

**STATE OF MINNESOTA
COUNTY OF STEARNS**

ORDINANCE NUMBER 547

**AN ORDINANCE ESTABLISHING SECURITY SCREENING STANDARDS
FOR PUBLIC BUILDINGS AND ESTABLISHING PENALTIES FOR VIOLATION**

THE STEARNS COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS:

SECTION 1.0 - TITLE AND PURPOSE

- 1.1 Title. This ordinance shall be known and cited as the ‘Stearns County Security Screening Ordinance.’
- 1.2 Purpose. The purpose of this ordinance is to provide and promote a safe and secure environment for the public and public employees through implementation of reasonable security screening measures, while preserving the rights of citizens under state law and the Federal and State Constitutions.
- 1.3 Statement of Nondiscrimination. Stearns County does not discriminate on the basis of race, color, national or ethnic origin, ancestry, age, religion or religious creed, physical or mental disability or handicap, sex, gender, gender identity or gender expression, sexual orientation, marital status, family or parental status, income derived from public assistance, political beliefs or affiliations, military or veteran status or any other characteristic protected under applicable federal, state or local law, regulation or policy. This ordinance, and its administration, shall apply equally to all persons in accordance with law.

SECTION 2.0 - STATE LAW ADOPTED BY REFERENCE; INTERPRETATION

- 2.1 Minnesota Statutes Adoption by Reference. Pursuant to Minnesota Statutes, §§ 375.51 & 471.633, the following statutory provisions, as the same may be amended from time to time, are adopted and incorporated herein by reference: Minn.Stat. § 609.02; Minn.Stat. § 609.66; Minn.Stat. §§ 624.71- 624.732 et. seq.; Minn.Stat. § 641.165.
- 2.2 Interpretation and Intent. The provisions of this ordinance and their effect shall be interpreted, in all respects, consistent with the provisions of State law and any binding decisions of applicable Appellate Courts. With respect to possession of firearms in County buildings, it is the intent of this ordinance to remain identical to State law both in the interpretation of this ordinance and in its practical effect.

SECTION 3.0 - PROHIBITED ITEMS IN COUNTY BUILDINGS (PUBLIC SPACES)

- 3.1 Prohibited Items. Except as otherwise provided for by state law and this ordinance, dangerous weapons and dangerous materials are prohibited in all public spaces of County

operated or occupied buildings or any portion thereof, whether owned in fee or occupied under a leasehold. Public spaces are defined as areas to which the public customarily has access during business hours without a keycard, permission, or escort. Dangerous weapons and dangerous items include, but are not limited to, the following:

- a. Firearms, including pellet, BB and paintball guns;
- b. Explosives;
- c. Martial Arts Type Weapons;
- d. Batons, Clubs, Slung Shots or other blunt force weapons;
- e. Mace, Pepper Spray, Tear Gas or other Personal Defense Sprays and Aerosols;
- f. Ammunition;
- g. Electronic Incapacitation and Control Devices, Stun Guns or Tasers;
- h. Brass Knuckles;
- i. Slingshots;
- j. Flammable Liquids or Substances;
- k. Automatic (Switch Blade), Spring-Assisted or Gravity (Butterfly) Knives, regardless of length;
- l. Knives and Edged Weapons or Tools with a cutting surface greater than 3 inches;
- m. All other items not listed which meet the definition of "Dangerous Weapon" as provided by Minnesota Statutes, § 609.02 or reasonably determined by Sheriff's personnel to be a dangerous weapon, item or material.

SECITON 4.0 - PROHIBITED ITEMS IN COUNTY BUILDINGS (NON-PUBLIC SPACES)

- 4.1 Prohibited Items. Nonpublic spaces are defined as areas accessible only by keycard access or to which access is granted to the public only by permission or escort. Except as otherwise provided for by state law and this ordinance, dangerous weapons and dangerous materials are prohibited in the nonpublic areas of County Buildings, including all items listed in Section 3.1 above. Additionally, no member of the public may possess a firearm in any nonpublic area, whether or not such person has a valid permit to carry a firearm.

SECTION 5.0 – EXCEPTION TO POSSESSION OF PROHIBITED ITEMS

- 5.1 Exception for Certain Persons Pertaining to Firearms. The prohibition on firearms in nonpublic areas shall not apply to law enforcement officers, military personnel in the conduct of official duties, or any other persons authorized by law to carry a firearm while performing duties in their official capacity.
- 5.2 Exception for Certain Persons Pertaining to Tools. The prohibitions in this ordinance do not apply to building maintenance, contractors or other persons hired by the County to perform work relating to County building maintenance and construction. Nothing in the ordinance shall be construed as prohibiting cutting tools, knives, nail guns or any tool necessary to perform building maintenance or construction. Any person meeting this exception may, in the discretion of the County, be allowed access to and from County

buildings without the need to proceed through security screening or may be subject to alternative security screening procedures.

