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Section 4.1: Police Department

4.1.01 The Police Department. The Police Department of the City is hereby continued. The head of the Police Department shall be known as the Chief of Police. The Chief of Police shall be responsible to and report to the City Administrator. The number of members of the Police Department, together with their ranks and titles, shall be determined by the City Council by resolution from time to time. The compensation to be paid to members of the Police Department shall be fixed by the City Council. Members of the Police Department shall be appointed by the City Council in accordance with the Council's authority and its rules and standards related to hiring.

Subd. 1 Uniform and Badge. Each member of the Police Department shall, while on duty, wear a suitable badge and uniform furnished by the City, except that the Chief of Police, Deputy Chief, and Detectives are authorized to the performance of specific duties while not in uniform. When a member terminates membership in the Police Department, the member shall immediately deliver to the City the badge, uniform, weapons and all other property of the City.

Subd. 2. Police Department Policy Manual Adopted. The Police Department Policy Manual, as amended, containing the general policies, procedures and rules for operation of the Police Department of the City is hereby adopted, as the official departmental policy manual of the department.

Subd. 3. Extra Police. In case of riot or other law enforcement emergency, the Chief of Police may appoint for a specified time as many special police officers as may be necessary for the maintenance of law and order. During such term of appointment, the special police officer shall have only those powers and perform only those duties as shall be specifically assigned by the Chief of Police. This authority can be exercised in conjunction with the authority extended to the Chief of Police to utilize the voluntary police reserve.

4.1.02 Voluntary Police Reserve.

Subd. 1. **Establishment.** There is hereby created within the Police Department a Voluntary Police Reserve which shall consist of such number of volunteer members as the Police Chief deems necessary to address public safety issues during public events or situations of emergency. The Police Reserve shall be under the control and supervision of the Chief of Police. Members of the Police Reserve shall be appointed the Police Chief and approved by the City Council. They shall serve under the direction of the superior officers of the regular police force and such others as the Chief of Police may appoint from their own number.

Subd. 2. Duties. When assigned to duty by the Chief of Police, each Police Reserve member shall have the same authority, duties and obligations as regular members of the Police Department including the authority to issue citations under the supervision of a regular police officer. Individual members or groups may be used as deemed necessary by the Chief of Police but the Mayor will be consulted and must approve the call to duty in times of an emergency.

Subd. 3. **Oath and insignia.** Each Police Reserve member shall take the oath prescribed by M.S. §358.03. Each member shall be issued a badge, suitable items of clothing and such other insignia or evidence of identification as the Chief of Police may prescribe. Upon termination of membership, a member shall surrender to the city all city property issued to the member.

State law references: Form of Official Seals, Minn. Stats. §358.03

Subd. 4. Personnel rules. Personnel rules and regulations applicable to regular employees of the city do not apply to members of the Police Reserve, but each such member shall be covered as a city employee under the workers' compensation insurance policy of the city while performing duties at the request of the Police Chief.

Subd. 5. Other restrictions. No member of the acting Police Reserve shall exercise any authority over the persons or property of others without displaying identification as such member. No Police Reserve member shall make arrests upon a warrant unless accompanied by a regular police officer. Only Police Reserve members shall use such identification or otherwise represent themselves to be members of the Police Reserve. No Police Reserve member shall carry any firearm while on duty except as specifically authorized by the Chief of Police.

Section 4.2 deleted per Ordinance No. 424A adopted 7/16/13

Section 4.3: Citizen Advisory Board

4.3.01 Citizen Advisory Board. It shall be deemed advisable, and in the public interest, for the City to establish a community based advisory board to assist and provide objective community perspective to the Cloquet Police Department with regard to the handling of disciplinary procedures, public complaints and hiring procedures.

4.3.02 Composition of Board. A single advisory board shall serve as a resource for the police department and shall be composed in the same manner set forth below.

> **Subd. 1. Membership.** There will be three members of the Advisory Board who must be citizens of the State of Minnesota and must necessarily be residents living within the city limits of the City of Cloquet. No Board member shall be appointed or serve on the Advisory Board while serving or holding an elected office with the City nor can they hold employment with the City or with any police department. All Board members will also be required to provide an oath agreeing to faithfully perform their duties. The terms of the Board members will be staggered three (3) year terms with an appointed position becoming vacant each year.

