence of a fine of not more than \$300 may be imposed.

- B. Subsequent violations of this Section shall be deemed a misdemeanor, as defined in Minnesota Statute Section 609.02, subdivision 3, for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed.
  
- C. No person shall be prosecuted under Subdivision 3(A) or 3(B) unless the person has been warned that their conduct is a violation of this section, subject to criminal prosecution, and is given a reasonable period of time to remedy the violation. A person who has been warned and then relocates to another space that a reasonable person would understand is also covered by this section is not entitled to a new warning.
  
- D. A law enforcement officer may, in his or her discretion, offer directions to an overnight shelter location or offer one-time transportation to an available overnight shelter to allow a person to remedy the violation. A person who refuses to accept an available overnight shelter space is subject to the penalty described in this section.
  
- ~~D. No person shall be prosecuted under Subdivision 3(C) or 3(D) unless:~~
  - ~~1. The person has been informed of charitable and social services available to the person; and~~
  
  - ~~2. The person has been warned that their conduct is a violation of this section, subject to criminal prosecution, and is given a reasonable period of time to remedy the violation. A person who has been warned and then relocates to another space that a reasonable person would understand is also covered by this section is not entitled to a new warning; and~~
  
  - ~~3. During the hours of 8 p.m. to 7 a.m., law enforcement have confirmed that overnight shelter is available to the person within the City or in a neighboring community, and have documented the same. An overnight shelter shall not be deemed "available" if a person cannot use the shelter due to the person's sex, religious beliefs, marital or familial status, or disability. An overnight shelter shall be deemed "available" if a person is denied access due to voluntary actions such as intoxication, drug use, or unruly conduct. A law enforcement officer may, in his or her discretion, offer directions to the shelter location or offer one-time transportation to an available overnight shelter.~~

4. ~~A person who refuses to accept an available overnight shelter space is subject to the penalty described in this section.~~

**SECTION 2: Effective Date:** This ordinance shall be in full force and effect after its adoption and publication in accordance with the City Code.

Introduced the \_\_\_ day of \_\_\_\_\_ 2025

Adopted this \_\_\_ day of \_\_\_\_\_ 2025

\_\_\_\_\_  
Janie Farrar, Council President

ATTEST:

\_\_\_\_\_  
Melissa Hill, City Clerk

(seal)

Presented to the Mayor at \_\_\_ pm on this \_\_\_ day of \_\_\_\_\_ 2025.

Approved this \_\_\_ day of \_\_\_\_\_ 2025.

\_\_\_\_\_  
Gary Iocco, Mayor

# Unauthorized Use / Encampment Ordinance Comparison

## Purpose of Comparison

The City of Red Wing has proposed amendments to Section 10.30 regulating unauthorized use of public land, public property, and right-of-way. The proposed ordinance is intended to address encampments, obstruction, and related public health concerns while giving law enforcement and City staff clear authority to respond. This comparison shows how Red Wing’s ordinance aligns with similar ordinances or policies adopted by other Minnesota cities.

## Overall Conclusion

**Red Wing’s amended ordinance is a practical and reasonable approach that gives the City stronger enforcement authority than some peer cities, while still preserving warning, notice, and shelter-related options before criminal enforcement.** It is broader and easier to apply than ordinances limited only to camping, and it provides police with clearer tools to address conduct that affects public access, sanitation, and safety.

Category	Red Wing (Updated Draft)	Baxter	Brainerd	Rochester	Minnetonka
<b>Primary Focus</b>	Unauthorized use of public land/property and right-of-way, including camping, sleeping, lying down, obstruction, and public sanitation	Camping on public property/right-of-way	Camping on public property	Camping on city property and city right-of-way	Encampment policy and response process
<b>Coverage</b>	Broad; applies to public land, public property, and right-of-way citywide	Public property and public right-of-way	Public property and some private property without consent	City land and right-of-way	City-owned property and public right-of-way
<b>Obstruction Prohibited</b>	Yes	No	No	No	Not stated as a direct ordinance prohibition

