

**CITY OF NEWPORT
ORDINANCE 2017-4**

**AN ORDINANCE OF THE CITY OF NEWPORT, MINNESOTA, ADDING TO CHAPTER 20
KNOWN AS THE "OFFENSES" CHAPTER OF THE NEWPORT, MINNESOTA, CITY CODE
BY CREATING A SEPARATE ARTICLE SIX OF THAT CHAPTER OF THE CITY CODE
THAT WOULD RESTRICT REGISTERED PREDATORY OFFENDER RESIDENCY WITHIN
THE CITY**

THE CITY COUNCIL OF THE CITY OF NEWPORT, MINNESOTA, HEREBY ORDAINS THAT:

That the following language be inserted after the current provisions of Chapter 20, Article V:

"Sections 20.110-20.119 are reserved, being now intentionally left blank.

ARTICLE VI: PREDATORY OFFENDER RESIDENCY RESTRICTIONS

SECTION 20.220. AUTHORITY.

This Article is adopted pursuant to and under the authority of the general legislative authority of the City of Newport, as a Minnesota Statutory City, as well as, more specifically, the authority invested in it by Minnesota Statutes Section 462.357, Subdivision 1.

SECTION 20.221. PREDATORY OFFENDER RESIDENCY RESTRICTIONS

(a) Findings and Purpose. Repeat predatory offenders present an extreme threat to the public safety of a community and especially to children. Predatory offenders are likely to use physical violence and to repeat their offenses. 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 Article to serve the City's compelling interest to promote, protect and improve the health, safety, and welfare of citizens of the City of Newport by creating areas around locations where children regularly congregate in concentrated numbers and where certain predatory offenders are prohibited from establishing temporary or permanent residence.

(b) Definitions. For this Chapter, the following definitions will apply unless the context or intent clearly requires a different meaning:

DAY CARE: Any facility, public or private, licensed by the State of Minnesota or Washington County, in which care, training, supervision, habilitation or developmental guidance for children is provided on a regular basis and for periods less than 24 hours per day.

CHILD OR CHILDREN: Any person or persons under 18 years of age, or individuals under age 21 who are in foster care.

FACILITIES FOR CHILDREN: All public parks, parkways, park facilities, parkland, public or private schools, designated public school bus stops, libraries, group homes, foster homes, day care and child care facilities, public recreation centers, non-profit or commercial recreation centers, public or private playgrounds, public or commercial swimming pools, public beaches, youth centers, athletic fields used by children, crisis centers or shelters, care facilities for children's skate park or rink, movie theaters, bowling alleys, facilities for children's clubs, e.g. scouting, public recreational areas and trails including

conservation areas, jogging trails, hiking trails, walking trails, bicycle trails, Offices for Child Protective Services, places of assembly, and specialized schools for children, including but not limited to, tutoring, gymnastics, dance and music schools.

DESIGNATED PREDATORY OFFENDER: Any person who has been categorized as a Level III predatory offender under Minnesota Statutes 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.

LICENSED CHILD CARE FACILITY: Any facility, center, home or institution licensed by the State of Minnesota pursuant to Minn. Stat. 245A, where children are cared for pursuant to the requirements of a license issued by the Minnesota Department of Human Services.

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

SCHOOL: Any public or non-public educational institution providing instructional services to children, which shall include any structure, land, or facility owned, leased or used for operation of the school or school activities.

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 residence, 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) Prohibitions; Measurement of Distance; Penalties; Exceptions.

- (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 school, day care, licensed child care facility, place of assembly, or facility for children.
- (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 day 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 property line of the permanent residence or temporary residence to the nearest outer property line of the school, day care, licensed child care facility, place of assembly, facility for children, or park.
- (4) **Violations:** A designated predatory offender who violates this Chapter shall be deemed guilty of a misdemeanor. Each day a designated predatory offender maintains a residence in violation of this Chapter constitutes a separate violation.
- (5) **Exceptions:** A designated predatory offender residing within a prohibited location, as herein described, does not commit a violation of this Chapter 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, prior to April 1, 2017.

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 school, day care, licensed child care facility, place of assembly, facility for children or park within 2,000 feet of the designated predatory offender's residence was opened after the designated predatory offender established their permanent or temporary residence, and reported and registered the residence pursuant to Minnesota Statutes, Sections 243.166 and 243.167, or a successor statute.

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 April 1, 2017.

SECTION 222. OFFICIAL MAP OF PROHIBITED LOCATIONS

The City Administrator, or designee, shall maintain an official map showing prohibited locations of residences as defined by this Chapter. The City Administrator, or designee, 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 locations change from time to time including, but not limited to, other places where children are known to congregate.

SECTION 223. 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 or temporary residence by any person prohibited from establishing such permanent or temporary residence pursuant to this Article if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location as set forth in Section 221 above.
- (2) A property owner violating Section 221 above shall be guilty of a petty misdemeanor. Each day a property owner violates Section C above 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 designated predatory offender reside on the property, the owner or property manager may evict the offender without further liability to the offender.
- (4) Violation of this section may be cause to suspend or revoke the property owner's rental license.

SECTION 224. SEVERABILITY

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

The foregoing Ordinance was moved by Councilmember Chapdelaine and seconded by Councilmember Lund.

The following Councilmembers voted in the affirmative: Lund, Sumner, Chapdelaine, Johnson


The following Councilmembers voted in the negative:

Effective Date

This Ordinance becomes effective upon its passage and publication according to law.

Adopted by the City Council of the City of Newport, Minnesota on the 16th day of March, 2017.

Signed: 
Dan Lund, Mayor

Attest: 
Deb Hill, City Administrator