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CHAPTER 130: GENERAL OFFENSES

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GENERAL PROVISIONS

§ 130.01 ISSUANCE OF WORTHLESS CHECKS.

(A) *Definitions.* For the purpose of this section, the term **Credit** means an arrangement or understanding with the drawee for the payment of any check or other order for the payment of money to which this section applies.

(B) *Issuance of worthless checks prohibited.* Whoever issues any check, draft or other order for the payment of money which, at the time of issuance, he or she intends shall not be paid, shall be guilty of a penal offense and shall be punished as set forth in § 10.99.

(C) *Proof of intent.* Any of the following is and shall constitute evidence that the person at the time he or she issued any check, draft or other order for the payment of money intended it should not be paid:

(1) Proof that, at the time of issuance, he or she did not have an account with the drawee;

(2) Proof that, at the time of issuance, he or she did not have sufficient funds or credit with the drawee and that he or she failed within five days after receiving notice of nonpayment or dishonor to pay the check, draft or other order; or

(3) Proof that when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he or she failed within five days after receiving notice of nonpayment or dishonor to pay the check, draft or other order.

(D) *Proof of lack of funds or credit.* If the check, draft or other order for the payment of money has been protested, the notice of protest thereof is admissible as proof of presentation, nonpayment and protest and is evidence that there was a lack of funds or credit with the drawee at the time the check, draft or other order for the payment of money was issued or presented.

(E) *Exceptions.* This section shall not apply to any postdated check or to any check, draft or other order given for a past consideration, except a payroll check.

(F) *Costs of processing.* Prior to charging the offense of issuing a worthless check, the city shall have the discretion to send to the issuer a demand letter requesting payment of the face value of the worthless check, plus a \$10 service charge to the victim of the worthless check. In addition, to cover the costs of sending such a demand letter, the city may require payment of a \$10 service charge to the city. Upon failure of the issuer within a reasonable time to pay the face value of the worthless check, plus the aforementioned service charges, the city may, in its discretion, charge the offense of issuing a worthless check.

(^72 Code, § 900:00) (Am. Ord. 225, passed 3-20-89) Penalty, see § 10.99

§ 130.02 DEFRAUDING INNKEEPER AND OTHERS PROHIBITED.

Any person who shall obtain food, lodging or other accommodations at any hotel, motel, lodging house, inn, boarding house or restaurant within the corporate limits without paying therefor with intent to defraud the owner or manager thereof or who obtains credit at any hotel, lodging house, inn, boarding house or restaurant by or through any false pretense or by or through the aid, assistance or influence of any baggage or effects in his or her possession and control, but not actually belonging to the person, shall be guilty of a penal offense. Proof that food, lodging or other accommodations was obtained by false pretense or by false or fictitious show or pretense of baggage or other property or proof that the person refused or neglected to pay for the food, lodging or other accommodations on demand, that he or she gave in payment in advance for the food, lodging or other accommodations negotiable paper on which payment was refused, that he or she absconded without offering to pay for the food, lodging or other accommodations or that he or she surreptitiously removed or attempted to remove his or her baggage, shall be prima facie proof of the fraudulent intent mentioned in this section.

(^72 Code, § 930:00) Penalty, see § 10.99

§ 130.03 BETTING.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Bet. A bargain whereby the parties mutually agree to a gain or loss by one to the other of specified money, property or benefit dependent upon chance although the chance is accompanied by some element of skill.

(B) *What are not bets.* The following are not bets:

(1) A contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance;

(2) A contract for the purchase or sale at a future date of securities or other commodities;

(3) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, endurance or quality or to the bona fide owners of animals or other property entered in such a contest;

(4) The game of bingo as provided in M.S. §§ 349.02 and 349.03, as they may be amended from time to time; and

(5) A private social bet not part of or incidental to organized, commercialized or systematic gambling.

(C) *Betting prohibited.* No person nor persons shall bet money or other property at or upon any game or upon the result of any game or gambling device within this city.
(^72 Code, § 910) Penalty, see § 10.99

§ 130.04 GAMBLING PROHIBITED; GAMBLING DEVICES PROHIBITED.