Category	Red Wing (Updated Draft)	Baxter	Brainerd	Rochester	Minnetonka
<b>Sleeping / Lying Down Covered</b>	Yes	Camping only	Camping only	Camping only	Policy response rather than ordinance language
<b>Public Urination / Defecation Covered</b>	Yes	No specific comparable language shown	No specific comparable language shown	No specific comparable language shown	Not ordinance- based
<b>Removal of Property</b>	Yes; 24-hour notice generally, 48- hour storage	Yes; reasonable notice, generally up to 48 hours	Yes; reasonable notice, generally up to 48 hours	Yes; reasonable notice, generally maximum of 48 hours	Documentation and warning process
<b>Warning Before Prosecution</b>	Yes	Yes	Yes	Yes	Yes, through response process
<b>Shelter Option Included</b>	<b>Yes; officer may offer shelter directions or one-time transport</b>	Services and shelter information required	Services and shelter information required	Shelter availability confirmation required during nighttime hours	Strong service-first / outreach model
<b>Penalty Structure</b>	First offense petty misdemeanor; later offense misdemeanor	Misdemeanor	Misdemeanor	Misdemeanor	Primarily policy/enforcement process
<b>Ease of Enforcement</b>	<b>Strong</b>	Moderate	Moderate	Strong	More administrative / outreach-oriented

## What Makes Red Wing Different

### 1. Red Wing is broader than a simple camping ban

Baxter, Brainerd, and Rochester primarily focus on **camping** or encampments on public land. Red Wing goes further by also prohibiting a person from maintaining a campsite, sleeping, lying down, or obstructing public land, public property, or right-of-way without permission. That

makes the ordinance more useful in real-world situations where the issue may not involve a full encampment but still creates a public safety or access problem.

## **2. Red Wing includes direct public health language**

The updated Red Wing draft specifically prohibits urinating or defecating on public land, public property, right-of-way, or in public places outside designated restrooms. That gives the City a direct tool to address sanitation concerns that often accompany encampment-related complaints but are not always clearly addressed in peer ordinances.

## **3. Red Wing still keeps basic due-process protections**

Although the updated draft is more enforceable, it still requires a warning before prosecution for violations involving camping and related property issues, and it allows a reasonable opportunity to remedy the violation. It also requires notice before property removal and short-term storage of removed property. This helps show that the ordinance is not arbitrary and provides a clear enforcement process.

## **4. Red Wing gives police practical discretion**

The updated ordinance allows an officer to offer directions to an overnight shelter or one-time transportation to an available shelter. That is important because it preserves an option for voluntary compliance while still making clear that refusal of available shelter can lead to enforcement. This gives police usable authority without forcing them into an outreach-only approach.

## **5. Red Wing is simpler than Rochester's more conditional model**

Rochester's ordinance includes shelter verification during nighttime hours before prosecution. That structure is service-oriented, but it is also more procedurally burdensome. Red Wing's updated draft is simpler and easier to apply because it keeps the shelter option available without making every enforcement action depend on the same level of documented shelter confirmation. That makes Red Wing's draft more workable from an enforcement standpoint.

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# **City Comparison Notes**

## **Red Wing**

Red Wing's updated ordinance is notable because it is not limited to tents or traditional encampments. It addresses broader unauthorized use of public spaces, including sleeping, lying down, obstruction, campsite materials, and sanitation issues, while preserving warnings and notice requirements. This gives the City a stronger and more flexible ordinance.

## **Baxter**

Baxter's ordinance is clearly aimed at camping and encampments and includes definitions, removal authority, required warning, and prioritization of sensitive spaces such as parks, schools, sidewalks, and utility areas. It is a solid camping ordinance, but it is narrower than Red Wing's updated draft because it does not directly address obstruction or public sanitation conduct in the same way. [https://codelibrary.amlegal.com/codes/baxtermn/latest/baxter\\_mn/0-0-0-16348](https://codelibrary.amlegal.com/codes/baxtermn/latest/baxter_mn/0-0-0-16348)

## **Brainerd**

Brainerd's ordinance is very similar in structure to Baxter's, focusing on camping, property removal, misdemeanor penalties, warning requirements, and enforcement priority areas. It gives authority to respond to camps but remains centered on encampments rather than broader unauthorized use of public spaces.

