

CHAPTER XVIII: PUBLIC SAFETY REGARDING DESIGNATED PREDATORY OFFENDERS

PART 1: FINDINGS AND PURPOSES

1. **PURPOSE:** The Henderson City Council intends to serve the city's compelling interest to promote, protect and improve the health, safety, and welfare of Henderson 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.
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.

PART II: DEFINITIONS

1802.01 Definitions. For purposes of this section the following definitions will apply unless the content or intent clearly requires a different meaning.

- (a) 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 similar statute from another state.
- (b) Permanent residence. A place where a person abides, lodges, or resides for 14 or more consecutive days.
- (c) 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 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.

- (d) School. A public or nonpublic preschool, elementary or secondary school.
- (e) Licensed child care facility. A child care facility currently licensed by the Sibley County, Minnesota, public health and human services department.
- (f) Public park/playground. Means any city-owned, or privately owned but open to the public areas, 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.

PART III: PROHIBITED ACTS

1. PROHIBITED LOCATION OF RESIDENCE: It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 2,000 feet of any of the following
 - a. Public or private school
 - b. Licensed child care facility
 - c. Public park/playground
 - d. Place of worship which provides regular educational programs
 - e. Designated public school bus stop
 - f. Designated public trails
 - g. Public or private Gymnasiums
 - h. Libraries
 - i. Public beaches
 - j. Sporting facilities (i.e. baseball fields, football fields, hockey rinks, soccer fields, etc.) where children are known to congregate
 - k. The permanent or temporary residence of any other designated predatory offender
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 in PART III.

1803.03 EXCEPTIONS: This section does not apply under the following circumstances:

- (a) The designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes 243.166 and 244.167, or a successor statute, prior to September 1, 2015.
- (b) The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult.
- (c) The designated predatory offender is a minor
- (d) 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).
- (e) The school, licensed child care facility, or public playground within 2,000 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 243.16 and 243.167, or a successor statute.
- (f) The residence is also the primary residence of the designated predatory offender's parents, grandparents, siblings, or spouse, and was their residence prior to September 1, 2015.
- (g) The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to September 1, 2015.

1803.04 PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO DESIGNATED PREDATORY OFFENDERS IN EXCLUSION ZONES: 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 PART III. If a property owner discovers or is informed that 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.

- (a) A property owners violation of this prohibition shall be punishable as set forth in PART IV.

PART IV: PENALTY

1804.01 PENALTY: Any person who violates this part shall be punished according to the laws of the State of Minnesota. A violation of this part shall constitute a misdemeanor. Each day a person maintains a temporary or permanent residence in violation of this ordinance constitutes a separate violation.

1804.02 SEVERABILITY: The provisions of this part are severable and if any provision of this part or application of any provision of this part due to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this part shall not be affected thereby.