4.3.03 Duties. From and after the appointment of the Advisory Board, the Advisory Board will provide objective community perspective and advise the police department with regard to the hiring and supervision over the employment, promotion, discharge and suspension of all officers and employees of the police department of the City as provided in this Code and in accordance with the Rules and Regulations of the Citizen Advisory Board previously adopted and specifically incorporated herein by reference.

4.3.04 Organization, Meetings. The Board shall, at its first meeting in each calendar year, elect from among its members a chairperson, a vice-chairperson, and a secretary. The Board shall hold at least one regular meeting annually and shall follow Minnesota Statutes in terms of the open meeting law by posting agendas, recording and keeping minutes of its meetings and other such requirements as detailed under these Statutes.

Section 4.4: Emergency Government Operations

4.4.01 Policy and Purpose. Because of the existing possibility of the occurrence of disasters of unprecedented size and destruction resulting from fire, flood, tornado, blizzard, destructive winds or other natural causes, or from sabotage, hostile action, or from hazardous material mishaps of catastrophic measure; and in order to insure that preparations of this City will be adequate to deal with such disasters, and generally, to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of this City, it is hereby found and declared to be necessary:

A. To establish a City emergency management organization responsible for City planning and preparation or emergency government operations in time of disasters.

B. To provide for the exercise of necessary powers during emergencies and disasters.

C. To provide for the rendering of mutual aid between this City and other political subdivisions of this State and of other states with respect to the carrying out of emergency preparedness functions.

D. To comply with provisions of M.S. §12.25, which requires that each political subdivision of Minnesota shall establish a local organization for emergency management.

Subd. 1. Definitions.

1. **Emergency Management** means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters, caused by fire, flood, tornado and other acts of nature, or from sabotage, hostile action, or from industrial hazardous material mishaps. These functions include, without limitation, firefighting services, police services, emergency medical services engineering, warning services, communications, radiological, and chemical, evacuation, congregate care, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civil protection, together with all activities necessary or incidental for carrying out of the foregoing functions. Emergency management includes those activities sometimes referred to as “Civil Defense” functions.

2. **Disaster** means a situation which creates an immediate and serious impairment to the health and safety of any person or persons, or a situation which has resulted in or is likely to result in catastrophic loss to property, and for which traditional sources of relief and assistance within the affected area are unable to adequately address, repair or prevent the injury or loss.

3. **Emergency** means an unforeseen combination of circumstances which calls for immediate action to prevent from developing or occurring.

4. **Emergency Management Forces** means the total personnel resources engaged in city-level emergency management functions in accordance with the provisions of this resolution or any rule or order thereunder. This includes personnel from City departments, authorized volunteers, and private organizations and agencies.

5. **Emergency Management Organization** means the staff responsible for coordinating city-level planning and preparation for disaster response. This organization provides City liaison and coordination with federal, state and local jurisdictions relative to disaster preparedness activities and assures implementation of federal and state program requirements.

State law references: Definitions, Minn. Stats. §12.03

4.4.02. Establishment of an Emergency Management Organization. There is hereby created with the City government an emergency management organization which shall be under the supervision and control of the City Emergency Management Director, hereinafter called the Director. The Director shall be appointed by the Mayor for an indefinite term and may be removed by him or her at any time. The Director shall serve at the discretion of the City Council and may be compensated for his/her services at the discretion of the City Council but shall be paid his or her necessary expenses. The Director shall have direct responsibility for the organization, administration and operation of the emergency preparedness organization, subject to the direction and control of the Mayor.

4.4.03. Powers and Duties of the Director. The Director, with the consent of the Mayor, shall represent the City on any regional or state conference for emergency management. Specifically the Director will be involved with all of the following:

1. The Director shall develop proposed mutual aid agreements with other political subdivisions of the state for reciprocal emergency management aid and assistance in an emergency too great to be dealt with unassisted, and shall present these agreements to the Council for its action. These arrangements shall be consistent with the State Emergency Plan.

2. The Director shall make studies and surveys of the human resources, industries, resources and facilities of the City as deemed necessary to determine their adequacy for emergency management and to plan for their most efficient use in time of an emergency or disaster.

3. The Director shall establish the economic stabilization systems and measures, service staffs, boards and sub-boards required, in accordance with state and federal plans and directions subject to approval of the Mayor.

