

ORDINANCE NO. 2171

**AN ORDINANCE REGULATING THE RESIDENCY OF CERTAIN PREDATORY
OFFENDERS THEREBY AMENDING
REVISED CITY CODE - 1982 BY ADDING CHAPTER 8-1700,
PREDATORY OFFENDERS RESIDENCY**

The City of Coon Rapids does ordain:

Section 1. Revised City Code - 1982 is hereby amended by adding Chapter 8-1700,

Predatory Offenders Residency as follows: (additions double underlined)

1CITY OF COON RAPIDS, MINNESOTA

CHAPTER 8-1700

PREDATORY OFFENDERS RESIDENCY

8-1701 Purpose: Repeat predatory offenders, predatory offenders who use physical violence, and predatory offenders who prey on children are predators who present an extreme threat to the public safety. Predatory offenders are very 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, exorbitant. 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 the citizens of the Coon Rapids by creating areas around locations where children regularly congregate in concentrated numbers wherein certain predatory offenders are prohibited from establishing Temporary or Permanent Residence.

8-1702 Definitions. Words used in this Chapter shall have the following meanings unless otherwise defined in this Chapter.

(1) "Designated Predatory Offender" means any person that has been categorized as a level III sex offender under Minnesota statute 244.052 or successor statute or who has been categorized as a level II sex offender under Minnesota Statute 244.052 in which the victim of the offense was less than 16 years of age, or a similar statute from another states in which that persons risk assessment indicates a high level of re-offense.

(2) "Licensed Daycare" means a group child care facility currently licensed by Anoka County.

(3) "Permanent Residence" means a place where the person abides, lodges, or resides for 14 or more consecutive days.

(4) "Public Playground" means a City or Anoka County owned 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.

(5) "School" means a public or nonpublic elementary or secondary school.

(6) "Temporary Residence" means 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 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

8-1703 Prohibited Location of Residence. It is unlawful for any Designated Predatory Offender to establish a Permanent Residence or Temporary Residence:

- (1) Within 2,000 feet of any School, Licensed Daycare, or Public Playground.
- (2) Within 2,000 feet of the Permanent Residence of another Designated Predatory Offender.

8-1704 Measurement of Distance.

(1) 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, Public Playground.

(2) The city clerk shall maintain an official map showing prohibited locations as defined by this chapter. The clerk shall update the map at least annually to reflect any changes in the location of prohibited zones.

8-1705 Exceptions. A Designated Predatory Offender residing within a prohibited area as described in 8-1703 of this Chapter does not commit a violation of this Chapter if any of the following applies:

(1) The person 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 July 23, 2016.

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

(3) The person is a minor.

(4) The School or Daycare Center within 2,000 of the person's Permanent Residence was opened after the person established the Permanent Residence or Temporary 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 person's parents, siblings or spouse.

(6) The residence is a property owned or leased by the Minnesota Department of Corrections prior to July 23, 2016.

8-1706 Penalty: Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished with a fine up to \$1000 or up to 90 days in jail or both. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.

8-1707 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.

Introduced this 21st day of June, 2016.

Adopted this ____ day of _____, 2016_____

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk