

**CITY OF DELANO
COUNTY OF WRIGHT
STATE OF MINNESOTA**

ORDINANCE O-25-09

**AN ORDINANCE AMENDING DELANO CITY CODE CHAPTER 4 RELATING TO
PREDATORY OFFENDER RESIDENCY**

THE CITY COUNCIL OF THE CITY OF DELANO ORDAINS:

City Code Chapter 4 – Public Protection and General Licensing

Section 428.01. Predatory Offender Residency Restriction

Subd. 1. Findings and Intent.

- A. Repeat predatory offenders, predatory offenders who use physical violence, and predatory offenders who prey on children or individuals less than 16 years of age, are predators who present a threat to the public safety. Many predatory offenders commit more than one offense, have many more victims than are ever reported or found, and are prosecuted for only a fraction of their crimes. Predatory offenders are likely to re-offend, to use physical violence or force, or to escalate in level of offenses against the offender's victims. Moreover, predatory offenders often learn and evolve as they commit additional offenses, thereby making detection of their unlawfulness more difficult for authorities.
- B. It is the intent of this section, pursuant to the authority granted in Minnesota Statutes Section 412.221, Subd. 32, to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City, particularly children, by creating areas around locations where children regularly congregate in which certain sexual (predatory) offenders are prohibited from establishing residence.

Subd. 2. Definitions. For the purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning:

- A. *Child care facility*: A facility licensed by the Minnesota Department of Human Services or Wright County to provide child care, including homes providing family child care and facilities having programs for children known as child care centers, day care centers, and cooperative day care centers.
- B. *Designated Offender*: Any person who has been categorized under Minnesota Statutes Section 244.052 or a successor statute as a Level III predatory offender or a Level II predatory offender in which the victim of the offense was less than 16 years of age, or who has been categorized as a sex offender or predatory offender under a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.

- C. *Residence*: A place where a person abides, lodges, or resides for fourteen (14) or more consecutive days. Residence does not require the person to have an ownership interest in or a formal rental or lease agreement for the residence. A hotel, motel, or other commercial lodging establishment, shelter, or group home may be deemed a person's residence under this section.
- D. *Park*: A public park with playground equipment or other public facility designed for youth activities, including recreation centers and ice arenas.
- E. *School*: Any public or private educational institution that offers educational instruction to pupils in pre-kindergarten through grade 12.
- F. *Trail or Sidewalk*: Any paved multi-use trail or pedestrian sidewalk owned or maintained by the City for public use.

Subd. 3. Residency Prohibition.

- A. It is unlawful for any designated offender to establish a residence that is located:
 - 1. Within 2,000 feet of any school or child care facility;
 - 2. Within 1,500 feet of any park;
 - 3. Abutting any trail or sidewalk
- B. For purposes of determining the minimum distance separation for schools, child care facilities, and parks, the distance is to be measured by following a straight line, without regard to intervening structures or objects, from the nearest point of the property line of lot containing the residence of the designated offender to the nearest point of the property line of the lot containing the school, child care facility, or park.
- C. The City Clerk must maintain an official map showing approximate locations in which a designated offender is prohibited from residing under this section. The City Clerk must update the map at least annually to reflect any changes in the location of prohibited zones. The actual measurement of minimum distance separation between the residence and the school, child care facility, or park will govern over the map.

Subd. 4. Penalties. A person who violates this section shall be guilty of a misdemeanor. Each day a person maintains a residence in violation of this section constitutes a separate violation.

Subd. 5. Exceptions. A designated offender residing within a prohibited area as described in subdivision 3 does not commit a violation of this section if any of the following apply:

- A. The designated offender established the residence and reported and registered the residence pursuant to Minnesota Statutes Sections 243.166, 243.167, or successor statute, prior to the effective date of this section.

- B. The designated offender was a minor at the time the offense was committed and was not convicted as an adult.
- C. The applicable school, child care facility, trail, or sidewalk was established or opened after the designated offender established the residence and reported and registered the residence pursuant to Minnesota Statutes, Sections 243.166, 243.167, or successor statute.
- D. The residence is also the residence of the designated offender's parents, grandparents, siblings, or spouse.
- E. The residence is property owned by the Minnesota Department of Corrections.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF DELANO, MINNESOTA THIS
7th DAY OF OCTOBER, 2025.**

ATTEST:


Holly Schrupp, Mayor


Alisha Ely, City Clerk