(A) *Gambling prohibited.* All gaming and gambling with cards, dice or other games of chance for money or other valuable thing, gaming tables or gambling devices of any kind whatsoever and all description of gambling, fraudulent devices and practices are prohibited to be set up, used or kept for gaming or gambling purposes in this city.
(^72 Code, § 950)

(B) *Gambling devices prohibited.* No person or persons shall keep, use or maintain or cause to be kept, used or maintained any gaming table or gambling device or fraudulent device of any description, and no person or persons shall gamble, game or take part in any gambling or fraudulent device in this city.
(^72 Code, § 960) Penalty, see § 10.99

§ 130.05 HUNTING PROHIBITED.

(A) All hunting of any type of animals, birds and reptiles with any type of firearm, bow and arrow, crossbows, slingshots, boomerangs or any other type of propelled device within the city is prohibited unless the individual and/or business entity obtains written permission from the city. No person shall shoot, discharge or explode any type of firearm, weapon, crossbow, slingshot or boomerang or any other type of propelled weapon or device within the corporate limits of the city without first obtaining a license or written permit from the city except:

(1) Persons duly authorized to act as law enforcement officers or members of the military forces of the United States or the State of Minnesota in the discharge of their lawful duties;

(2) Persons acting in self-defense when the use of firearms or weapons for that purpose would not be unlawful under the laws of the State of Minnesota.

(3) Duly authorized persons engaged in the U.S. military and/or veterans' organizations in firing blank honor salutes over the graves of military personnel or in other designated memorial areas.

(B) Any person and/or business entity violating the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in § 10.99.
(Am. Ord. 190, passed 12-17-83) Penalty, see § 10.99

§ 130.06 BEEKEEPING LIMITED.

(A) *Beekeeping limited.* No person shall keep any bees in this city on property owned by him or her or used by him or her for that purpose within 1,000 feet of the property line of any other property owner; nor shall any person keep or have at any one location more than one hive of bees in any case. Bees kept contrary to this section are declared a public nuisance and may be abated according to law.

(B) *Penalty.* Any person, firm or corporation who shall violate the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be punished as set forth in § 10.99.

(Ord. 177A, passed 6-14-76) Penalty, see § 10.99

§ 130.07 CURFEW.

(A) *Purpose.* The curfew for minors established by this section is maintained for four primary reasons:

- (1) To protect the public from illegal acts of minors committed during the curfew hours;
- (2) To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;
- (3) To protect minors from criminal activity that occurs during the curfew hours; and
- (4) To help parents control their minor children.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Emergency Errand. A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household. The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or fire department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

Official City Time. The time of day as determined by reference to the master clock used by the Police Department.

Places Of Amusement, Entertainment Or Refreshment. Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.

Primary Care or Primary Custody. The person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

School Activity. An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

(C) *Hours.*

(1) *Minors under the age of 16 years.* No minor under the age of 16 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 10:30 p.m. and 5:00 a.m. the following day, official city time.

(2) *Minors ages 16 years to 18 years.* No minor of the ages of 16 or 17 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 12 midnight and 5:00 a.m. the following day, official city time.

(D) *Effect on control by adult responsible for minor.* Nothing in this section shall be construed to give a minor the right to stay out until the curfew hours designated in this section if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this section be construed to diminish or impair the control of the adult person having the primary care or custody of the minor.

(E) *Exceptions.* The provisions of this section shall not apply in the following situations:

(1) To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor;

(2) To a minor who is upon an emergency errand at the direction of his or her parent, guardian or other adult person having the primary care and custody of the minor;

(3) To a minor who is in any of the places described in this section if in connection with or as required by an employer engaged in a lawful business, trade, profession, or occupation; or to a minor traveling directly to or from the location of the business trade, profession, or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work.

(4) To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the city, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor.

(5) To a minor who is passing through the city in the course of interstate travel during the hours of curfew.

(6) To a minor who is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or freedom of religion.

(7) To minors on the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's designated law enforcement provider about the minor's presence.

(8) To a minor who is married or has been married, or is otherwise legally emancipated.

(F) *Duties of person legally responsible for minor.* No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this section by the minor.

(G) *Duties of other persons.* No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section unless the minor is accompanied by his or her parent, guardian or other adult person having primary care or custody of the minor, or unless one of the exceptions to this section apply.

(H) *Defense.* It shall be a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the city's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave. Penalty, see § 10.99

OFFENSES AGAINST PUBLIC ORDER

§ 130.20 DISORDERLY CONDUCT.