<https://mccmeetingspublic.blob.core.usgovcloudapi.net/baxtermn-meet-eb8c7b0b0d644625919640d0acd298fa/ITEM-Attachment-001-1ba4c3704fad4fb8a4da2a9e6e1456b7.pdf>

## **Rochester**

Rochester's ordinance is one of the closer comparisons because it includes camping prohibitions, property removal, criminal penalties, warnings, service information, shelter verification during nighttime hours, and priority enforcement areas. Rochester is strong on process, but Red Wing's updated ordinance is more direct and more versatile because it covers conduct beyond camping alone. <https://mcclibraryfunctions.azurewebsites.us/api/ordinanceDownload/15657/1280854/pdf>

## **Minnetonka**

Minnetonka's documents reflect more of a policy and response framework than a direct ordinance-based enforcement model. The city emphasizes outreach, service providers, warnings, documentation, and scenario-based responses. While that approach may be useful for coordination, it does not provide the same straightforward enforcement tool as Red Wing's proposed ordinance. [https://codelibrary.amlegal.com/codes/minnetonka/latest/minnetonka\\_mn/0-0-0-28889](https://codelibrary.amlegal.com/codes/minnetonka/latest/minnetonka_mn/0-0-0-28889) sections 1020.015, 1135.020 and 845.010.

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**Red Wing's updated draft is the strongest option for council if the goal is to give police and City staff clear authority to address homelessness-related impacts in public spaces.** It is broader than a traditional camping ordinance, addresses obstruction and sanitation directly, preserves notice and warning protections, and still allows officers to offer shelter assistance. In comparison to other cities, it is a more complete and more usable enforcement tool.



City of  
**RED WING**<sup>®</sup>  
CITY COUNCIL MEETING STAFF REPORT

To: City Council Members and Mayor  
From: Nick Sather, Police Chief  
Meeting Date: April 27, 2026  
Agenda Item Number: 2.D.

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### **Title and Purpose**

Draft Ordinance on Aggressive Panhandling.

This ordinance is intended to balance the rights of individuals to engage in protected speech with the public's right to feel safe and free from intimidation in public spaces. It aims to reduce disruptive and coercive behavior while maintaining access to community resources and services for those in need.

### **Attachments**

1. Overview of Aggressive Panhandling Ordinance
2. Draft Aggressive Panhandling Ordinance
3. Aggressive Panhandling Ordinance Comparison of other cities

### **Background**

The City of Red Wing has developed a proposed Aggressive Panhandling Ordinance to address increasing concerns related to public safety, community well-being, and access to public spaces. While passive panhandling is protected under the First Amendment, courts have consistently upheld that aggressive panhandling behaviors, such as intimidation, harassment, or coercion, are not constitutionally protected.

The proposed ordinance is carefully structured to respect constitutional rights while addressing behaviors that create fear or disruption within the community. It establishes clear definitions and parameters distinguishing lawful activity from prohibited conduct.

### **Discussion**

- Defining aggressive panhandling behaviors such as:
  - Unwanted physical contact
  - Repeated solicitation after refusal
  - Blocking or following individuals
  - Use of abusive or threatening language

- Prohibiting solicitation in sensitive or high-risk locations, including:
  - Within 15 feet of ATMs or financial institutions
  - Public restrooms
  - Outdoor dining areas
  - Public transportation vehicles and stops
  - Approaching vehicles on public streets

The ordinance also emphasizes a balanced enforcement approach by requiring: A warning prior to enforcement action

- Notification of penalties
- Providing information on available social and charitable services

This approach ensures the City is addressing problematic behavior while remaining compassionate and compliant with constitutional protections.

**Financial Plan and Impact**

Minimal. Enforcement will be handled within existing Police Department operations.

**Alternatives**

- **Do Not Adopt the Ordinance**
  - The City would continue to rely on existing statutes, which may not adequately address aggressive panhandling behaviors or provide clear enforcement guidance.
  
- **Modify the Ordinance**
  - Council may direct staff to revise specific provisions, such as location restrictions, enforcement procedures, or penalty structure.
  
- **Table for Further Review**
  - Council may choose to delay action to gather additional input, legal review, or community feedback.

**Recommended Action**

Staff recommends Council consideration and adoption of the Aggressive Panhandling Ordinance as presented.

## *Overview of Aggressive Panhandling Ordinances.*

### *Background*

This provides an overview of why communities are adopting aggressive panhandling ordinances. These ordinances are typically designed to regulate behaviors that pose safety risks, disrupt public spaces, or generate repeated complaints from residents and businesses. The information below summarizes common drivers cited by municipalities as they consider or implement such ordinances.