4. The Director shall prepare a comprehensive emergency plan for the emergency preparedness of the City and shall present such plan to the Council for its approval. When the Council has approved the plan, it shall be the duty of all City agencies and all emergency preparedness forces of the City to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner from time to time.

5. The Director shall coordinate the emergency management activities of the City to the end that they shall be consistent and fully integrated with the emergency plan of the Federal Government and the State and correlated with emergency plans of the County and other political subdivisions within the State.

6. In accordance with the State and City Emergency Plan, the Director shall institute training programs, public information programs and conduct practice warning alerts and emergency exercises as may be necessary to assure prompt and effective operation of the City Emergency Plan when a disaster occurs.

7. The Director shall utilize the personnel, services, equipment, supplies and facilities of existing departments and agencies of the City to the maximum extent practicable.

8. The Director shall, in cooperation with those City departments and agencies affected, assist in the organizing, recruiting and training of emergency management personnel, which may be required on a volunteer basis to carry out the emergency plans of the City and state. To the extent that emergency personnel are recruited to augment a regular City department or agency for emergencies, they shall be assigned to the departments or agencies and shall be under the administration and control of the department or agency.

9. Consistent with the state emergency services law, the Director shall coordinate the activity of municipal emergency management organizations within the city and assist in establishing and conducting training programs as required to assure emergency operational capability in the several services as provided by M.S. §12.25.

State law references: Local organizations; directors, duties, M.S. §12.25

10. The Director shall carry out all orders, rules and regulations issued by the Governor with reference to emergency management.

11. The Director shall prepare and submit reports on emergency preparedness activities when requested by the Mayor.

State law references: Mutual aid arrangements, Minn. Stats. §12.27

4.4.04. Coordination of efforts. The officers and personnel of all City departments and agencies shall be directed, to the maximum extent practicable, cooperate with and extend such services and facilities to the City's Emergency Management organization and to the Governor upon request.

Subd. 1. The head of each department or agency in cooperation with the Director shall be responsible for the planning and programming of such emergency activities as will involve the utilization of the facilities of the department or agency.

4.4.05. Local Emergencies. A local emergency may be declared only by the Mayor or his legal successor or designee. It shall not be continued for a period in excess of three days except by or with the consent of the Council. Any order, or proclamation declaring, continuing, or terminating a local emergency shall be given prompt and general publicity and shall be filed in the office of the City Administrator. A declaration of a local emergency shall invoke necessary portions of the response and recovery aspects of applicable local or interjurisdictional disaster plans, and may authorize aid and assistance thereunder. No jurisdictional agency or official may declare a local emergency unless expressly authorized by the agreement under which the agency functions. However, an interjurisdictional disaster agency shall provide aid and services in accordance with the agreement under which it functions.

4.4.06. Emergency Regulations.

Subd. 1. Whenever necessary to meet a declared emergency or to prepare for such an emergency for which adequate regulations have not been adopted by the Governor or the Council, the Council may by resolution promulgate regulations, consistent with applicable federal or state law or regulation, respecting: the conduct of persons and the use of property during emergencies; the repair, maintenance, and safeguarding or essential public services, emergency health, fire, and safety regulation, drills, or practice periods required for preliminary training, and all other matters which are required to protect public safety, health, and welfare in declared emergencies.

Subd. 2. Every resolution of emergency regulations shall be in writing: shall be dated; shall refer to the particular emergency to which it pertains, if so limited, and shall be filed in the Office of the City Administrator. A copy shall be posted and available for public inspection during business hours. Notice of the existence of these regulation and their availability for inspection at the City Administrator's Office shall be conspicuously posted at the front of the city hall or other headquarters of the City or at such other places in the affected area as the Council shall designate in the resolution. By resolution, the Council may modify or rescind any such regulation.

Subd. 3. The Council may rescind any such regulation by resolution at any time. If not sooner rescinded every such regulation shall expire at the end of 30 days after its effective date or at the end of the emergency to which it relates, whichever comes first. Any resolution, rule, or regulation inconsistent with an emergency regulation promulgated by the Council shall be suspended during the period of time and to the extent such conflict exists.