(A) *General.* Whoever does any of the following in a public or private place, knowing, or having reasonable grounds to know, that it will or will tend to alarm, anger or disturb others or provoke an assault or breach of the peace, is guilty of disorderly conducts:

(1) Engaged in brawling or fighting; or

(2) Engaged in conduct of such nature as will affect the peace and quiet of persons who may witness it or who may be disturbed or driven to resentment by it or which conduct is likely to annoy, disturb or arouse anger in others.

(B) *Defacement of school buildings.* No person shall mark with ink, paint, chalk or other substance, post hand bills on or in any other manner deface or injure any public, private or parochial school building or structure used or usable for school purposes within the city; mark, deface or injure fences, trees, lawns or fixtures appurtenant to or located on the site of such buildings; post hand bills on such fences, trees or fixtures; or place a sign anywhere on any such site.

(C) *Breach of peace on school grounds.* No person shall wilfully or maliciously make or assist in making on any school grounds adjacent to any school building or structure any noise, disturbance or improper diversion or activity by which peace, quiet and good order shall be disturbed.

(D) *Offensive language and conduct.* No person shall use offensive, obscene or abusive language or engage in boisterous or noisy conduct tending reasonably to arouse alarm, anger or resentment in others on any school grounds or in buildings or structures.

(E) *Improper conduct in school or on school buildings and grounds.* No person shall, in any school room or in any building or on the grounds adjacent to the same, disturb or interrupt the peace and good order of the school while in session. Any person not in immediate attendance in the school and being in such building or upon the premises belonging thereto who upon the request of a teacher of the school or the person in charge thereof to leave the building or premises, shall neglect or refuse so to do, shall be in violation of this section. No person shall loiter on any school grounds or in any school building or structure.

(72 Code, § 940) Penalty, see § 10.99

§ 130.21 DISTURBING MEETINGS.

No person shall disturb, interfere with or annoy any congregation, gathering or meeting assembled for religious worship of any kind within the city by noise or by conduct of any kind, including but not limited to discharging firearms, blowing horns, ringing bells, hallowing or shouting, by beating, striking or performing on any instrument or device whatsoever in such a manner as to produce disagreeable, discordant or frightful sounds within the house or place of worship or so near thereto as to be heard therein. Nor shall any person disturb or annoy any public or private school of any kind or any convention, caucus or meeting of any political party or any public or private meeting of any church, society or organization of any kind or any public or private meeting or gathering of the people for lawful purposes, family or individual, within the city.

(^72 Code, § 970:00) Penalty, see § 10.99

§ 130.22 [RESERVED]

§ 130.23 [RESERVED]

§ 130.24 [RESERVED]

§ 130.25 [RESERVED]

§ 130.26 [RESERVED]

§ 130.27 [RESERVED]

§ 130.28 OBSTRUCTING POLICE OFFICERS.

No person shall within this city prevent, obstruct, hinder, resist or attempt to prevent, obstruct, hinder or resist any police officer in the execution or service of any process, civil or criminal, or in the performance of any official duty.

(^72 Code, § 970:35) Penalty, see § 10.99

§ 130.29 ABUSE OF ANIMALS.

No person shall within the city inhumanely, cruelly, wantonly or unnecessarily beat, injure or otherwise misuse or abuse any dumb animal; nor shall any person in charge of any horse or mule or any animal of the horse kind, or any ox, cow or cattle of any kind, or any team of any kind, allow or permit the same to and remain hitched, tied or fastened on any street, alley, lane, avenue or public or private ground within the city, without proper food and water, for an unreasonable time, nor after any police officer shall have notified such person to care for the horse, mule, ox, cow or other animal or such team.

(^72 Code, § 970:40) Penalty, see § 10.99

§ 130.30 DISCHARGE OF FIREARMS.

No person shall discharge, fire off or explode any cannon, gun, fowling piece, revolver, pistol or firearm of any kind within the city, unless done in the lawful defense of person, family or property or when necessary for the enforcement of the laws without a written permit from the Council.

(^72 Code, § 970:45) Penalty, see § 10.99

§ 130.31 DANGEROUS SIDEWALKS AND OPENINGS.

No person shall keep or leave open or allow or permit to be left open any cellar door or any grating, or other opening in any sidewalk or any highway in the city; nor shall any person allow or permit any public sidewalk on his or her premises in the city to become or continue so broken or in such condition as to endanger the life or limb of any person.