### *What is considered aggressive panhandling*

- Intimidating or threatening someone in a way that would cause a reasonable person to fear bodily harm.
- Touching someone without their consent.
- Following someone who has refused to give money.
- Using obscene or abusive language.
- Intentionally blocking or interfering with the safe passage of a person or vehicle.
- Acting with the intent to intimidate someone.

### *Key Points*

- **Public Safety Concerns:** Cities implement these ordinances to address behaviors perceived as threatening or intimidating, such as approaching vehicles, blocking entrances, or following individuals.
- **Quality-of-Life and Business Complaints:** Business owners report customer discomfort and reduced foot traffic associated with aggressive solicitation behaviors.

- **Clarifying Enforcement Boundaries:** These ordinances provide clear definitions of prohibited conduct, helping officers, prosecutors, and courts apply the law consistently.
- **Community Expectations:** Residents often pressure city officials to “take action” in visible ways when disorder or public-safety concerns arise.
- **Tourism and Downtown Revitalization:** Cities use these regulations as part of broader efforts to maintain inviting commercial and historic districts.
- **Legal Considerations:** Following court rulings limiting content-based restrictions, cities now focus ordinances on behavior rather than speech, increasing legal defensibility
- **Repeat Offender Challenges:** A small number of individuals often generate a large share of calls for service. Ordinances create early intervention opportunities and support connections to services.
- **Public Space Management:** These ordinances often coincide with broader efforts to manage encampments, trespassing, and disruptive behavior in public areas.

### ***Considerations for City Council***

- Whether to adopt a behavior-based ordinance.
- Balancing enforcement with supportive services.
- Understanding impacts on the police department’s call load and resource allocation.
- Ensuring that any ordinance complements broader community strategies address homelessness, addiction, and mental health.

## SECTION AGGRESSIVE PANHANDLING

### Subd. 1. Purpose and Intent.

- A. Panhandling is a growing social and public safety concern faced by cities of all sizes, including Red Wing. Many panhandlers passively ask for money or hold a sign. Federal and state courts have ruled such passive panhandling is protected speech under the First Amendment. This Section is not intended to limit any person from exercising their constitutional right to solicit funds, protest, or engage in other constitutionally protected activity.
  
- B. Other panhandlers are much more aggressive in seeking money or assistance by making loud and repeated demands, by touching or following the solicited person, or by panhandling in places that are particularly intimidating, such as near an ATM machine, near a restroom, a sidewalk café, or near a person's car. Under these circumstances, persons approached by panhandlers asking for money, objects, or other things of value are particularly vulnerable to real, apparent, or perceived coercion, fear, and intimidation when the request is accompanied by aggressive behavior or in a captive audience setting. This is considered aggressive panhandling. Federal and state courts have ruled aggressive panhandling to be outside the protection of the First Amendment. This Section is directed towards aggressive panhandling only.
  
- C. Aggressive panhandling is disturbing and disruptive to residents of and visitors to the city and contributes to the loss of access to and enjoyment of public places out of a sense of fear, intimidation, and disorder. The purpose of this Section is to protect the public safety, health, and welfare of balancing the rights of those who seek to panhandle with the rights of others to be free of intimidation, fear, harassment or threats upon their personal safety as they travel upon city streets and sidewalks. The city has a duty to protect the rights of all people to exercise their First Amendment rights safely and without intimidation. The city has a compelling governmental interest in imposing certain reasonable time, place, and manner regulations whenever potential First Amendment activities, such as panhandling, occur on streets, highways, sidewalks, and other public venues within the city.

**Subd. 2.** Definitions. As used in this Section, the following terms and phrases shall have the meanings stated herein:

