

City of Vernon Center
Summary of Ordinance #94

Notice is hereby given that on June 6, 2016, the City Council of the City of Vernon Center, MN adopted an ordinance for designated predatory offender residency restrictions. The City Council determined it is appropriate to restrict the residency of certain predatory offenders by creating areas around locations where children regularly congregate in concentrated numbers and also prohibit certain predatory offenders from establishing temporary or permanent residence in such areas. The ordinance states it is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 2,000 feet of any of the following: school, licensed child care center, public park/playground/recreational center, places of worship which provide regular educational programs, designated public trails, public & private gymnasiums, sports facilities & areas where children are known to congregate (i.e. baseball fields, softball fields, football fields, ice rinks, hockey rinks, soccer fields, basketball courts, sliding hills, tennis courts, volleyball courts, etc), the permanent or temporary residence of any other designated predatory offender, and designated public or private school bus pickup & drop off sites. Property owners are also prohibited from renting real property to designated predatory offenders in the exclusion zones.

A printed copy of the entire Ordinance #94 is available for inspection by any person during regular office hours at City Hall, 101 Oak Street No., Vernon Center. Persons may also request a printed copy from City Hall.

City of Vernon Center
Mayor Dana Ziegler
City Clerk-Treas. Patricia Krosch

Ordinance #94
Designated Predatory Offender Residency Restrictions

The City Council of the City of Vernon Center, Minnesota hereby ordains:

Sect. 1. Purpose. It is the intent of the City of Vernon Center to protect the nature of the community for all of its citizens. In order to fulfil that interest, the City Council has determined it is appropriate to restrict the residency of certain predatory offenders by creating areas around locations where children regularly congregate in concentrated numbers and also to prohibit certain predatory offenders from establishing temporary or permanent residence in such areas.

Sect. 2. Findings. The City Council finds that repeat predatory offenders present a real threat to public safety and especially to that of children. Certain predatory offenders are likely to use physical violence and present a high risk to repeat their offenses. That makes dealing with the danger posed by repeat predatory offenders extremely important.

Sect. 3. Definitions. For the purpose of this ordinance, the following definitions will apply:

CHILD: Any person under 18 years of age.

DESIGNATED PREDATORY OFFENDER: Any person who is required to register as a predatory offender under MN Statute 243.166, as may be amended from time to time, and who has been categorized as a Level III predatory offender under MN Statute 244.052, a successor statute, or similar statute from another state. Also, any person who has been convicted or has plead guilty to criminal sexual conduct under MN Statute 609.342; 609.343; 609.344; 609.345; 609.3451, subd. 3; 609.3453; or any successor statutes, in which the victim of the offense was less than 16 years of age.

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.

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 non-consecutive days in any month and which is not the person's permanent residence.

SCHOOL: Any public or nonpublic preschool, elementary, or secondary school.

LICENSED CHILD CARE CENTER: A child care center currently licensed by Blue Earth County, Minnesota Public Health and Human Services.

PUBLIC PARK/PLAYGROUND/RECREATIONAL CENTER: Any area city owned, county owned, state owned, or privately owned but opened to the public, that is designed, equipped, 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.

PUBLIC TRAIL: A trail designated by a city, county, state, or federal government for the use of the public for recreational pursuits such as hiking, walking, running, cycling, or snowmobiling.

Sect. 4. Prohibited Locations of Residence. It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 2,000 feet of any of the following:

1. School
2. Licensed child care center
3. Public park/playground/recreational center
4. Places of worship which provide regular educational programs
5. Designated public trails
6. Public and private gymnasiums
7. Sports facilities and areas where children are known to congregate (i.e.: baseball fields, softball fields, football fields, ice rinks, hockey rinks, soccer fields, basketball courts, sliding hills, tennis courts, volleyball courts, etc)
8. The permanent or temporary residence of any other designated predatory offender
9. Designated public or private school bus pickup and drop off sites

Sect. 5. Measurement of Distance. For the purposes of determining the minimum distance of 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 the properties listed in Sect. 4 of this ordinance.

Sect. 6. Exceptions. A designated predatory offender residing within a prohibited area as described herein does not commit a violation of this section if any of the following apply:

1. The designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to MN Statutes 243.166 and 243.167, or a successor statute, prior to enactment of this ordinance.
2. The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult.
3. The designated predatory offender is a minor.
4. The designated predatory offender has been granted a risk level reduction by the End of Confinement Review Committee, pursuant to MN Statutes 244.052, Subd. 3(i) or a successor statute.
5. The school, licensed child care center, or public park/playground/recreational center was opened after the designated predatory offender established the permanent or temporary residence and properly reported and registered the same pursuant to MN Statutes 243.166 and 243.167, or a successor statute.

6. The residence is also the primary residence of the designated predatory offenders parents, grandparents, siblings or spouse, and was their residence prior to enactment of this ordinance.
7. The residence is a property owned or leased by the Minnesota Department of Corrections prior to enactment of this ordinance.

Sect. 7. Property Owners Prohibited From Renting Real Property to Designated Predatory Offenders in the Exclusion Zones.

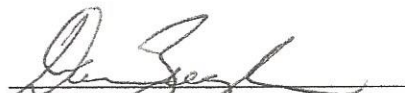
1. It shall be unlawful for any property owner to rent or lease real estate to any designated predatory offender if the property is in the prohibited zone established in Sect. 4. If a property owner discovers or is informed that a tenant is a designated predatory offender after a rental agreement is signed, a property owner shall commence eviction proceedings against the designated offender and take action to ensure that the designated predatory offender is not residing in the exclusion zone.
2. Property owners in violations of this provision shall be punished as set forth in Sect. 8.


Sect. 8. Penalty. Any person or entity that violates any section of this ordinance shall be punished according to the laws of the State of Minnesota. A violation of this ordinance shall constitute a misdemeanor. Each day a person maintains a temporary or permanent residence in violation of this ordinance constitutes a separate violation.

Sect. 9. Severability. Should any section, subdivision, clause or other provision of this ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole, or of any part thereof, other than the part held to be invalid.

Sect. 10. Effective Date. This ordinance shall be in full force and effect after its passage and publication as provided by law.

Passed and adopted by the City Council of the City of Vernon Center, Minnesota this 6th day of June, 2016.


Dana Ziegler, Mayor


Patricia Krosch, City Clerk-Treas.