



ORDINANCE NO. 16-11

**CITY OF COLUMBUS
COUNTY OF ANOKA
STATE OF MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 5: PUBLIC SAFETY
IN THE COLUMBUS CITY CODE**

The City Council of the City of Columbus ordains the following:

SECTION I. CHAPTER 5, ARTICLE XI is hereby created to include the following provisions in the Columbus City Code:

**ARTICLE XI
SEXUAL OFFENDERS AND SEXUAL PREDATORS**

SECTION 5-1101. 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 a substantial threat to the public safety. Current information indicates that sexual offenders are proven more likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large and specifically to the City of Columbus ("City"), while incalculable, clearly exorbitant.

B. It is the intent of this section 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.

SECTION 5-1102. DEFINITIONS. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A. Designated Offender. 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 eighteen (18) years of age, or has been categorized as a Level III sex offender under Minnesota Statutes 244.052 or successor or amended statute.

B. Designated Sexual Offense. A conviction, adjudication of delinquency, commitment under Minnesota Statutes 253B, or admission of guilt under oath without adjudication involving any of the following offenses: 609.342; 609.343; 609.344; 609.345; 609.352; 609.365; 617.23; 617.246; 617.247; 617.293; successor or amended statute, or a similar offense from another state.

C. Permanent Residence. 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.

D. Temporary Residence. 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.

SECTION 5-1103. SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION; PENALTIES; EXCEPTIONS:

1. Prohibited Location of Residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence within two thousand (2,000) feet of any of the following places:

1. playground;
2. licensed daycare;
3. place of worship which provides regular educational programs (i.e., Sunday School) or day care service;
4. public park, activity or science center; or
5. public or private school providing elementary, middle school or high school education.

A. 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 paragraph.

B. 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 nearest outer property line of a school, playground, licensed daycare, public park, place of worship, or school.
2. The City Clerk shall maintain an official map showing prohibited locations as defined by this Ordinance. The City Clerk shall update the map at least annually to reflect any changes in the location of prohibited zones. The map

shall not be deemed conclusive or all-encompassing since prohibited zones change from time to time including but not limited licensed daycares.

C. Penalties. A person who violates this section shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by confinement for a term not exceeding ninety (90) days, or by both such fine and confinement. Each day a person maintains a residence in violation of this Ordinance constitutes a separate violation.

D. Exceptions. A designated offender residing within a prohibited area as described in Section 5-1103.A of this Section does not commit a violation of this section if any of the following apply:

1. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statute 243.166, 243.167, or successor statute, prior to [effective date].
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 or daycare center within two thousand (2,000) feet 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 Statute 243.166 or 243.167.
5. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or children.
6. The residence is a property owned or leased by the Minnesota Department of Corrections.

SECTION 5-1104. PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; 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 Section 5-1103.A of this Section.

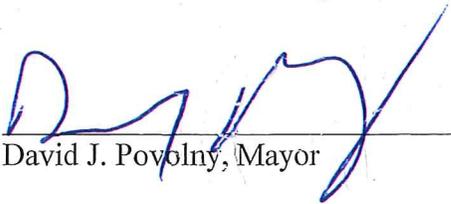
B. A property owner's failure to comply with provisions of this Section shall constitute a violation of this Section, and shall subject the property owner to the code enforcement provisions and procedures as provided for in Section 1-109 of the City Code, but shall not be exclusive of any other remedies available under any applicable

federal, state or local law and it is within the discretion of the City of Columbus to seek cumulative remedies.

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.

SECTION 5-1105. SEVERABILITY. Should any section, subdivision, clause or other provision of this section be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the section as a whole, or of any part thereof, other than the part held to be invalid.

SECTION II. EFFECTIVE DATE. This Ordinance was adopted by the Columbus City Council on this 12th day of October, 2016 and shall become effective after its publication.


David J. Povolny, Mayor

ATTEST:


Elizabeth Mursko, City Administrator

Summary Published in the Forest Lake Times on October 27, 2016.

4833-1618-1810, v. 3

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
COUNTY OF WASHINGTON) ss

Charlene Vold being duly sworn on an oath, states or affirms that he/she is the Publisher's Designated Agent of the newspaper(s) known as:

Forest Lake Times

with the known office of issue being located in the county of:

WASHINGTON

with additional circulation in the counties of:
ANOKA

and has full knowledge of the facts stated below:

- (A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02.
- (B) This Public Notice was printed and published in said newspaper(s) once each week, for 1 successive week(s); the first insertion being on 10/27/2016 and the last insertion being on 10/27/2016.

MORTGAGE FORECLOSURE NOTICES
Pursuant to Minnesota Stat. §580.033 relating to the publication of mortgage foreclosure notices: The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

By: Charlene Vold
Designated Agent

Subscribed and sworn to or affirmed before me on 10/27/2016 by Charlene Vold.

Pauline L. Lee
Notary Public



Rate Information:

(1) Lowest classified rate paid by commercial users for comparable space:
\$16.25 per column inch

Ad ID 613310

**CITY OF COLUMBUS
PUBLIC NOTICE
ORDINANCE PUBLICATION
SUMMARY
AN ORDINANCE
AMENDING THE CITY OF
COLUMBUS CITY CODE
IN THE FOLLOWING
CHAPTERS: CHAPTER
5 - PUBLIC SAFETY**

The City Council of the City of Columbus adopted Ordinance No. 16-11, An Ordinance Amending Chapter 5 - Public Safety on October 12, 2016 and approved this summary of the ordinance for publication on October 12, 2016.

The City Council has authority to regulate zoning and subdivisions in the City. Following discussion at the City Council and the City Planning Commission, the City Council adopted Ordinance No. 16-11 to amend the City Code as described in this summary publication.

An ordinance amending Chapter 5: Public Safety of the Columbus City Code, establishing prohibitions on designated sexual offenders and predators from living within 2,000 feet from certain locations in which children congregate, including playgrounds, licensed daycares, certain places of worship, public parks, activity or science centers, or public or private schools. The ordinance establishes provisions for enforcement and administration of the prohibitions and defines other activities prohibited by designated sex offenders.

This Ordinance was adopted by the Columbus City Council on this 12th day of October and shall become effective after its publication. This is only a summary of Ordinance 16-11. A printed copy of Ordinance 16-11 is available for inspection by any person during regular office hours at the office of the City Clerk and on the City's Official website www.ci.columbus.mn.us. This title and summary of the Ordinance 16-11 is published in accordance with Minn. Stat. § 412.191 subd. 4.

By order of the City Council.
Elizabeth Muirsko
City Administrator

Published in the
Forest Lake Times
October 27, 2016
613310

ANOKA COUNTY MINNESOTA

Document No.: 2155529.002 ABSTRACT

I hereby certify that the within instrument was filed in
this office for record on: 11/18/2016 11:23:00 AM

Fees/Taxes In the Amount of \$46.00

JONELL M. SAWYER

Anoka County Property Tax

Administrator/Recorder/Registrar of Titles

AMS, Deputy

Record ID: 3972509

3972509