

ORDINANCE NO. 930
CITY OF MOUNDS VIEW
COUNTY OF RAMSEY
STATE OF MINNESOTA

AN ORDINANCE REGULATING THE LOCATIONS OF RESIDENCY OF CERTAIN REGISTERED OFFENDERS WITHIN THE CITY OF MOUNDS VIEW

THE CITY OF MOUNDS VIEW ORDAINS:

Section 1. The City Council of the City of Mounds View hereby amends Title 600 of the Mounds View City Code to regulate the locations of residency of certain registered offenders within the City.

Section 2. The City Council of the City of Mounds View hereby amends Title 600 by adding a new Chapter 612 of the Mounds View City Code to regulate the residency of certain registered offenders within the City as follows:

612.01: FINDINGS OF FACT AND STATEMENT OF PURPOSE:

The Mounds View City Council finds the following facts to exist:

- (1) Individuals who have been required to register as sex offenders pursuant to state law present an extreme threat to the public safety;
- (2) These offenders are likely to use physical violence and to repeat their offenses;
- (3) Many of these offenders also commit other crimes;
- (4) The City has a compelling interest to take action to promote and protect certain areas within the City from the risks to public safety posed by registered offenders;
- (5) The City's compelling interest is furthered by the creation of a regulatory scheme which establishes areas around locations where children regularly congregate in concentrated numbers; and
- (6) The purpose of this Chapter is to create such a regulatory scheme to further the City's compelling interest in maintaining public safety by prescribing where registered offenders may reside within the City.

612.02: DEFINITIONS:

For the purposes of this article, the following words and phrases shall have the meaning hereinafter ascribed to them:

- (a) "Children" means persons age 16 and younger;
- (b) "Day care center" means a facility licensed by the State of Minnesota in which care, supervision and training for children is provided for part of a 24-hour period;

(c) “Designated offender” means any person who has been convicted of a designated sexual offense, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, or who is categorized as a Level III sex offender under Minnesota Statutes Section 244.052 or successor statute;

(d) “Designated sexual offense” means 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;

(e) “Park” or “Playground” means any land, including improvements, operated by the city or school district for the use by the general public as a recreational area;

(f) “Permanent Residence” means a place where the person abides, lodges or resides for 14 or more consecutive days;

(g) “School” means any public, private or parochial educational institution that offers educational instruction to individuals under the age of 18; and

(h) “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 non-consecutive days in any month, and which is not the person’s permanent residence.

612.03: **PROHIBITED ACTS:**

(a) No designated offender may establish a permanent or temporary residence within 1,000 feet of any school, licensed day care center, place of worship that provides regular educational programs, parks, or playgrounds.

(b) Rental of property to designated offenders prohibited.

(i) It is unlawful to let or rent any place, structure, or part thereof, trailer or other dwelling, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this section, if such place, structure, or part thereof, trailer or other dwelling, is located within a prohibited location zone described in section 612.03(a).

(ii) If a property owner discovers or is informed that a tenant is a designated offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager should take measures to terminate the lease or to evict the offender.

(iii) A property owner's failure to comply with provisions of this section shall constitute a violation of this section, and shall subject the property owner to the enforcement provisions and procedures as provided in this Section and the City Code.

612.04: 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 nearest outer property line of the applicable prohibited location. The City Administrator shall maintain an official map showing prohibited locations as defined by this section. The City Administrator shall update the map at least annually to reflect any changes in the location of prohibited zones.

612.05: PENALTIES:

A person who violates this section may 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 section constitutes a separate violation. Additionally, the City may seek a court order to enjoin any person in violation of this section from taking any prohibited action hereunder.

612.06 EXCEPTIONS:

A designated offender residing within a prohibited area as described in Section 612.03(a) does not commit a violation of this Chapter if any of the following apply:

- (a) 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 January 22, 2017;
- (b) The school, place of worship, park or day care center within 1,000 feet of the person's permanent residence was designated or opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes Sections 243.166 or 243.167;
- (c) The residence is a property owned or operated by the Minnesota Department of Corrections or the Federal Bureau of Prisons; or
- (d) The person's conviction for the designated offense was reversed on appeal.

Nothing in this provision shall require any person to sell or otherwise dispose of any real property acquired or owned prior to the conviction restricting residency under this section.

612.07: **SEVERABILITY:**

If any portion of this ordinance, or its application to any circumstances, is held invalid, the remaining provisions shall be considered severable, and shall be given effect to the maximum extent possible.

SECTION 3. In accordance with Section 3.07 of the City Charter, City staff shall have the following summary printed in the official City newspaper in lieu of the complete ordinance:

On December 12, 2016, the City Council adopted Ordinance 930 by amending Title 600 of the Mounds View City Code to regulate the locations of residency of certain registered offenders within the City.

A printed copy of the ordinance is available for inspection during regular business hours at Mounds View City Hall and is available on line at the City's web site located at www.ci.mounds-view.mn.us.

SECTION 4. This ordinance shall take effect and be in force 30 days from and after its passage and publication, in accordance with Section 3.09 of the City Charter.

Introduction and First Reading by the Mounds View City Council on November 28, 2016.

Second Reading and Adoption by the Mounds View City Council on December 12, 2016.

Publication Date: December 23, 2016.

Attest:

Joe Flaherty
Mayor

James Ericson
City Administrator

(seal)