

ORDINANCE NO ___, THIRD SERIES

**CITY OF ORONO
HENNEPIN COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 70 OF THE
ORONO CITY CODE CREATING ARTICLE VII
REGARDING SEXUAL PREDATOR RESIDENCY RESTRICTIONS**

THE CITY COUNCIL OF THE CITY OF ORONO, MINNESOTA ORDAINS:

SECTION 1. Chapter 70 of the Orono City Code is hereby amended to add Article VII to read as follows:

ARTICLE VII – SEXUAL PREDATOR RESIDENCY RESTRICTIONS

Sec. 70-277. - Findings and Intent.

- (a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses. Most sexual 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 sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) It is the intent of this chapter to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of its citizens by establishing areas around locations where children regularly congregate in concentrated numbers, wherein certain sexual predators are prohibited from establishing temporary or permanent residence.

Sec. 70-278. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Day Care Center – A facility licensed by the State of Minnesota in which care, supervision and training for individuals under the age of 18 is provided for part of a 24-hour period.

Designated 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.

Park or Playground – Any land, including improvements, operated by the city for the use by the general public as a recreational area.

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

School – Any public or non-public educational institution that offers educational instruction to individuals under the age of 18.

Temporary Residence – A place, other than a person's permanent residence, where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year or four or more consecutive or non-consecutive days during any month.

Sec. 70-279. - Residency Prohibition; Penalties; Exception.

(a) Residency Prohibition.

(1) It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, day care center, park or playground.

(2) 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 of the designated offender to the nearest outer property line of a school, day care center, park or playground.

(b) Penalties. A person who violates this section shall be punished by a fine not exceeding \$1,000, or by confinement for a term not exceeding 90 days, or by both such fine and confinement. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.

(c) Exceptions. A designated offender residing within a prohibited area as described in subsection (a) does not commit a violation of this section if any of the following apply:

(1) The designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to M.S. § 243.166, § 243.167, or successor statute, prior to the effective date of this section.

(2) The designated offender was a minor when he or she committed the offense and was not convicted as an adult.

(3) The designated offender is a minor.

(4) The school, day care center, park or playground within 2,000 feet of the designated offender's permanent residence or temporary residence was designated or opened after the designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to M.S. § 243.166 or § 243.167, or successor statute.

(5) The residence is also the primary residence of the designated offender's parents, grandparents, siblings, spouse or adult children.

(6) The residence is a property owned by the Minnesota Department of Corrections.

SECTION 2. This Ordinance is effective immediately upon enactment.

ADOPTED this ____ day of _____, 2016, by the Orono City Council.

CITY OF ORONO

Lili Tod McMillan, Mayor

ATTEST:

Diane Tiegs, City Clerk