

**CITY OF TONKA BAY
SECTION 711**

PREDATORY OFFENDERS

Section 711.00. Findings & Intent.

Subd. 1. Repeat predatory offenders who use physical violence and who prey on children present an extreme threat to the public safety. Predatory offenders are extremely 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, clearly exorbitant.

Subd. 2. 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 by creating areas around locations where children regularly congregate in concentrated numbers wherein certain predatory offenders are prohibited from establishing temporary or permanent residence.

Section 711.10. Definitions.

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

Designated Offender: Any person who has been convicted of a designated offense, regardless of whether adjudication has been withheld or has been categorized as a level III sex offender under Minnesota statutes section 244.052 or successor statute.

Designated Offense: A conviction, adjudication of delinquency, commitment under Minnesota statutes chapter 253B, or admission of guilt under oath without adjudication involving any of the following offenses: Minnesota statutes sections: 609.342; 609.343; 609.344; 609.345; 609.352; 609.365; 617.23; 617.246; 617.247; 617.293; successor statutes; or a similar offense from another state. Committed the crime of failing to register as a predatory offender pursuant to Minnesota statute 243.166, subd. 1.

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

Temporary Residence: A place where the 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 (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Section 711.20. Residence Prohibition, Activity Prohibition, Penalties, Exceptions.

Subd. 1. Prohibited Location of Residence: It is unlawful for any designated offender to establish a permanent residence or temporary residence 1) within 1000 feet of any school, licensed daycare center, park, or playground; or 2) within 1000 feet of any place of worship which provides regular educational programs (e.g. Sunday school), or any other place where children are known to regularly congregate.

Subd. 2. Prohibited Activity: It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on or preceding Halloween, wearing a Santa Claus costume on or preceding Christmas, or wearing an Easter bunny costume on or preceding

Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this subsection.

Subd. 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 residence or temporary residence to the nearest outer property line of a school, daycare center, park, playground, place of worship, or other place where children regularly congregate.

Subd. 4. Penalties: Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in chapter 11 of this code book. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.

Subd. 5. Exceptions: A designated offender residing within a prohibited area as described in subd. 1 of this section does not commit a violation of this section if any of the following applies:

1. The designated offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota statutes sections 243.166, 243.167, or successor statute, prior to January 24, 2017.
2. The designated offender was a minor when they committed the offense and was not convicted as an adult.
3. The designated offender is a minor.
4. The school or daycare center within 1000 of the designated offender's permanent residence was opened after the person established the permanent residence and reported and registered the residence pursuant to Minnesota statutes section 243.166 or 243.167.
5. The residence is also the primary residence of the designated offender's parents, grandparents, siblings, spouse, partner, or children.
6. The residence is a property owned or leased by the Minnesota department of corrections.

Section 711.30. Renting Real Property, Penalties.

Subd. 1. It is unlawful 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 designated offender prohibited from establishing such permanent residence or temporary residence pursuant to section 711 of this ordinance, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in section 711.20 subd. 1.

Subd. 2. A property owner's failure to comply with provisions of this section shall constitute a violation of this section.

Section 711.40. Severability.

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

SECTION 2. EFFECTIVE DATE.

This ordinance shall take effect upon its adoption by the City Council and its publication in the City's official newspaper.