

CITY OF STEWARTVILLE

ORDINANCE 2016-2

Designated Predatory Offender Residency Restrictions

Section 1: Designated Predatory Offender Residency Restrictions.

1. Purpose. The City Council intends to serve the City's compelling interest to promote, protect and improve the health, safety, and welfare of its 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.

2. 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.

Section 2: Definitions. For purposes of this ordinance the following definitions will apply unless the context or intent clearly requires a different meaning:

1. Designated predatory offender. Any person who is required to register as a predatory offender under Minnesota Statutes § 243.166, as may be amended from time to time, 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.

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

3. 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.

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

5. Licensed child care center. A child care center currently licensed by the Olmsted County, Minnesota, child and family services department.

6. Public park/playground. Means any City-owned, or privately owned but open to the public 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.

Section 3: Prohibited Acts.

1. Prohibited location of residence. It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 1,500 feet of any of the following:

- a. Public or private school;
- b. Licensed child care provider, including but not limited to in home care providers that are licensed by the State and/or County;
- c. Public park/playground;
- d. Place of worship that provides regular educational programs;
- e. Designated public trail;
- f. Public or private Gymnasium;
- g. Library;
- h. Public beach; and
- i. Sporting facility (i.e. swimming pool, baseball field, football field, hockey rink, soccer field, etc.) where children are known to congregate.
- j. Elderly living facility or care center facility

2. 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 at Section 3.

Section 4: Exceptions. This ordinance 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, or a successor statute, prior to May 24, 2016.

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 been granted a risk level reduction by the End of Confinement Review Committee, pursuant to Minnesota Statutes § 244.052, Subd. 3(i).

5. The property listed at Section 3 that is within 1,500 feet of the person's permanent residence was opened or created after the designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes § 243.166, or a successor statute.

6. The residence is also the primary residence of the designated predatory offender's parent, grandparent, sibling or spouse, and was their residence prior to May 24, 2016.

7. The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to May 24, 2016.

Section 5: Property Owners Prohibited from Renting Real Property to Designated Predatory Offenders in the Exclusion Zones.

1. It shall be unlawful for any property owner to rent or lease real estate to any designated predatory offender if the property is in the prohibited zone established in Section 3. If a property owner discovers or is informed that a tenant is a designated offender after a rental agreement is signed, a property owner shall commence eviction proceedings against the designated offender and take action to ensure that the designated offender is not residing in the exclusion zone.

2. A property owner's violation of this prohibition shall be punishable as set forth in Section 6.

Section 6: Penalty. Any person who violates this ordinance shall be punished according to the laws of the State of Minnesota. A violation of this ordinance shall constitute a misdemeanor. Each day a person maintains a temporary or permanent residence in violation of this ordinance constitutes a separate violation.

Section 7: Severability. The provisions of this ordinance are severable and if any provision of this ordinance or application of any provision of this ordinance due to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this ordinance shall not be affected thereby.

This ordinance shall become effective upon passage by the City Council and publication in the Stewartville Star and shall replace and supersede all other ordinances governing predatory offender residency restrictions.

Adopted by the Stewartville City Council this 24th day of May, 2016.

Mayor Jimmie-John King

ATTEST:

Bill Schimmel, Jr
City Administrator