

## **ORDINANCE 2017-01**

### **AN ORDINANCE BY THE BECKER TOWN BOARD ESTABLISHING REGULATIONS FOR THE RESIDENCY LOCATION OF PREDATORY OFFENDERS IN BECKER TOWNSHIP**

The Board of Supervisors of the Becker Town Board, hereby ordains:

#### **SECTION 1. Findings**

1. Predatory offenders present a significant threat to the public safety of the community as a whole, especially children, females, and vulnerable populations. Certain predatory offenders are likely to use physical violence and to repeat their offenses, and most such predatory offenders have committed many more offenses and have many more victims than are ever reported or prosecuted. The cost of predatory offender victimization to society at large, while not precisely calculable, is significant.
2. The Town may amend and enact ordinances and regulations under its Statutory authority as it sees fit.
3. The Town of Becker has prepared and adopted a comprehensive land use plan, zoning ordinance, and other regulations to ensure the promote, protect, and improve the health, safety, and general welfare of the Town's citizens.
4. The Town has evaluated the need to limit/prohibit certain predatory offenders from establishing temporary or permanent residence in certain locations where children are known to regularly congregate in a concentrated number.
5. The Town has a compelling interest in promoting, protecting, and improving the health, safety, and general welfare of the Town's citizens.

#### **SECTION 2. Purpose**

The Becker Town Board intends to serve the Township's compelling interest to promote, protect, and improve the health, safety, and general welfare of Becker Township residents under this Section. It is the express intent of the Board to further that interest by: creating areas around locations where children regularly congregate in concentrated numbers within which certain predatory offenders are prohibited from establishing temporary or permanent residence; and, by mitigating the concentration of certain predatory offenders, as required by Minnesota Statute §244.052, Subd. 4a, by prohibiting certain predatory offenders from establishing temporary or permanent residence within close proximity to one another.

### **SECTION 3. Ordinance**

Upon the foregoing Findings and Purpose, the Becker Town Board of Supervisors does hereby adopt the following Ordinance:

#### **Subd. 1. Designated Predatory Offender Residency Restrictions.**

1. **Jurisdiction.** The jurisdiction of this Ordinance shall apply to all the areas of Becker Township.
2. **Interpretation.** In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

#### **Subd. 2. Definitions.**

1. **Child.** Means any person under the age of eighteen (18).
2. **Designated Predatory Offender.** Any person who is required to register as a predatory offender under Minnesota Statute §243.166, as may be amended from time to time, and who has been categorized as a Level III predatory offender under Minnesota Statute §244.052 Subd. 3, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.
3. **Licensed Child Care Center.** A child care center currently licensed by the Sherburne County, Minnesota, Public Health and Human Services Department or the State of Minnesota.
4. **Permanent Residence.** A place where a person abides, lodges, or resides for 14 or more consecutive days.
5. **Public Park/Playground.** Any County, Town, or City owned, or privately owned but open to the public, park or area that is designed, equipped, and set aside primarily for children's play.
6. **School.** A public or non-public preschool, elementary, or secondary school.
7. **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.

### **Subd. 3. Regulations on Predatory Offenders.**

1. **Prohibited Location of Residence.** It is unlawful for any designated predatory offender to establish a permanent or temporary residence within 2,000 feet of any of the following:
  - a. Public or non-public school;
  - b. Licensed child care facility;
  - c. Public park/playground;
  - d. Or any other place where children are commonly known to regularly congregate.
2. **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 or temporary residence of the designated predatory offender to the nearest outer property line of the protected property.

### **Subd. 4. Exceptions.**

This section does not apply under the following circumstances:

1. The designated predatory offender established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes §§243.166 and 243.167, or a successor statute, prior to February 27, 2017;
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 Minnesota Statute §244.052, Subd. 3(i), or a successor statute.
5. The locations listed in Section 3 that are within two-thousand (2,000) feet of the person's permanent residence were opened after the designated predatory offender established permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes §§243.166 and 243.167, or a successor statute;
6. The residence is also the primary residence of the designated predatory offender's parents, grandparents, siblings, or spouse, and was their residence prior to February 27, 2017;
7. The residence is a property that is, prior to February 27, 2017, (i) purchased, leased, or contracted with the Minnesota Department of Corrections, (ii) licensed by the

Minnesota Department of Corrections, and (iii) the temporary or permanent residence of one or more Designated Predatory Offenders.

**Subd. 5. Property Owners Prohibited from Renting Real Property to Designated Predatory Offenders in the Exclusion Zones.**

1. It shall be unlawful for an property owner to rent or lease real estate to any designated predatory offender if the property is in the prohibited zone established in Section 3. If a property owner discovers or is informed that a tenant is a designated 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 offender is not residing in the exclusion zone.
2. A property owner's violation of this prohibition shall be punishable as set forth in Section 6.

**Subd. 6. Penalty.**

Any person who violates this Section Ordinance shall be punished according to the laws of the State of Minnesota. A violation of this Section shall constitute a misdemeanor. Each day a person maintains a temporary or permanent residence in violation of this Ordinance constitutes a separate violation.

**Subd. 7. Severability.**

The provisions of this Ordinance are severable and if any provision of this Ordinance or application of any provision of this Ordinance due to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the Ordinance shall not be affected thereby.

**SECTION 4.**

This Ordinance, its rules and regulations shall take effect and be in full force immediately following its adoption and publication by the Becker Town Board of Supervisors.

Adopted this 27<sup>th</sup> day of February, 2017 by the Town Board of Supervisors of the Town of Becker.

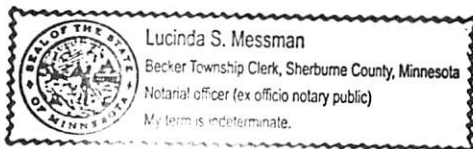
BECKER TOWN BOARD, TOWN OF BECKER, SHERBURNE COUNTY, MINNESOTA

By:   
\_\_\_\_\_  
Brian Kolbinger, Chair

By:   
\_\_\_\_\_  
Lucinda Messman, Town Clerk

Published in the official newspaper the 4<sup>th</sup> day of March, 2017.

  
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Attest by Lucinda Messman, Town Clerk



**Becker Town Board  
Ordinance No. 2017-01**

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RESIDENCY LOCATION OF PREDATORY OFFENDERS IN BECKER TOWNSHIP**

The following official summary of the predatory offender ordinance has been approved by the Becker Town Board as clearly informing the public of the intent and effect of the ordinance amendment.

The Becker Town Board intends to serve the Township's compelling interest to promote, protect, and improve the health, safety, and general welfare of Becker Township residents under this Section. It is the express intent of the Board to further that interest by: creating areas around locations where children regularly congregate in concentrated numbers within which certain predatory offenders are prohibited from establishing temporary or permanent residence; and, by mitigating the concentration of certain predatory offenders, as required by Minnesota Statute §244.052, Subd. 4a, by prohibiting certain predatory offenders from establishing temporary or permanent residence within close proximity to one another.

A printed copy of the entire ordinance is available for inspection by any person at Becker Town Hall, 12165 Hancock Street, Becker, MN or Becker City Hall, 12060 Sherburne Avenue, Becker MN, during posted office hours or by viewing online at [www.beckertownship.org](http://www.beckertownship.org) or by emailing [clerk@beckertownship.org](mailto:clerk@beckertownship.org) to request an emailed copy.

This document hereby is made a part of this ordinance and is attached hereto.

  
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Chair, Becker Town Board

ATTEST:

  
\_\_\_\_\_  
Town Clerk

Publish March 4, 2017