- A. Aggressive panhandling means panhandling that occurs in any of the following situations or locations:
  - 1. The panhandler intentionally touches or causes physical contact with the solicited person without the solicited person's consent.
  - 2. The panhandler repeats the solicitation when the solicited person has refused an immediate prior solicitation made at that location.
  - 3. The panhandler blocks the path of the solicited person.
  - 4. The panhandler follows behind, alongside, or ahead of the solicited person during or after the panhandling request with the intent to intimidate or continue the solicitation.
  - 5. The panhandler speaks profane or abusive language or uses an obscene gesture at the solicited person immediately before, during, or after the panhandling event.
  - 6. During the panhandling event, the panhandler makes any statement other than the solicitation or acts in any manner which would cause a reasonable person to feel harassed, intimidated, or compelled to make a donation.
  - 7. The panhandler is within 15 feet of an ATM or entrance to a financial institution.
  - 8. The panhandler is within 15 feet of a public restroom.
  - 9. The panhandler is in a public transportation vehicle or public transportation facility, including bus stop.
  - 10. The panhandler is within 15 feet of a sidewalk café, or outdoor dining area.
  - 11. The panhandler approaches a vehicle which is traveling, parked, or stopped on a public street.
- B. Automated teller machine or ATM means a device linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to, account transfers, deposits, cash withdrawals, and balance inquiries.
- C. Panhandler means a person who engages in panhandling.

- D. Panhandling or panhandling event means any solicitation made in person upon any street, public place, or park in which a person requests an immediate donation of money or other gratuity (by words, bodily gestures, or signs) when approaching or stopping another person. The term “panhandling or panhandling event” includes the act of soliciting a donation by vocal appeal or by music, singing, or other street performance, as well a where the person being solicited receives an item of little or no monetary value in exchange for a donation under circumstances where a reasonable person would understand that the transaction is in substance a donation. The term “panhandling or panhandling event” does not include the act of passively standing, sitting, or performing music, singing, or other street performance with a sign or other indication that a donation is being sought without any vocal request other than a response to an inquiry by another person.
- E. Solicited person means any person who receives solicitation under circumstances that constitute panhandling.

**Subd. 3. Prohibited Acts.**

- A. No person shall engage in Aggressive Panhandling.

**Subd. 4. Penalty.**

- A. Upon a person’s first violation of this Section, they may be prosecuted for a petty misdemeanor, as defined in Minnesota Statue Section 609.02, subdivision 4a, which does not constitute a crime and for which a sentence of a fine of no more than \$300 may be imposed.
- B. Upon a person’s subsequent violation(s) of this Section they may be prosecuted for a misdemeanor, as defined in Minnesota Statute Section 609.20, subdivision 3, for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both may be imposed.
- C. No person shall be prosecuted under Subdivision 3 unless the person has been warned that their conduct is a violation of this Section, the person has been informed of the penalty for violating this Section, and the person has been informed of the charitable and social services available to the person.



## **Aggressive Panhandling Ordinance Comparison of other cities**

### **Cities: Rochester:**

<https://lf.rochestermn.gov/Documents/0/doc/3454/Electronic.aspx>

### **Mineapolis:**

<https://fultonneighborhood.org/wp-content/uploads/AggressivePanhandling.pdf>

### **Forest Lake:**

[https://codelibrary.amlegal.com/codes/forestlake/latest/forestlake\\_mn/0-0-0-28880](https://codelibrary.amlegal.com/codes/forestlake/latest/forestlake_mn/0-0-0-28880)

### **Bloomington:**

[https://codelibrary.amlegal.com/codes/bloomington/latest/bloomington\\_mn/0-0-0-99074](https://codelibrary.amlegal.com/codes/bloomington/latest/bloomington_mn/0-0-0-99074)

### **Overall takeaway**

Red Wing's proposed ordinance is a targeted aggressive panhandling ordinance, not a ban on passive requests for money. It expressly states that passive panhandling remains protected speech and then limits only aggressive conduct and solicitation in captive or intimidating settings. That structure is similar to Rochester and generally more legally focused than Forest Lake's broader prohibition on panhandling in public places.

### **1. Red Wing compared to Rochester**

Red Wing and Rochester are very similar in overall structure, purpose language, definitions, and prohibited conduct. Both ordinances:

- distinguish protected passive panhandling from unprotected aggressive panhandling,
- prohibit touching, repeated solicitation after refusal, blocking passage, following a person, abusive or obscene language, and conduct that would cause a reasonable person to feel harassed or intimidated,
- prohibit panhandling near ATMs, public restrooms, public transportation facilities, sidewalk cafés/outdoor dining areas, and vehicles on public streets,

- require notice or warning before prosecution and require the person to be informed about available charitable and social services.

The main difference is that **Rochester includes one additional prohibited location:** approaching a person waiting in line to be admitted to a commercial or government establishment. Red Wing's draft does not currently include that.