(^72 Code, § 970:50) Penalty, see § 10.99

§ 130.32 SPITTING UPON SIDEWALK.

The spitting upon the sidewalks or the floors or walks or hangings or furnishings of any public building or store or any other place where the public assembles is prohibited.

(^72 Code, § 970:55) Penalty, see § 10.99

§ 130.33 ANIMALS ON SIDEWALK.

No person shall ride, drive or lead or have any horse, colt, mule or any animal of the horse kind, nor any ox or cow or any animal of the cattle kind, or any sheep or swine upon, onto, over or across any public sidewalk in the city, except where the crossing of any such sidewalk by any such animal may be necessary to the ingress and egress to or from any stable or barn.

(^72 Code, § 970:60) Penalty, see § 10.99

§ 130.34 PARK RULES WITHIN ALL PUBLIC PARKS IN THE CITY OF CAMBRIDGE.

(A) The Cambridge City Council upon the recommendation of the Parks, Trails and Recreation Commission deem it necessary to adopt Park Rules for all City Parks.

(B) The Cambridge Police Department will be responsible for the enforcement of said rules in order to protect the life, safety and welfare of patrons using City Parks.

(C) The City Council of the City of Cambridge, Minnesota, approves the following Park Rules:

- (1) No Alcoholic Beverages;
- (2) No Littering;
- (3) Authorized Vehicles Only;
- (4) No Golfing, Paintball or Airsoft Allowed;
- (5) No Hunting, Firearms or Weapons Allowed;
- (6) Swim at Your Own Risk, No Lifeguard Provided;
- (7) Pets must be on leash and their waste disposed of properly;
- (8) Park Hours 5:00 am to 10:00 pm.

(D) There shall be no pets allowed at the Cambridge Athletic Complex and the Sandquist Family Park except for parking areas and/or areas designated for use by pets.

§ 130.35 LOITERING.

(A) *Definitions.*

(1) For the purpose of this Ordinance, the following terms, phrases, and words shall have the meaning given herein. The word “shall” is mandatory and not merely directory.

(B) *Premises.* For purposes of this section, premises shall include any house, yard, lot, parcel, sidewalk, boulevard, street, highway, alley, park, playground, restaurant, café, church or other place of worship, school, any car or other motor vehicle, parking lot, drive-in, building used for public, business, commercial, or industrial purposes, washroom, apartment building and entryways and hallways located therein, or any other location whether public or private in the City of Cambridge.

(C) *Loitering Defined.* Whoever commits any of the following acts is guilty of loitering:

(1) Lingering about the entryway of any public or private premises or sitting or lingering upon the sidewalk, steps, windowsills, railing, fence, or parking area adjacent to any such premises in such a manner so as to obstruct or partially obstruct ingress to or egress from such building to the annoyance or inconvenience of owners, occupants, pedestrians, or entrants.

(2) Lingering for any length of time upon any public or private premises or move in a slow and deliberate manner without purpose or otherwise interfere with, obstruct, or render dangerous or unreasonable for passage, any public highway, sidewalk, parking area, or right-of-way.

(3) Remaining for more than five minutes on any public or private premises which are posted with a conspicuous sign containing the words 'No Loitering'.

(4) Lurking, loitering, or prowling in any place, at a time or in a manner not usual for law abiding individuals, under circumstances that warrant alarm for the safety of persons or property in the vicinity.

(D) *Section 130.35 Warning - Exception.* A person may not be arrested or convicted under Section 130.35, Subd. C (1)-(3), until after a law enforcement officer has informed the person at least once in the previous 72 hour period that his or her action violates this Ordinance and has asked the person to move to a location that would not violate this Ordinance. It shall not be necessary to inform any person (1) who is charged under Section 130.35, Subd. C (4); or (2) who has been convicted of a violation of this Ordinance within one year of the act complained of.

§ 130.351 LOITERING – CIRCUMSTANCES CAUSING ALARM.

(A) *Prohibition.* A person shall not lurk, loiter, or prowl in any place, at a time or in a manner not usual for law abiding individuals, under circumstances that warrant alarm for the safety of persons or property in the vicinity.

(1) *Circumstances Causing Alarm.* Among the circumstances that may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a police officer, refuses to identify him/herself, or endeavors to conceal him/herself or an object.

