

**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. 1309

**AN ORDINANCE AMENDING CHAPTER 38
REGARDING OFFENSES AND MISCELLANEOUS PROVISIONS**

The City Council of the City of South St. Paul does ordain:

SECTION 1. ENACTMENT. South St. Paul City Code Chapter 38 is hereby amended by enacting Article V – Sexual Offenders and Sexual Predators as follows:

**CHAPTER 38 OFFENSES AND MISCELLANEOUS PROVISIONS
ARTICLE V - SEXUAL OFFENDERS AND SEXUAL PREDATORS**

Sec. 38-115 - Findings and Intent

- (a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual 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 sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) 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 city by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

Sec. 38-116 - Definitions

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

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 sixteen (16) years of age, or has been categorized as a level III sex offender under Minnesota statutes section 244.052 or successor statute.

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.

Permanent residence means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days. Permanent residence does not require an ownership interest by the person in such residence.

Temporary residence means a place where the person abides, lodges, or resides for a period of fourteen (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.

Sec. 38-117 - Residence Prohibition; Penalties; Exceptions

(a) **Prohibited Location Of Residence:** It is unlawful for any designated offender to establish a permanent residence or temporary residence within one thousand five hundred feet (1,500') of any of the following places:

- (1) Public or private school
- (2) Public park or playground
- (3) Place of worship that provides regular educational programs (i.e. Sunday school)
- (4) Licensed child care facilities
- (5) Sexually oriented businesses.

(b) **Prohibited Activity:** It is unlawful for any designated offender to participate in a holiday event involving children under eighteen (18) years of age, such as distributing candy or other items to children on 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.

(c) **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, park, playground, place of worship, licensed child care facility, or sexually oriented business.

- (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.
- (d) Penalties: Any person violating any provision of this chapter shall be guilty of a misdemeanor or administrative citation and shall be punished as provided in this code. Each day a person maintains a residence in violation of this chapter constitutes a separate violation.
- (e) Exceptions: A designated offender residing within a prohibited area as described in subsection (a) of this section does not commit a violation of this section 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 October 9, 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, park, playground, place of worship, licensed child care facility, or sexually oriented business within one thousand five hundred feet (1,500') 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, grandparents, siblings, or spouse.

Sec. 38-118 - Renting Real Property; Penalties

- (a) 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 person prohibited from establishing such permanent residence or temporary residence pursuant to this chapter, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in subsection 38-117(a) of this chapter.
- (b) A property owner's failure to comply with provisions of this section shall constitute a violation of this section.
- (c) 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 may evict the offender.

Sec. 38-119 - 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. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance would prevent any new sexual offenders or predators from establishing a residence in the City that is within 1,500 feet of schools, playgrounds, parks, and licensed day cares in order to protect children in areas where children typically congregate. The ordinance would not apply to sexual offenders or predators who have legally established residence in the community as of the date of the publication of the ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: October 3, 2016

Published: October 9, 2016

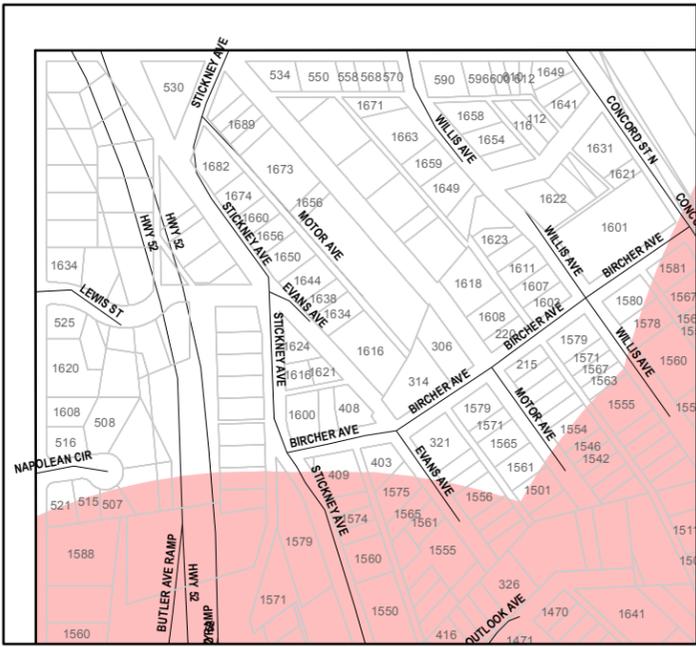
Christy Wilcox, City Clerk

City of South Saint Paul Buffer from Public Use Areas and Daycare Facilities

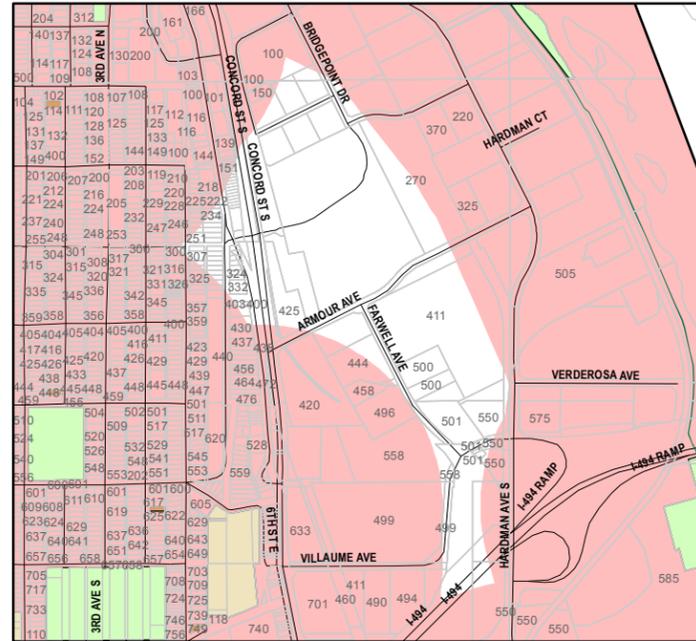
Legend

-  Public Use Area
-  Parks
-  Daycare Facilities
-  1500 ft. Buffer
-  125 House Number

