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313 N MAIN ST

CENTER CITY, MN 55012-0000

## **ORDINANCE NO. 2015 0520-1**

### **ORDINANCE GOVERNING THE RESIDENCE OF PREDATORY OFFENDERS**

#### **Section I. Title.**

This Ordinance shall be known and referenced as the Predatory Offender Residency Restriction Ordinance.

#### **Section II. Findings and Purpose.**

- A. Offenders who have committed certain statutorily designated sexual offenses and other identified offenses are required by Minnesota statutes to register their addresses, secondary addresses, work locations and vehicles with the Minnesota Department of Corrections.
  
- B. Offenders who have committed the designated sexual and predatory offenses and are confined in Minnesota correctional facilities or treatment facilities are subject to provisions set forth in Minn. Stat. §244.052. An offender is subject to review by an End of Confinement Review Committee (ECRC) established by the Minnesota Commissioner of Corrections. The ECRC is required to assess, review and assign a risk level before the offender is released from confinement, pursuant to Minn. Stat. §244.052. The offender is

entitled to notice of the ECRC meeting and has the right to be present and be heard at the meeting.

- C. Offenders, who upon release from confinement, are assigned a risk level III are those who score a high risk to reoffend and represent the greatest risk to other residents of Chisago County.
- D. Research indicates the measurement of individual characteristics are the best predictors of likelihood of reoffending and the end of confinement review process sets forth the procedures identified in Minn. Stat. §244.052 resulting in the assigned risk level.

### **Section III. Definitions.**

- A. Child or Children. “Child” or “Children” is defined as any person or persons under 18 years of age.
- B. Designated Offender. “Designated Offender” is defined as any person
  - a. Who has been convicted of an offense identified under Minn. Stat. 243.166, Subd. 1b. requiring the offender to register with the Department of Corrections; and
  - b. Who has been confined in a correctional or treatment facility under the direction or control of the Department of Correction or the Minnesota Department of Human Services and has been assigned a risk level of III (referred to as a Level III Predatory offender)
  - c. “Designated Offender” is also defined as including any person who has been convicted of a similar law of another state, as identified under Minn. Stat. 243.166, Subd. 1b.
- C. Designated School Bus Stop. “School Bus Stop” for the purposes of this Ordinance is defined as any intersection or address identified by a school as a location where students are scheduled to be picked up or dropped off as part of a regular route or schedule and identified as such by a school at the time the Designated Offender is released from a facility.
- D. Licensed Child Care Facility. “Licensed Child Care Facility” is defined as any facility, center, home or institution licensed by the State of Minnesota, pursuant to Minn. Stat. 245A and shall specifically include an individual home, center of facility where children are cared for pursuant to the requirements of a license issued by Minnesota Department of Human Services.

- E. Level III Predatory Offender. “Level III Predatory Offender” is defined as any person who has committed an offense identified in Minn. Stat. 143.166, or similar offense of another state; has been confined in a Minnesota correctional or treatment facility, or similar facility of another state; and has been assigned a risk level III at the offender’s end of confinement review meeting.
- F. Public Park. “Public Park” for the purposes of this Ordinance is defined as an area owned and controlled by a local government for recreational use and/or preservation of natural space.
- G. Predatory Offender. Predatory offender shall be offenders convicted of sexual offense designated in Minn. Stat. §243.166, Subd. 1b, or a same or similar provision of another state.
- H. Residence. Residence shall be the place where the person abides, lodges or resides for 14 days.
- I. School. “School” for purposes of this Ordinance is defined as any public school or school building defined per Minn. Stat. 120A.05 or any non-public school or educational institution, per Minn. Stat. 123B.41, providing instruction to children, and shall include any structure, land, or facility owned, leased or used for operation of the school or school activities.

**Section IV. Prohibited Locations of Residences for Designated Offenders**

- A. Prohibited residence of Level III Predatory Offenders. It is unlawful for any predatory offender to establish a residence within 2,000 feet of any school, licensed child care facility, public park, or designated school bus stop.
- B. For the purposes of determining the minimum distance of separation between the residence and the school, licensed child care facility, public park, or designated school bus stop the distance shall be measured following a straight line from the outer property line of the permanent residence to the nearest outer property line of a school, licensed child care facility, public park, or designated school bus stop. Chisago County shall maintain a list of the identified schools, licensed child care facilities, public parks, and designated school bus stops and shall update the list and corresponding map at least yearly.
- C. Penalties. A person who violates this section may be punished by a fine up to \$1,000 and/or confinement for a term of up to 90 days, or both. Each day a person maintains a residence in violation of this Ordinance may constitute a separate violation.
- D. Exceptions. A Level III Predatory Offender residing within a prohibited area does not commit a violation of this section if any of the following apply:

- a. The offender established the residence and reported and registered the residence pursuant to Minn. Stat. §243.166 -167 or successor statute, prior May 20, 2015.
  - b. The school, licensed child care facility, public park, or designated school bus stop within 2,000 feet of the Level III Predatory Offender residence was established, opened, created or licensed after the Level III Predatory Offender reported and registered the residence pursuant to Minn. Stat. 243.166 – 167.
  - c. The residence is also the primary residence of the Level III Predatory Offender’s parent(s), grandparent(s), sibling(s), spouse or child(ren).
- E. Nothing in this provision shall require any person or Level III Predatory Offender to sell or otherwise dispose of any real property acquired or owned prior to the conviction restricting residency under this Ordinance.

**Section V. 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 the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

**EFFECTIVE DATE:** This Ordinance shall be effective immediately upon its passage and publication according to law.

**ADOPTED** this 20<sup>th</sup> day of May 2015 by the Chisago County Board of Commissioners.



Richard Greene,  
Chair of the Board of Commissioners



Chase Burnham,  
Clerk to the Board



This Instrument was drafted by:  
Chisago County Attorney’s Office  
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