

**CITY OF ST. CLAIR**

**ORDINANCE CODE**

**CHAPTER 15: DESIGNATED PREDATORY OFFENDER RESIDENCY RESTRICTIONS**

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## **SECTION 15.01 TITLE**

Designated Predatory Offender Residency Restrictions

## **SECTION 15.02 PURPOSE**

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

## **SECTION 15.03 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. This makes dealing with the danger posed to the public safety and especially that of children by those certain predatory offenders extremely important.

## **SECTION 15.04 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, 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.

*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 child care center currently licensed by the Blue Earth County, Minnesota, Public Health and Human Services Department.

*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 15.05 PROHIBITED ACTS**

### **A. 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:

1. Public or private school;
2. Licensed child care provider, including but not limited to home care providers which are licensed by the State and/or County;
3. Public parks and playgrounds;
4. Places of worship which provide regular educational programs;
5. Designated public trails;
6. Public and private Gymnasiums;
7. Libraries;
8. Public beaches;
9. Sports facilities (i.e.: baseball fields, softball fields, football fields, ice rinks, hockey rinks, sliding hills, soccer fields, volleyball courts, tennis courts, etc.) where children are known to congregate;
10. 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 15.05 A of this Ordinance.

## **SECTION 15.06 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 243.167, or a successor statute, prior to March 3, 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 center 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 § 243.166 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 March 3, 2015.

**SECTION 15.07 PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO DESIGNATED PREDATORY OFFENDERS IN THE EXCLUSION ZONES**

- A. 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 15.05. 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.
- B. A property owners violation of this prohibition shall be punishable as set forth in Section 15.08.

**SECTION 15.08 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. Each day a person maintains a temporary or permanent residence in violation of this Ordinance constitutes a separate violation.

**SECTION 15.09 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 15.10 EFFECTIVE DATE**

City of St. Clair Ordinance Code, Chapter 15: Designated Predatory Offender Residency Restrictions shall be in full force and effect after its passage and publication as provided by law and shall replace and supersede all other Ordinances governing predatory offender residency restrictions.

**PASSED and ADOPTED** by the City Council of the City of St. Clair, Minnesota this 3<sup>rd</sup> day of March 2015.

ST. CLAIR CITY COUNCIL

\_\_\_\_\_  
Marvin More, Mayor

ATTEST:

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Catherine Seys, City Clerk-Treasurer

Motion made by Council Member	Jason Weinandt	
Motion seconded by Council Member	Cindy Glamm	
<b>COUNCIL MEMBERS</b>	<b>IN FAVOR</b>	<b>OPPOSED</b>
Mayor Marvin More	√	
Council Member Jerry Phillips	√	
Council Member Thomas Karels, Sr.	√	
Council Member Jason Weinandt	√	
Council Member Cindy Glamm	√	