(B) *Authority to Detain.* A police officer may stop and briefly detain a person suspected of violating Subd. A if the person's behavior reasonably causes suspicion of criminal activity. The officer's reasonable suspicion must be based on objective, articulable facts and reasonable inferences drawn from all the circumstances surrounding the person's behavior.

(C) *Opportunity to Dispel Alarm.* Unless flight by the person or other circumstances make it impracticable, a police officer must, prior to any arrest for a violation of Subd. A, allow the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him/her to identify him/herself and explain his/her presence and conduct. The person may identify him/herself by presenting any of the following:

(1) A state-issued identification card or driver's license containing the person's photograph.

(2) An employer-issued identification card which verifies the person's employment and includes the person's photograph.

(3) A currently valid passport.

(4) A certified copy of the person's birth certificate; or

(5) Verification of the persons' identity by another person who can establish his/her own identity by one of the documents listed above.

(6) An explanation of the person's presence and conduct will be sufficient to dispel alarm if it shows that the person was engaging in and planning to continue engaging in, lawful activity consistent with his/her actions and all the circumstances surrounding his/her behavior.

(C) *Requisites for Conviction.* A person may not be convicted of a violation of Section 130.351 if:

(1) No police officer gave the person the opportunity provided in Subd. C to dispel the alarm created by his/her actions; or

(2) The finder-of-fact determines that the police officer should have accepted the person's explanation as sufficient to dispel alarm.

§ 130.352 LOITERING - INTENT TO COMMIT CRIME.

A person shall not in any public or private place lurk, loiter, prowl, lie in wait, or be concealed with intent to commit any act prohibited by law.

§ 130.353 PENALTIES.

(A) *Petty Misdemeanor.* Whoever commits any of the acts enumerated in Section 130.35 or Section 130.351 of this Ordinance is guilty of a petty misdemeanor.

(B) *Misdemeanor.* Whoever commits any of the following acts is guilty of a misdemeanor:

(1) Loitering with intent to commit a crime as provided in Section 130.352;

(2) Any of the acts enumerated in this Ordinance within one year of being found guilty of any violation of this Ordinance; and

(3) Failing or refusing to vacate or leave any premises after being requested or ordered, either orally or in writing to do so by the owner, agent, manager or person in charge thereof, or by any law enforcement officer or official or returning at any time thereafter to any such premises after having been so requested or ordered to vacate such premises.

§ 130.354 SEVERABILITY AND SAVINGS CLAUSE.

If any section or portion of this Ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or affect the validity and enforceability of any other section or provision of this Ordinance.

§ 130.355 PENALTY DEFINITION.

For purposes of this Ordinance, "misdemeanor" shall be defined as defined in Minn. Stat. § 609.02, Subd. 3, and "petty misdemeanor" shall be defined as defined in Minn. Stat. § 609.02, Subd. 4a.

§ 130.36 PUBLIC NUDITY PROHIBITED.

(A) *Purpose.*

(1) The city does ordain that it is in the best interests of the public health, safety and general welfare of the people of the city that certain types of activities, as set forth in this section, are prohibited in public places within the city.

(2) Further, the city does ordain that the standards in this section reflect the prevailing community standards in the city. This section is intended to prevent harm stemming from the physical immediacy in combination of alcohol, nudity and sex.

(3) It is also the intent of the city to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various criminal conduct, such as prostitution, sexual assault and disorderly conduct.

(B) *Definition.* For the purpose of this section, the term **NUDITY** means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, the showing of the female breasts with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

(C) *Certain acts prohibited.* It shall be unlawful for any person to knowingly or intentionally in a public place:

- (1) Engage in sexual intercourse;
- (2) Engage in deviate sexual conduct;
- (3) Appear in a state of nudity; or
- (4) Fondle the genitals of himself or herself or another person.

(D) *Violation.* Anyone who commits public indecency as described above is in violation of this section and commits a misdemeanor.

(Ord. 306, passed 7-17-95) Penalty, see § 10.99

§ 130.37 SOCIAL HOST.

(A) *Purpose and Findings.* The Cambridge City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Cambridge City Council finds that:

(1) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one may be harmful to those persons and constitute a potential threat to public health.

(2) Prohibiting underage consumption protects underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic crashes.

(3) Alcohol is an addictive drug which, if used irresponsibly, could have adverse effects on those who use it as well as those who are affected by the actions of an irresponsible user.

(4) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.