Subd. 4. During a declared emergency, the City is empowered, under the provisions of M.S. §12.31 and notwithstanding any statutory or charter provision to the contrary, through its Council, acting within or without the corporate limits of the City, to enter into contracts and incur obligations necessary to combat such disaster by protecting the health and safety of persons and property and providing emergency assistance to the victims of such disaster. The City may exercise these powers in the light of the exigencies of the disaster without compliance with the time consuming procedures and formalities prescribed by law pertaining to the performance of public work, entering rental equipment agreements, purchase of supplies and materials, limitations upon tax levies, and the appropriation and expenditure of public funds including, but not limited to, publication of resolutions, publication of call for bids, provisions of personnel laws and rules, provisions relating to low bids, and requirement for bids.

State law references: National security or peacetime emergency; declaration, Minn. Stats. §12.31

4.4.07. Emergency Management a Government Function. All functions and activities relating to emergency management are hereby declared to be governmental functions. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this resolution or under the worker's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.

4.4.08. Participation in Labor Dispute or Politics. The emergency management organization shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes, nor shall it be employed in a labor dispute.

4.4.09 Penalty. Any person who violates any provision of Section 4.4 or any regulation adopted thereunder relating to acts, omissions, or conduct other than official acts of city employees or officers is guilty of a misdemeanor.

Section 4.5: Security Alarm Responses By Law Enforcement

4.5.01 Purpose. It has come to the attention of the City Council that it is becoming increasingly common for private citizens to install and utilize security alarm systems. As a direct result of the increased use of such systems, there has been a significant increase in the number of false alarms that have required local law enforcement response. The purpose of these provisions is to encourage alarm users and alarm companies to properly use and maintain such systems so as to reduce or eliminate false alarms which may unduly divert law enforcement resources from responding to their regular duties within the City and County. These provisions are intended to address the use of systems which directly or indirectly summon law enforcement response unnecessarily. These provisions further establish a system of fines and provides penalties for violators, and establishes a system for the administration of alleged violations.

Subd. 1. Definitions. In this section the following terms will take on the following meanings:

A. **Security alarm system** means an alarm installation designed to be used for personal safety and/or the prevention or detection of burglary or robbery and which system is located in or around a building, structure or facility.

B. **Alarm user** means any person, firm, partnership, association, corporation, company or organization of any kind who (which) uses or is in control of any security alarm system at an alarm site.

C. **False alarm** means an alarm signal sent to a law enforcement authority requesting a response when a situation requiring a response does not exist. Examples of false alarms include, but are not limited to, circumstances which result by the activation of the alarm system through mechanical failure, pet movement, alarm malfunction, improper installation or the inadvertent activation by a user, owner or lessee of an alarm system or of his/her employees or agents. For purposes of this section false alarms do not include signals sent as a result of changing climatic conditions such as tornadoes, thunderstorms, utility line mishaps, or any other conditions which are clearly beyond the control of the alarm manufacturer, installer, owner or user.

D. **Law enforcement authority** means the Cloquet Police Department, the Carlton County Sheriff's Department or other authorized enforcement agency, or their designated representatives which are notified to respond to the alarm signal.

Subd. 2. Reports of false alarms; notice to alarm user. The law enforcement authority shall file a written report with the Cloquet Chief of Police each time they respond to an alarm signal which they determine to be a false alarm. Each time such a report is filed with the Chief of Police, the Chief of Police shall notify the alarm user by certified mail of the false alarm incident and will provide the security system owner with a copy of the provisions of this section.

Subd. 3. User Fines; notice. An alarm user shall be subject to fines and warnings based strictly upon the number of false alarms emitted from the alarm system which are reported and filed with the Cloquet Chief of Police during a calendar year. Fines will be assessed as follows:

Number of False Alarms	**Fines**
1 - 3	$ 0
4 - 6	$ 50 per false alarm
7 or more	$150 per false alarm

Upon receipt of a fourth and all subsequent false alarm reports, the City Administrator shall notify the alarm user by certified mail that the threshold number of false alarms has occurred and will provide written notice of the amount of the administrative fine due.

Subd. 4. Appeals Process. Any alarm user who is required by the City to pay a user fine as the result of a false alarm may make a written appeal of the false alarm charge to the City Administrator within ten (10) days of the City's mailing of the notice of false alarm. Notices received after ten (10) days are considered late and will not be considered. The City Administrator will review the appeal and determine whether the appellant is to be charged with a false alarm. Appeals from the final determination by the City Administrator will be governed by the City Administrative process providing for administrative hearings.