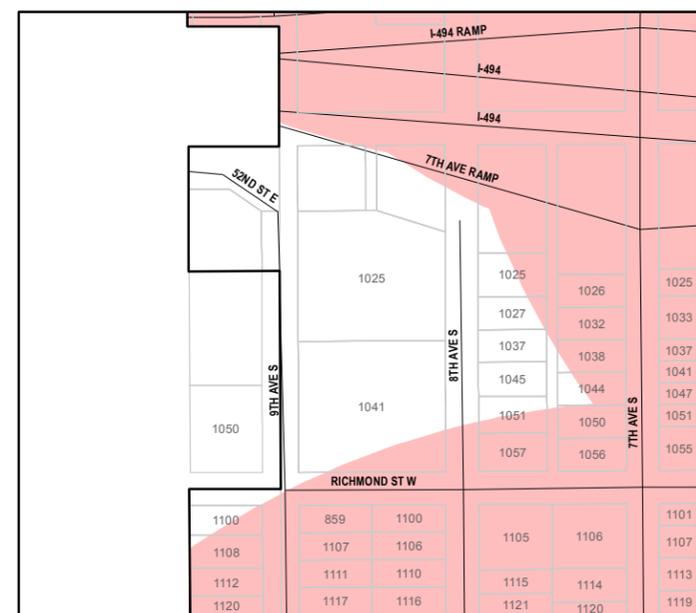
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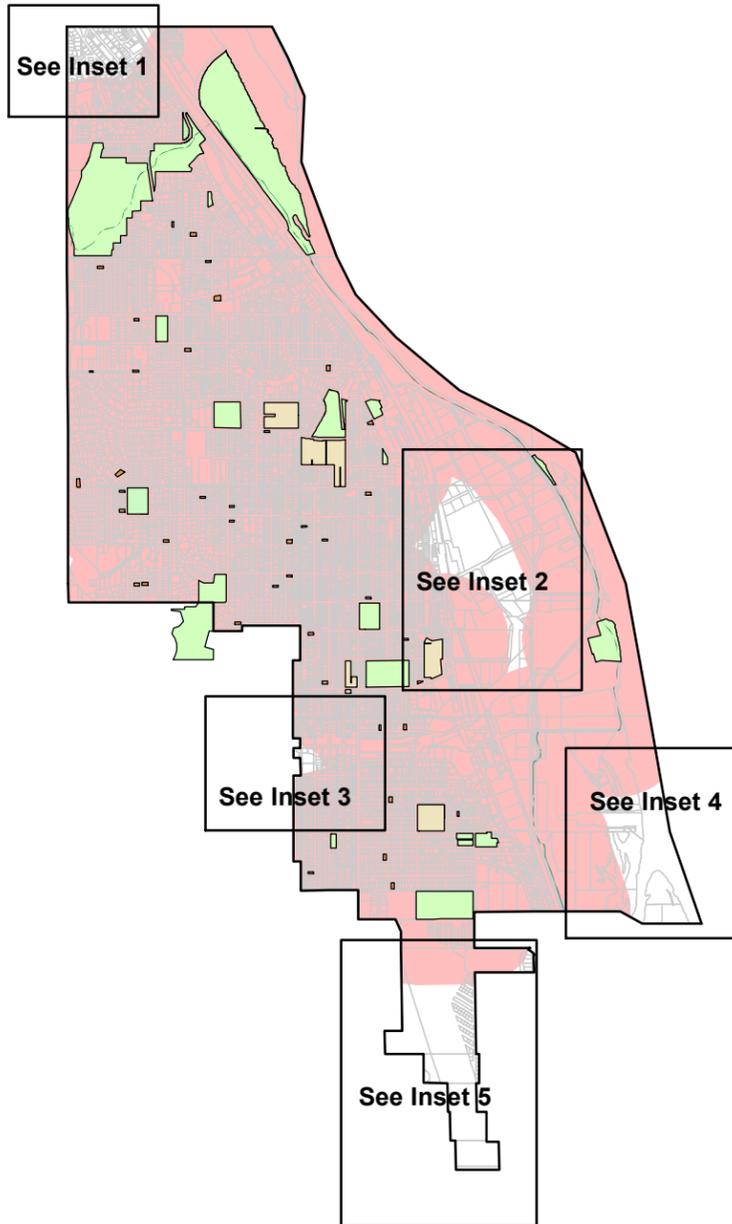
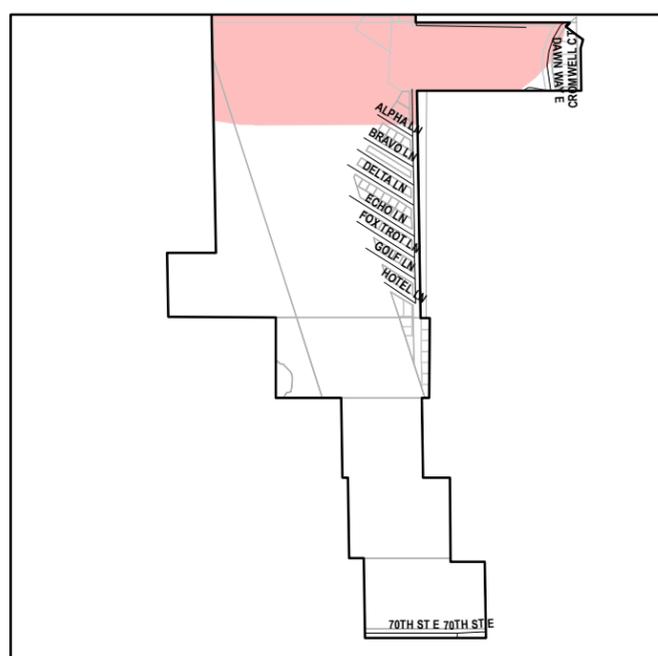
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CITY OF
SOUTH ST. PAUL