(5) Even though giving or furnishing alcohol to an underage person is a crime, this ordinance is necessary to help further combat underage consumption.

(6) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

(B) *Authority.* This ordinance is enacted pursuant to Minn. Stat. §145A.05 subdivision 1.

(C) *Definitions.* For purposes of this ordinance, the following terms have the following meanings:

(1) **Alcohol.** “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

(2) **Alcoholic beverage.** “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, liquor, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

(3) **Event or gathering.** “Event or gathering” means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

(4) **Host.** “Host” means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.

(5) **Parent.** “Parent” means any person having legal custody of a juvenile:

- (a) As natural, adoptive parent, or step-parent;
- (b) As a legal guardian; or
- (c) As a person to whom legal custody has been given by order of the court.

(6) **Person.** “Person” means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.

(7) **Residence or Premises.** “Residence” or “premises” means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.

(8) **Underage Person.** “Underage person” is any individual under twenty-one (21) years of age.

(D) **Prohibited Acts.** It is unlawful for any person(s) to host or allow an event or gathering at any residence, premises, or any other private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will consume or possess any alcohol or alcoholic beverage with the intent to consume it; and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).

(1) A person is criminally responsible for violating this section if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

(2) A person who hosts an event or gathering as described in Subdivision 3(c) does not have to be present at the event or gathering to be criminally responsible.

(E) **Exceptions.**

(1) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent’s household.

(2) This ordinance does not apply to legally protected religious observances.

(3) This ordinance does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503 Subd. 1 (a) (1).

(4) This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of their employment.

(F) **Enforcement.** This ordinance can be enforced by any law enforcement officer.

(G) *Severability.* If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

(H) *Penalty.* Violation of Subdivision 4 is a misdemeanor.

(Ord. 538, passed 08-02-2010)

§ 130.38 SYNTHETIC CANNABINOID PROHIBITED

(A) *Purpose.* Herbal preparations powdered or sprayed with a chemical synthetic cannabinoid may be present within the City of Cambridge that claim to produce intoxicating effects similar to THC or marijuana. While these synthetic cannabinoid substances are often marketed as legal alternatives to marijuana, they are potentially dangerous to users as the substances can produce severe adverse health conditions such as hallucinations, paranoia, seizures, vomiting, and long-term health effects which are not yet known. As the side effects of these substances are a health, safety, and welfare concern to the citizens of Cambridge, this ordinance seeks to prohibit the sale and use of synthetic cannabinoids within the City.

(B) *Definition.* For purposes of this section, “synthetic cannabinoid” shall mean:

(1) A synthetic equivalent of the substance contained in the Cannabis plant, or in the resinous extractive of the genus *Cannabis*, or a synthetic substance, derivative, or its isomers with similar chemical structure of pharmacological activity such as the following:

- (a) 1-Pentyl-3-(1-naphthoyl) indole; some trade or other names; also known as JWH-018;
- (b) 1-Butyl-3-(1-naphthoyl) indole; some trade or other names; also known as JWH-073;
- (c) Phenol, CP 47, 497 and homologues, or 2- [(1R,3S)] -3-[hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol, where side chain n=5, and homologues where side chain n=4, 6 or 7;
- (d) Any similar structural analogs;

(2) Products, by whatever trade name, that are treated, sprayed, or saturated with one or more of the above chemicals. Some currently marketed products containing synthetic cannabinoids identified in subdivision (1) include, but are not limited to, common street or trade names of “Spice”, “K2”, “Genie”, “Smoke”, “Yucatan Fire”, “Diamond Spice”, “Red Dragon Smoke”, “Skunk”, “K2 Summit and Pandora Potpurri”, and “fake” or “new” marijuana.

(C) *Possession, Use, and Sale are Prohibited.* No person shall use, possess, transport, purchase, attempt to purchase, sell, give away, barter, exchange, dispense, deliver, distribute, or manufacture any synthetic cannabinoid as defined in this section.

(D) *Exceptions.* Acts otherwise prohibited under this section shall not be unlawful if done by or under the direction or prescription of a licensed physician, dentist, or other medical health professional authorized to direct or prescribe such acts, provided that such use is permitted under state and federal laws.

(E) *Penalties.* Any person violating this ordinance shall be subject to a fine of not less than \$100.00 nor more than \$500.00, exclusive of costs.

(Ord. 539, passed 11-15-2010)