Subd. 5. Payment of fines. When and where due. Payment of administrative fines pursuant to this section must be made to the City Administrator's office within thirty (30) days of the receipt of the written notice from the City to the alarm user. Failure to pay the fine within said thirty (30) day period will cause the alarm user to be considered delinquent and the violator will be assessed a penalty for non-payment of a full ten (10) percent of the fine due in each instance.

A. **Delinquencies.** All delinquent charges for user fines may be certified by the City Administrator to the Carlton County Department of Property Taxation for collection with taxes due against the property on which the alarm system is installed. This certification process shall take place on a yearly basis on October 10th of each year or by such earlier date as is necessary to have the delinquent charges collectible with taxes due and payable against the property in the next calendar year.

Subd. 6. Alarm Report. When an alarm user has incurred five (5) false alarms or more within one calendar year, the alarm user shall submit a written report to the City Administrator within ten (10) days after being charged with the fifth false alarm, describing actions taken or to be taken to discover and eliminate the cause of the false alarms. Failure to submit the written report required by this section will also be considered a violation of this section consistent with subdivision 9 of this section.

Subd. 7. Administrative rules. The City Administrator is hereby authorized to promulgate such rules as may be necessary for the implementation of this section and the administration thereof.

Subd. 8. Confidentiality. All information submitted in compliance with this section shall be held in confidence and shall be deemed a confidential record exempt from discovery to the extent permitted by law. Subject to requirements of confidentiality, the City Administrator may develop and maintain statistics for the purpose of on-going alarm systems evaluation.

Subd. 9. Enforcement and penalties. Failure or omission to comply with this section shall be deemed a misdemeanor and may be so prosecuted.
(Ordinance 275A)

Section 4.6: Wrongful Interference With Public Officials

4.6.01. Wrongful Interference. No person shall intentionally do an act which he or she could reasonably expect to delay, obstruct, resist or interfere with or entice another to delay, obstruct, resist or interfere with any peace officer, emergency personnel or any other public official in discharging or attempting to discharge a duty of his or her office.

4.6.02 Interference. No person shall assault, attempt to assault, threaten to assault, nor in any manner physically resist, delay, obstruct or interfere with a peace officer, emergency personnel or other public official in the exercise of his or her duties.

(Ordinance 24A)

State law references: Obstructing legal process, arrest, or firefighting, Minn. Stats. §609.50

4.6.03 Penalty. Any person who violates this section shall be punished according to the laws of the State of Minnesota. Violation of this Section shall constitute a misdemeanor. If the matter is not charged criminally or if there are extenuating circumstances, it may be treated as an administrative offense in the discretion of the prosecuting attorney with a financial penalty commensurate with that of a petty misdemeanor as then provided by Minnesota Statute.

Section 4.7: Social Host Liability for Open House Parties, Events or Gatherings

4.7.01. Purpose. The Cloquet City Council intends to further its efforts to prevent the underage possession and consumption of alcoholic beverages regardless of whether or not such consumption or possession occurs within the confines of a private residence or on public or private property within the City limits. It is the express intent of the City Council to hold persons criminally responsible if that person hosts events or gatherings where persons under the age of twenty one (21) possess or consume alcohol regardless of whether the person hosting the event or gathering obtained or supplied the alcohol.

4.7.02. Findings. The City Council finds that:

A. Events and gatherings held in private homes or on public or private property within the City limits where alcohol is possessed or consumed by persons under the age of twenty-one (21) are harmful to those persons and constitute a potential threat to the public health, safety and welfare warranting regulation and prevention.

B. That prohibiting the underage consumption and possession of alcohol acts to protect underage persons as well as the general public from injuries and harm related to alcohol consumption.

C. Alcohol is an addictive drug which, if used irresponsibly, could have drastic and dangerous effects on those affected by the actions of the irresponsible or minor user.

D. That parties and gatherings involving underage consumption and consumption often occur outside the presence of parents and reliable adults which can lead to the irresponsible and excessive use of alcohol and access to the alcohol by minors.