Another difference is **penalty structure**. Rochester states violations may be prosecuted as a misdemeanor, subject to the notice requirement. Red Wing is more graduated: first offense is a petty misdemeanor and later offenses may be charged as misdemeanors. That makes Red Wing somewhat less punitive on a first violation.

## 2. Red Wing compared to Minneapolis

The Minneapolis material provided is more of a public information summary than full ordinance text, but it shows Minneapolis uses a **broader list of prohibited places and behaviors** than Red Wing. In addition to locations similar to Red Wing, Minneapolis identifies aggressive solicitation near crosswalks, parks/playgrounds/public entertainment venues, bus or light rail stops or shelters, entrances to commercial or government buildings, and within 10 feet of gas stations, liquor stores, or convenience store property. It also lists a much larger ATM buffer of 80 feet in the summary provided.

Minneapolis also appears to prohibit additional conduct not expressly listed in Red Wing's draft, including:

- creating fear of bodily harm,
- threatening criminal acts upon property,
- soliciting while under the influence of alcohol or drugs,
- soliciting in a group of two or more,
- soliciting after sunset or before sunrise.

Compared to Minneapolis, Red Wing is **narrower and more limited**. That may make Red Wing's ordinance easier to explain and enforce, while also avoiding some of the broader restrictions Minneapolis uses.

## 3. Red Wing compared to Forest Lake

Forest Lake is significantly broader. Its ordinance defines panhandling broadly and makes it unlawful to engage in panhandling in essentially any public place, including public streets, sidewalks, parks, playgrounds, entertainment facilities, government buildings, transportation facilities, and places of business. It also states that panhandling may include repeated solicitation, following pedestrians, abusive language, unwanted physical contact, and intentional blocking of pedestrian and vehicle traffic.

The practical difference is that Forest Lake appears to regulate **panhandling itself much more broadly**, while Red Wing regulates only **aggressive panhandling** and specifically preserves

passive solicitation as protected speech. Red Wing's draft is therefore more carefully limited to conduct and captive-audience situations, whereas Forest Lake's ordinance reads as much broader.

Forest Lake also provides an exception for persons representing a bona fide charitable organization, which Red Wing's draft does not expressly include.

#### **4. Red Wing compared to Bloomington**

Bloomington is not a direct aggressive panhandling comparison. The Bloomington provision provided is a **solicitation licensing and regulation ordinance**. It addresses things like license requirements, display of identification, transfer of licenses, no-trespassing signs, solicitation of persons in motor vehicles, health or safety hazards, untruthful statements, and hours of residential solicitation.

Because of that, Bloomington is better viewed as a **general solicitation regulation** rather than a close model for Red Wing's aggressive panhandling ordinance. It may still be useful to council as an example of another approach cities use, but it is not as comparable as Rochester or Minneapolis.

### **Key comparison points for council**

#### **Where Red Wing is stronger or more balanced**

Red Wing's draft clearly states that passive panhandling is constitutionally protected and that the ordinance is aimed only at aggressive panhandling. It then identifies specific conduct and locations that create intimidation or captive-audience concerns. That makes it more focused than Forest Lake and more moderate than Minneapolis.

#### **Where Red Wing is more moderate**

Red Wing uses a 15-foot buffer for ATMs, restrooms, and sidewalk cafés, while the Minneapolis summary shows an 80-foot ATM/financial institution distance and several additional restricted areas. Red Wing also does not include nighttime restrictions, group solicitation restrictions, or intoxication language found in the Minneapolis summary.

#### **Where council could consider additions**

If council wants Red Wing to mirror Rochester more closely, it could consider adding language prohibiting aggressive solicitation of persons waiting in line to enter a commercial or government establishment. That is one of the few clear Rochester provisions missing from the Red Wing draft.



City of  
**RED WING**<sup>®</sup>  
CITY COUNCIL MEETING STAFF REPORT

To: City Council Members and Mayor  
From: Nick Sather, Police Chief  
Meeting Date: April 27, 2026  
Agenda Item Number: 2.E.

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### **Title and Purpose**

Draft Ordinance of Drones.

The proposed UAS ordinance is presented to the City Council for review and discussion. Staff seeks feedback and policy direction from the Council prior to bringing the ordinance forward for formal adoption.

