

**CHAPTER ELEVEN. PUBLIC PROTECTION AND OFFENSES; PREDATORY  
OFFENDERS' RESIDENCY RESTRICTIONS, SAFETY ZONES AND  
PROHIBITED ACTIVITY**

**1101.01        DEFINITIONS**

**Subdivision 1.** The City of Pelican Rapids finds and declares that predatory offenders present an extreme threat to public safety. Predatory offenders are likely to use physical violence and repeat their offenses, and 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, unmistakably steep. It is the intent of this ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City of Pelican Rapids by imposing residency restrictions upon predatory offenders and creating safety zones around locations where vulnerable populations regularly congregate in concentrated numbers wherein certain predatory offenders are prohibited from establishing temporary or permanent residence and wherein access by predatory offenders shall be restricted and excluded.

**1101.02        DEFINITIONS**

**Subdivision 1. Children.** One or more persons under the age 18 and also includes individuals under age 21 who are in foster care.

**Subdivision 2. Care Facility.** Any facility, public or private, licensed by the State of Minnesota or Otter Tail County or the City of Pelican Rapids, which for gain or otherwise, regularly provides one or more persons with care, training, supervision, habilitation or developmental guidance on a regular basis, for periods less than 24 hours per day, in a place other than the person's own home.

**Subdivision 3. Designated Predatory Offender.** Any person who has been categorized as a Level III predatory offender under Minnesota Statutes Section 244.052, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.

**Subdivision 4. Facilities for Children.** All public parks, parkways, park facilities, parkland, public or private schools, designated public school bus stops, libraries, group homes, foster homes, day care facilities, child care facilities, public recreation centers, non-profit or commercial recreation centers, public or private playgrounds, public or commercial swimming pools, public beaches or beach areas, youth centers, athletic fields used by children, crisis center, crisis shelter, care facilities for children skate park or skate rink, facilities for children's clubs, public recreational areas and trails including conservation areas, jogging trails, hiking trails, walking trails, bicycle trails, offices of child protective services, places of assembly, and specialized schools for children including, but not limited to, tutoring, athletics, arts, theatre and music schools and or camps.

**Subdivision 5. Permanent Residence.** A place where a person abodes, lodges, or resides for 14 or more consecutive days. An ownership interest by the person in such residence is not required.

**Subdivision 6. Place of Assembly.** A place of assembly, synagogue, temple, mosque or other facility that is used for prayer by persons of similar beliefs or a special purpose building that is designed or particularly adapted for the primary use of conducting, on a regular basis, religious services and associated accessory uses by a religious congregation.

**Subdivision 7. Public or Private Schools.** Establishments primarily engaged in providing instructional services to elementary or secondary students with a curriculum that complies with state regulations, including public schools governed by an elected school board, private schools, including but not limited to religious schools or licensed home schooling schools and charter schools.

**Subdivision 8. Temporary Residence.** A place where a person 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, residence or a place where the person routinely abodes, 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.

#### **1101.03 PROHIBITION; PENALTIES; EXCEPTIONS.**

**Subdivision 1. Prohibited Location of Residence.** It is unlawful for any designated predatory offender to establish a permanent residence or temporary residence within 2,000 feet of any facility for children or care facility.

**Subdivision 2. Prohibition Present in Safety Zone.** It is unlawful for any designated predatory offender to be present within 100 feet of any facility for children or care facility.

**Subdivision 3. Prohibited Activity.** It is unlawful for any designated predatory offender to participate in a holiday event involving children, such as distributing candy or other items to children on Halloween or at other community events such as parades or fundraisers, 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 where no non-familial children are present, are exempt from this provision.

**Subdivision 4. 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 to the nearest outer property line of the facility for children or care facility.

**Subdivision 5. Violations.** A designated predatory offender who violates this ordinance shall be deemed guilty of a misdemeanor. Each day a designated predatory offender maintains a residence in violation of this ordinance constitutes a separate violation.

**Subdivision 6. Exceptions.** A designated predatory offender residing within a prohibited location as described herein does not commit a violation of this ordinance if any of the following apply:

1. The designated predatory offender established the permanent residence and reported and registered the residence pursuant to Minnesota Statutes Sections 243.166 and 243.167, or a successor statute, prior to June 10, 2010. Time spent in a care facility shall not constitute prior permanent residency.
2. The facility for children or care facility within 2,000 feet of the designated predatory offender's permanent residence was opened after the designated predatory offender established the permanent residence and reported and registered the residence pursuant to Minnesota Statutes Sections 243.166 and 243.167, or a successor statute.
3. The residence is a property purchased, leased, or contracted with, and licensed by, the State of Minnesota as a Psychiatric Care Hospital or Chemical Dependency Treatment facility which has onsite staffing 24 hours per day, as well as the Otter Tail County Jail or Pelican Rapids Police Department facilities.
4. The designated predatory offender was a minor when he/she committed the offense and was not convicted as an adult.
5. The designated predatory offender is a minor.

**Subdivision 7. Official Map of Prohibited Locations.** The Chief of Police shall maintain an official map showing prohibited locations of residences as defined by this Ordinance. The Chief of Police shall review annually, and if appropriate, shall update the map to reflect any changes in the prohibited locations. The map shall not be deemed conclusive or all-encompassing since some prohibited locations change from time to time including but not limited to places where children are known to congregate.

#### **1101.04 RESTRICTIONS RELATING TO RENTAL PROPERTY; PENALTIES.**

**Subdivision 1.** It shall be unlawful for a property owner 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 11 if such place, structure, or part thereof, trailer or other conveyance, is located with a prohibited location as defined, stated or contemplated herein in this Chapter 11.

**Subdivision 2.** A property owner violating subdivision 1 of this Section 1101.04 shall be guilty of a petty misdemeanor. Each day a property owner violates said subdivision 1 of this Section 1101.04 constitutes a separate violation.

**Subdivision 3.** If a property owner discovers or is informed that a tenant is a designated predatory 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 without further liability to the offender.

**1101.05 SEVERABILITY**

**Subdivision 1.** Should any section, subdivision, clause or other provision of this Chapter 11 be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of this Chapter as a whole, or any part thereof, other than the part held to be invalid.