4.7.03. Definitions. For purposes of this section the following definitions will apply unless the context or intent clearly requires a different meaning:

Alcohol or Alcoholic Beverage. Any beverage or liquid intended to be consumed as or with a beverage containing more than one half of one percent of alcohol by volume.

Control. The right of possession of a residence, property or premises.

Event, Party or Gathering. Any group of two or more persons who have assembled or gathered together for a social occasion or activity.

Host. Any person who aids, conducts, allows, entertains, organizes, supervises, controls or permits a gathering, party or event. The owner or tenant of a residence is considered a host whether or not they are present on the premises if they are aware that the event, party or gathering involves the presence of alcohol and minors.

Minor. A person not legally permitted by reason of age to possess or consume alcoholic beverages pursuant to the provisions of this Code and Minnesota State Law.

Open House Party. A social gathering or persons at a residence or premises. A social gathering attended only by owners or those with rights of possession of the residence or premises, or immediate family members, shall not be considered an open house party, event or gathering for purposes of this section.

Parent. Any person having the care or custody of an underage person as a natural, adoptive parent or step-parent or as a legal guardian, or as a person to whom legal custody has been given by Order of a Court.

Person. Any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

Residence or Premises. A home, apartment, condominium, hotel room, premises or other dwelling unit or meeting room or hall, whether occupied on a temporary basis or permanent basis, whether occupied as a dwelling or for a social function, owned, rented, leased or used and/or under the control of any person or persons with or without permission or compensation.

4.7.04 Prohibited Acts. No person having control or any residence or premises shall allow an open house party, gathering or event to take place at the residence or premises if any alcoholic beverage is possessed or consumed by any minor. It shall also be unlawful for a person to intentionally aid, advise, hire, counsel or conspire with another to commit a violation of this section.

A. Exceptions. This section does not apply to the following circumstances:

1. Consumption or possession of alcohol by an underage person when with his/her parent while present in the parent's household and no event or gathering is occurring; or

2. Consumption or possession of alcohol by an underage person is part of a legally protected religious observance; or

3. Minors are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment as permitted by law.

4.7.05 Penalty. Any person who violates this section shall be punished according to the laws of the State of Minnesota. A violation of this Section shall constitute a misdemeanor. If the matter is not charged criminally or if there are extenuating circumstances warranting leniency, it may be treated as an administrative offense in the discretion of the prosecuting attorney with a financial penalty commensurate with that of a petty misdemeanor as then provided by Minnesota Statute.

Section 4.8: Designated Predatory Offender Residency Restrictions

4.8.01. Purpose. The Cloquet City Council intends to serve the city's compelling interest to promote, protect and improve the health, safety, and welfare of Cloquet citizens under this Section. It is the express intent of the City Council to further that interest by: creating areas around locations where children regularly congregate in concentrated numbers, within which certain predatory offenders are prohibited from establishing temporary or permanent residence; and, by mitigating the concentration of certain predatory offenders, as recommended by Minnesota Statutes § 244.052, Subd. 4a, by prohibiting certain predatory offenders from establishing temporary or permanent residence within close proximity to one another.

4.8.02. Findings. The City Council finds that repeat predatory offenders present a real threat to the public safety and especially to that of children. Certain predatory offenders are likely to use physical violence and present a high risk to repeat their offenses, and most such predatory offenders have committed many more offenses and have many more victims than are ever reported and prosecuted. This makes dealing with the danger posed to the public safety and especially that of children by those certain predatory offenders extremely important.

4.8.03. Definitions. For purposes of this section the following definitions will apply unless the context or intent clearly requires a different meaning:

Designated predatory offender. Any person who is required to register as a predatory offender under Minnesota Statutes § 243.166 and who has been categorized as a Level III predatory offender under Minnesota Statutes § 244.052, Subd. 3, a successor statute, or a similar statute from another state, in which that person's risk assessment indicates a high risk of reoffense.

Permanent residence. A place where a person abides, lodges, or resides for 14 or more consecutive days.

Temporary residence. A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

School. A public or nonpublic preschool, elementary or secondary school.

Licensed child care center. A group child care center currently licensed by the Carlton County, Minnesota, public health and human services department.

Public park/playground. A city-owned, improved outdoor area designed, equipped, and set aside for children's play and includes in that area such facilities as play equipment, surfacing, fencing, signs, internal pathways, internal land forms, vegetation and related structures.

