

408: EXCLUSION ZONES AND PROHIBITION
OF CERTAIN EMPLOYMENT-RELATED ACTIVITIES

408.010: PURPOSE: The City of Birchwood considers the safety of its residents, its children in particular, to be of critical importance and the potential threat of designated predatory offenders in close proximity to them to be an unacceptable risk. This chapter is intended to exclude sex offenders and predators from locations throughout the City of Birchwood to help protect the welfare and safety of the residents and reduce the risk presented by the presence of predatory offenders in close proximity to the public, children in particular, in areas that the City has control over.

408.020: DEFINITIONS:

- a. **Predatory offender**: A person who is required to register as a predatory offender under Minn. Stat. §243.166.
- b. **Loitering**: The act of lurking, lingering, or concealing oneself for a period of more than five minutes in a public space, whether on foot, bike, or in a transport vehicle.

408.030: A predatory offender shall not do any of the following:

- a. Be present upon or loiter on or within two hundred feet of any school bus stop, public park or city easement or public wooded or open space or any public walkways, including but not limited to Bloomquist Park and Tennis Courts, Tighe-Schmitz Park and Skating Rinks, Wildwood Park, Nordling Park, Ash Easement and Beach, Birch Easement and Beach, Elm Easement and Beach, Dellwood Easement and Beach, Kay Easement and Beach, Curt Feistner Preserve, Grotto walkway, Ash Walkway, Birch Walkway, or Hall's Marsh, as well as any docks located at city beaches.
- b. Be present on or in any vehicle or other conveyance owned, leased, or contracted by a public or nonpublic elementary or secondary school without the written permission of the school administrator or school administrator's designee when the vehicle is in use to transport students to or from a school or school-related activities, unless enrolled as a student at the school or unless the vehicle is simultaneously made available to the public as a form of public transportation.
- c. Be present upon the real property of a child care facility without the written permission of the child care facility administrator.
- d. Loiter within two hundred feet of the real property boundary of a child care facility.
- e. Operate, manage, be employed by, or act as a contractor or volunteer, or attend or participate in any public or private fair or carnival including but not limited to the Fourth of July Parade, the Village Christmas Party, and the Music in the Park series.

- f. Operate, manage, be employed by, or act as a contractor or volunteer at any place enumerated in section 408.030 a. above.

408.040: EXCEPTIONS:

A predatory offender:

- a. Who resides in a dwelling located within two hundred feet of the real property boundary of, child care facility, or place intended primarily for the use by the public as specified in section 408.030.a shall not be in violation of section 408.030 for having an established residence within the exclusion zone. Nothing in this provision shall permit conduct which is otherwise prohibited as enumerated in section 408.030.a.
- b. Who is the parent or legal guardian of a minor shall not be in violation of section 408.030 solely during the period of time reasonably necessary to transport the offender's own minor child or ward to or from a place specified in section 408.030.
- c. Who is legally entitled to vote shall not be in violation of section 408.030 solely for the period of time reasonably necessary to exercise the right to vote in a public election if the polling location of the offender is located in a place specified in section 408.030.

408.050: CRIMINAL PENALTIES: Any person violating any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor.

“ADOPTED BY ORDINANCE; February 9, 2016”