### **Attachments**

1. Unmanned Aircraft Systems Ordinance final version
2. Red\_Wing Drone - UAS Ordinance Comparison

### **Background**

The City of Red Wing currently does not have a comprehensive ordinance governing the use of unmanned aircraft systems (UAS), commonly referred to as drones, within city limits. With the increased accessibility and use of drone technology, there is a growing need to establish local regulations that promote safety, protect privacy, and address impacts to public spaces.

The attached ordinance has been developed to provide clear guidance on drone operations within the City's authority, particularly related to city property, parks, and organized events, while remaining consistent with Federal Aviation Administration (FAA) regulations.

### **Discussion**

The Council may wish to provide direction on the following:

- Scope and appropriateness of restrictions in parks and public spaces
- Regulation of drone use during organized events
- Balance between public safety and recreational use
- Use of temporary signage and enforcement expectations
- Any additional restrictions or clarifications desired by Council

### **Financial Plan and Impact**

Minimal. Costs may include staff time to put the ordinance in place and some occasional public education or enforcement if needed.

**Alternatives**

1. Do not create an ordinance
2. Rewrite the ordinance

**Recommended Action**

Review the ordinance and give feedback so staff may ensure our UAS ordinance aligns with city directives.

# Unmanned Aircraft Systems (UAS) Ordinance

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## Section 1. Purpose and Intent

The purpose of this ordinance is to promote the safe, responsible, and respectful use of unmanned aircraft systems (UAS), commonly known as drones, within the City of Red Wing. This ordinance is intended to protect public safety, privacy, and the quiet enjoyment of property while regulating activities within the City's authority, including the use of City property, parks, and conduct impacting persons and property.

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## Section 2. Definitions

For purposes of this ordinance, the following terms have the meanings given:

- **Unmanned Aircraft System (UAS):** An aircraft operated without the possibility of direct human intervention from within or on the aircraft.
  - **Operator:** A person who controls or directs the flight of a UAS.
  - **City Property:** All property owned, leased, or controlled by the City of Red Wing, including parks and public spaces.
  - **Private Property:** Property not owned or controlled by a governmental entity.
- 

## Section 3. Applicability

This ordinance applies to all persons operating UAS within the City of Red Wing, except as provided in Section 7 (Exemptions).

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## Section 4. Operation in City Parks

1. UAS operations in City parks are permitted provided that:
  - The operator complies with all applicable Federal Aviation Administration (FAA) regulations; and
  - The operation does not create a safety hazard or nuisance to others.
2. The City may temporarily restrict or prohibit UAS operations within City parks or on City property during:
  - Organized events as defined in Section 6; or
  - Periods of high pedestrian traffic or safety concerns as determined by the City.

3. The City may post temporary signage or otherwise provide notice identifying areas where UAS operations are restricted pursuant to this section.
- 

## **Section 5. Prohibited Conduct**

No person shall operate a UAS in a manner that:

1. **Endangers Safety**
    - Operates in a careless or reckless manner or in a manner the operator knows or reasonably should know could endanger persons or property.
  2. **Over Persons**
    - Operates a UAS over a person or people in violation of FAA regulations.
  3. **Harassment or Nuisance**
    - Harasses, annoys, or disturbs another person;
    - Creates unreasonable noise or repeated intrusion.
  4. **Privacy Violations**
    - Uses a UAS to observe, record, or photograph individuals in locations where they have a reasonable expectation of privacy.
  5. **Private Property Restrictions**
    - Intentionally operates a UAS over private property without the consent of the property owner in a manner that:
      - Interferes with the use or enjoyment of the property; or
      - Constitutes a nuisance, harassment, or invasion of privacy.
  6. **City Property Violations**
    - Takes off from or lands on City property where prohibited.
  7. **Operation Over High-Density Areas**
    - Operates a UAS over areas where large numbers of people are concentrated and where such operation would pose a safety risk, including but not limited to:
      - Public swimming pool areas during operational hours;
      - Splash pads or similar recreational water facilities.
    - This provision does not apply to operations authorized by the City.
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## **Section 6. Organized Events and Restrictions**

1. No person shall operate, launch, land, or fly a UAS within or directly over any organized event without prior authorization from the City.
2. For purposes of this section, organized events include, but are not limited to:
  - River City Days
  - Red Wing Arts Fall Festival
  - Fourth of July celebrations and fireworks events
  - Winter Carnival events
  - Holiday Stroll and Lighted Holiday Parade