4.8.04. Prohibited Acts.

A. **Prohibited location of residence.** It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 1,000 feet of any of the following:

1. School;
2. Licensed child care center;
3. Public park/playground; or
4. The permanent or temporary residence of any other designated predatory offender.

B. **Measurement of distance.** For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of the properties listed in Section 4.8.04.A. above.

C. **Exceptions.** This section does not apply under the following circumstances:

1. The designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes §§ 243.166 and 243.167, or a successor statute, prior to February 3, 2014;

2. The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult;

3. The designated predatory offender is a minor;

4. The designated predatory offender has demonstrated they no longer pose the same degree of risk to the community and have been granted a risk level reduction by the End of Confinement Review Committee, pursuant to Minnesota Statutes § 244.052, Subd. 3(i).

5. The school, licensed child care center or public playground within 1,000 feet of the person's permanent residence was opened after the designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes §§ 243.166 and 243.167, or a successor statute;

6. The residence is also the primary residence of the designated predatory offender's parents, grandparents, siblings or spouse, and was their residence prior to February 3, 2014;

7. The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to February 3, 2014.

4.8.05. Penalty. Any person who violates this section shall be punished according to the laws of the State of Minnesota. A violation of this Section shall constitute a misdemeanor. If the matter is not charged criminally or if there are extenuating circumstances warranting leniency, it may be treated as an administrative offense in the discretion of the prosecuting attorney, with a financial penalty commensurate with that of a petty misdemeanor as then provided by Minnesota Statute. Each day a person maintains a residence in violation of this ordinance constitutes a separate violation.

4.8.06. Severability. The provisions of this Section are severable and if any provision of this Section or application of any provision of this Section due to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Section shall not be affected thereby.

Section 4.9: Regulation of Synthetic Drugs

4.9.01 Purpose. The purpose of this section is to prescribe the regulation of synthetic drugs and synthetic drug establishments to protect the general health, safety, and welfare of the City's residents.

4.9.02 Findings of the City Council. The City Council makes the following findings regarding the need to regulate synthetic drugs and the distribution and possession of synthetic drugs:

A. The consumption of products labeled not for human consumption is a public health hazard, creates public nuisances, and results in an increased need for public safety services.

B. The health hazards associated with the consumption of these products include headaches, agitation, nausea, vomiting, hallucinations, loss of consciousness, hypertension, tremors, seizures, psychosis, strokes, addiction, paranoid behavior, anxiety, increased heart rate, and even death.

C. The manner in which synthetic drugs are marketed, manufactured, and sold is, purportedly, not currently regulated by the federal drug administration.

D. Synthetic drugs were being sold as legal products without even the basic regulation and licensing requirements that many other businesses have within the City.

E. Prohibiting the possession and sale of synthetic drug products will provide for better public health and safety.

4.9.03 Conclusions of the City Council. In direct furtherance of the substantial goals of public health, safety, and welfare, the City Council adopts this section, recognizing that it has a great interest in the health and safety of its citizens as well as the present and future character of the City's residential and commercial neighborhoods.

4.9.04 Definitions.

A. The term "synthetic drug" means any compound, substance, or derivative that is not approved for human consumption by the United States Food and Drug Administration or specifically permitted for human consumption under Minnesota law, and, when introduced into the body, induces an effect similar to that of a Schedule I or Schedule II controlled substance listed in Minnesota Statute section 152.02, subdivisions 2 and 3, or Minnesota Rules, parts 6800.4210 and 6800.4220, regardless of whether the substance is marketed for the purpose of human consumption.

4.9.05 Other Applicable Laws. This Ordinance is intended to complement state and federal laws regulating synthetic drugs.

4.9.06 Prohibited Acts.

A. A person who unlawfully sells a synthetic drug whether or not for remuneration is guilty of a crime as prescribed by Minnesota Statute.

B. A person who unlawfully possesses any amount of a synthetic drug is guilty of a misdemeanor.

C. It shall not be a violation of this section if a person is acting under the written direction and supervision of a medical doctor.

4.9.07 Severability. If any portion of this Ordinance, or its application to any circumstances, is held invalid, the remaining provisions shall be considered severable, and shall be given effect to the maximum extent possible.