

**AN ORDINANCE AMENDING CITY CODE CHAPTER 50 ENTITLED OFFENSES
AND MISCELLANEOUS PROVISIONS BY ADDING SECTION 50-5 ENTITLED
PREDATORY OFFENDER RESIDENCY RESTRICTIONS IN SAFETY ZONES**

Ordinance No. 469

THE CITY OF ADA DOES ORDAIN:

**§50-5 PREDATORY OFFENDERS - RESIDENCY RESTRICTIONS, SAFETY
ZONES, AND PROHIBITED ACTIVITY**

A. **PURPOSE AND INTENT.** The City of Ada finds and declares that predatory offenders present an extreme threat to public safety. Predatory offenders are likely to use physical violence and to repeat their offenses, and most predatory offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of predatory offender victimization to society at large, while incalculable, unmistakably steep. It is the intent of this ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City of Ada by imposing residency restrictions upon predatory offenders and creating safety zones around locations where vulnerable populations regularly congregate in concentrated numbers wherein certain predatory offenders are prohibited from establishing temporary or permanent residence and wherein access by sexual offenders shall be restricted and excluded.

B. **DEFINITIONS.** For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHILDREN. Two or more persons under the age 18 and also includes individuals under age 21 who are in foster care.

CHILD CARE FACILITY. Any facility, public or private, licensed by the State of Minnesota or Norman County, which for gain or otherwise regularly provides one or more persons with licensed child care or a group child care center currently licensed by Norman County or the State of Minnesota.

DESIGNATED PREDATORY OFFENDER. Any person who has been categorized as a Level III predatory offender under Minnesota Statutes Section 244.052, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.

FACILITIES FOR CHILDREN. Licensed child-care facility, public playground, or any other place where children are commonly known to regularly congregate.

PERMANENT RESIDENCE. A place where a person abides, lodges, or resides for 14 or more consecutive days. An ownership interest by the person in such residence is not required.

PLACE OF ASSEMBLY. A place of assembly, church, synagogue, temple, mosque or other facility that is used for prayer by persons of similar beliefs or a special purpose building that is designed or particularly adapted for the primary use of conducting, on a regular basis, religious services and associated accessory uses by a religious congregation.

PUBLIC OR PRIVATE SCHOOLS. Establishments primarily engaged in providing instructional services to elementary or secondary students with a curriculum that complies with state regulations, including public schools governed by an elected school board, private schools and charter schools.

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 nonconsecutive days in any month, and which is not the person's permanent residence.

C. PROHIBITION; PENALTIES; EXCEPTIONS.

1. *Prohibited location of residence.* It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 500 feet of any facility for children or care facility.
2. *Prohibition present in safety zone.* It is unlawful for any designated predatory offender to be present within 100 feet of any facility for children or care facility.
3. *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 or temporary residence to the nearest outer property line of the facility for children or care facility.
4. *Violations.* A violation of this ordinance shall be a misdemeanor. Each day a designated predatory offender maintains a residence in violation of this ordinance constitutes a separate violation.
5. *Exceptions.* A designated predatory offender residing within a prohibited location as described herein does not commit a violation of this ordinance if any of the following apply:
 - (a) The designated predatory offender established the permanent or temporary residence and reported and registered the residence pursuant to Minnesota Statutes sections 243.166 and 243.167, or a successor statute. Time spent in the Norman County Jail, Psychiatric or Chemical Dependency Treatment Center, Hospital, Half-way House, or other care facility shall not constitute prior permanent residency.
 - (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 facility for children or care facility within 500 feet of the designated predatory offender's permanent or temporary residence was opened after the designated predatory offender established the permanent residence and reported and registered the residence pursuant to Minnesota Statutes sections 243.166 and 243.167, or a successor statute. Designated offenders that reside in the community prior to the passage of this ordinance are grandfathered/ excluded.
- (e) The residence is also the primary residence of the designated predatory offender's parents, grandparents, siblings or spouse.
- (f) The residence is a property purchased, leased, or contracted with and licensed by the Minnesota Department of Corrections prior to October 14, 2016.

6. *Official Map of prohibited locations.* The City Administrator shall maintain an official map showing prohibited locations of residences as defined by this Ordinance. The City Administrator shall review annually and if appropriate update the map to reflect any changes in the prohibited locations. The map shall not be deemed conclusive or all-encompassing since some prohibited location change from time to time including but not limited other places where children are known to congregate.

**D. RESTRICTIONS RELATING TO RENTAL PROPERTY;
PENALTIES.**

1. It is unlawful for a property owner to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this Section if such place, structure, or part thereof, trailer or other conveyance, is located with a prohibited location in subdivision C (1) above.
2. A violation of this ordinance shall be a misdemeanor. Each day a property owner violates this subdivision constitutes a separate violation.
3. If a property owner discovers or is informed that a tenant is a designated predatory offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager may evict the offender without further liability to the offender.

E. SEVERABILITY. Should any section, subdivision, clause or other provision of this Section be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of this Section as a whole, or of any part thereof, other than the part held to be invalid.

Effective Date. The effective date of this ordinance shall be the 14th day of October, 2016.

THIS ORDINANCE was introduced on August 3, 2016, and adopted by the City Council of the City of Ada, Minnesota, on the 6th day of September, 2016, by the following vote:

AYES:

NAYS:

ATTEST:

APPROVED:

City Administrator

Mayor

Published in the Norman County Index on September 13, 2016.