- Farmers Market events
  - Concerts or large gatherings at Bay Point Park or Colvill Park
  - Permitted events coordinated through the City of Red Wing, Downtown Main Street, or the Red Wing Area Chamber of Commerce
  - Organized races, rides, or athletic events
  - Memorial Day or other large civic ceremonies
3. **Other Large Events**
- This section also applies to any event or gathering that:
- Is permitted or authorized by the City; or
  - Reasonably attracts or is expected to attract 50 or more persons; or
  - Requires City services such as traffic control, crowd management, or public safety staffing.
4. The City may approve UAS operations for organized events subject to conditions necessary to ensure public safety.
5. The City may provide notice of restrictions during events through signage, permits, event materials, or other reasonable means.
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## **Section 7. Exemptions**

This ordinance does not apply to:

- Law enforcement agencies operating in the course of official duties or training;
  - Fire or emergency response agencies engaged in emergency operations or training;
  - Military operations.
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## **Section 8. Penalty**

Any person who violates this ordinance is guilty of a misdemeanor.

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## **Section 9. Severability**

If any provision of this ordinance is found to be invalid, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

# Minnesota Drone / UAS Ordinance Comparison

*Red Wing draft compared with Lakeville, Arlington, and St. Bonifacius*

Summary: Red Wing's draft is narrower and more tailored than the other Minnesota examples reviewed. It focuses on city parks, city property, organized events, nuisance/privacy concerns, and a safety-based restriction over the public pool area, rather than adopting a citywide permit system or a near-total ban.

Topic	Red Wing (draft)	Lakeville	Arlington	St. Bonifacius
<b>General approach</b>	Allows UAS use, but regulates conduct on city property and in parks. Focuses on safety, nuisance, privacy, events, and specific high-density areas.	Parks policy. Takeoff/landing/operation in city parks generally requires a City permit; drones over 4 pounds are prohibited in parks.	Citywide ordinance. No drone may operate within city airspace unless permitted by the City.	Very restrictive citywide ordinance. No drone may operate within or above city limits unless an exception applies.
<b>Permits / approvals</b>	No routine permit system in draft; City authorization required for organized events and City may impose temporary restrictions with notice/signage.	Permit required for drones 4 pounds or less in parks; application, site plan, and approval process required.	Permit required for operation in city airspace; City may require procedures, fees, and liability insurance.	No general permit structure in ordinance, but City Council may approve use for a specific event or purpose.
<b>Parks / event controls</b>	Specifically regulates operations in city parks and during organized events. City may temporarily restrict use during events or high pedestrian traffic.	Applies to city parks and includes conditions of use, including no flying directly over crowds and no nuisance/disruption.	Not park-specific. Includes citywide operational restrictions and excludes helicopter air ambulance corridors.	Not park-specific. Council-approved event or purpose is one stated exception.
<b>Age / area limits</b>	No age restriction. No designated permanent flight areas. Instead, temporary restrictions may be imposed during events or safety concerns; flight over pool area is restricted for safety.	Operator must be age 18 or older. Permit use is tied to identified park flight activity and site plan.	No age limit identified in ordinance text reviewed. Uses altitude, line-of-sight, and corridor restrictions rather than park-area rules.	No age limit identified in ordinance text reviewed. Focus is on broad prohibition with listed exceptions.
<b>Exemptions / exceptions</b>	Exempts law enforcement, fire, emergency response, and military operations.	Policy states it does not apply to law enforcement drone use under Minnesota law; commercial use addressed separately in policy manual.	Detailed law enforcement exceptions, training exception, and private-property/aerial-photography exceptions.	Exceptions include warrant/immediate danger, private-property consent, Part 107 operators, remote ID/over-100-foot operations, and City Council approval.
<b>Penalty / enforcement</b>	Misdemeanor. City may also give notice through temporary signage or event materials when restrictions are in place.	Violation fees and permit revocation are available under park ordinances/policy.	Misdemeanor.	Misdemeanor.

**Sources reviewed:** Red Wing draft ordinance; Lakeville park drone policy; Arlington Chapter 15: Drones; St. Bonifacius Chapter 91: Drones.