SECTION 6.0 - SHERIFF TO ADOPT POLICY FOR SECURITY SCREENING PROCEDURES FOR COUNTY BUILDINGS

- 6.1 Security Screening Policy and Procedures. Subject to review and approval by the Stearns County Board of Commissioners, the Stearns County Sheriff shall maintain a written policy for security screening and measures and procedures for County Buildings. The policy shall include the following provisions and information and be subject to the following conditions:
- a. A description of the screening measures to be employed, including the use of metal detectors and metal detecting wands;
 - b. To the extent practicable, designation of public and nonpublic areas by description or diagram;
 - c. Any policy must provide for an opportunity for prohibited, but otherwise lawful, items to be returned to a vehicles or removed from the building without being subject to search or seizure;
 - d. With respect to metal detecting devices, if an alarm is triggered multiple times, a person must be allowed an opportunity to leave prior to any “pat-down” search. All pat-down searches must be conducted by consent, provided that if consent is not given, a person may be denied access to the building until such time as they can pass through the security screening. No compulsory pat-down search shall occur, except upon a reasonable articulable suspicion to believe that a crime may have occurred and the person may potentially be armed and dangerous;
 - e. Allow for the voluntary option of placing prohibited items in an “amnesty box,” provided that a person is informed that any item voluntarily placed in an amnesty box becomes the immediate property of the Stearns County Sheriff’s Office and will not be returned;
 - f. At the discretion of the Stearns County Sheriff, the policy may allow for provision of temporary storage lockers for voluntary use by the public at its own risk. There shall be no expectation of privacy in publicly provided storage lockers and such lockers are subject to search at any time without notice;
 - g. Nothing in these provisions is intended to limit the ability of Sheriff’s personnel from seizing illegal contraband;
 - h. Subject to the terms and conditions imposed by this Section, security screening procedures need not be identical between County Building locations, but rather may be tailored to meet the individual security needs of a particular location.

- 6.2 No Limitation on Sheriff's Office Authority. Nothing in this ordinance, or in the Security Screening Policy, shall be in any way construed as a limitation on the lawful authority and discretion of the Stearns County Sheriff's Office or its personnel.
- 6.3 Policy Accessible to the Public. The Security Screening Policy shall be accessible to the public, provided that "Security Information" (as defined by Minnesota Statutes §13.37) shall retain its nonpublic classification. Security Information shall be released, if at all, only in accordance with applicable Minnesota law.

SECTION 7.0 – SUBMISSION TO SECURITY SCREENING MEASURES

- 7.1 Security Screening Mandatory. Except as otherwise provided in Sections 5 and 9, and 7.2 below, all persons seeking to enter County Buildings must submit to the security screening measures established pursuant to this ordinance and accompanying Security Screening Policy and Procedures prior to gaining access to the building. Persons who decline to submit to such security screening procedures will be denied access to the building.
- 7.2 Alternative Screening Procedures. The Sheriff, or the Sheriff's designee, may establish alternative screening measures and procedures for vendors and delivery people, visiting dignitaries, County Commissioners and any persons requiring expedited access to County Buildings for official business purposes.

SECTION 8.0 – COURTHOUSE COMPLEX AND LAW ENFORCEMENT CENTER

- 8.1 Courthouse Complex Excepted. The Courthouse Complex is defined as the interior of the buildings commonly referred to as the Courthouse and the Courts Facility Building. The provisions of this ordinance and accompanying Security Screening Policy and Procedures do not apply to the Courthouse Complex. Authority to establish security and screening measures for the Courthouse Complex is delegated to the Stearns County Sheriff, in consultation with the Chief District Court Judge, subject to the mandates and limitations provided for in State law.
- 8.2 Law Enforcement Center Excepted. The Law Enforcement Center is defined as the entire interior of the building which houses the Sheriff's Office and Jail – commonly referred to as the Law Enforcement Center. The provisions of this ordinance and accompanying Security Screening Policy and Procedures do not apply to the Law Enforcement Center. Authority to establish security and screening measures for the Law Enforcement Center is delegated to the Stearns County Sheriff.

SECTION 9.0 – BUILDING ACCESS FOR COUNTY EMPLOYEES

- 9.1 Access by County Employees. Access to County Buildings by County employees shall be in accordance with the Stearns County personnel policies. Nothing in the ordinance is intended, or shall be construed, as modifying or amending the personnel policies of

Stearns County. Stearns County personnel policies are established separately and may be amended from time-to-time, as needed, by County Administration with the approval of the Stearns County Board of Commissioners.

SECTION 10.0 - CIVIL REMEDIES ENFORCEMENT

10.1 Civil Enforcement. The Stearns County Board of Commissioners reserves all civil rights and remedies available to it, at law or in equity, in the administration and enforcement of this ordinance.

SECTION 11.0 – CRIMINAL PENALTIES FOR CERTAIN CONDUCT

11.1 Misdemeanor Violations. The following conduct shall constitute a criminal misdemeanor offense, punishable by up to the maximum provided for by law for such offense:

- a. No person shall enter a County building with the intent to bypass the security screening measures established under this ordinance.
- b. No person shall intentionally disobey the lawful commands and directives of Sheriff's Office personnel given in relation to implementing and administering the security screening measures established pursuant to this ordinance.
- c. Except as otherwise provided for in this ordinance, no person shall knowingly possess an item prohibited by Section 4 of this ordinance in any nonpublic space, as the same has been defined in Section 4.

SECTION 12.0 – PUBLICATION AND EFFECTIVE DATE

12.1 Publication and Effective Date. This ordinance shall become effective upon passage and publication in accordance with law.

Duly adopted this 13th day of December, 2016 by the Stearns County Board of Commissioners.

Chair, Stearns County Board of Commissioners

ATTEST:

Stearns County Auditor – Treasurer