

WILLMAR

City Administrator

City Office Building  
333 SW 6<sup>th</sup> Street  
Willmar, MN 56201  
Main Number 320-214-5160  
Fax Number 320-235-4917

### COUNCIL ACTION REQUEST

**DATE:** March 31, 2016

**SUBJECT:** Shovel-Ready Certification for Willmar Industrial Park 4th Addition

**RECOMMENDATION:** It is respectfully requested that the Community Development Committee consider and recommend to the City Council that the City of Willmar partner with the Kandiyohi County & City of Willmar Economic Development Commission to fund a Shovel-Ready Certification Application for the Willmar Industrial Park 4<sup>th</sup> Addition.

**BACKGROUND:** One of the key 2016 objectives for the EDC is to provide leadership for the development of the Willmar Industrial Park. On March 7<sup>th</sup> the EDC's Joint Operations Board unanimously moved to pursue Shovel-Ready Site Certification. They authorized the EDC's Executive Director and staff to submit an application to the Minnesota Department of Employment & Economic Development (DEED) for Shovel-Ready Site Certification for the Willmar Industrial Park's 4<sup>th</sup> Addition, allocated \$3,250 for the application fee and \$8,000 for related professional services costs. They also directed the EDC Executive Director to seek financial participation by the City of Willmar in these costs. The EDC has begun collecting information for the Shovel-Ready Site application.

Site selectors, developers and prospective buyers of industrial sites need a variety of information to determine whether a location is suitable. This includes general site information, utility services, transportation access, and technical assessments, such as geotechnical soil tests, Phase I environmental assessment, and ALTA survey. The estimated costs for the latter three items are: \$5,710, \$2,750, and \$4,700.

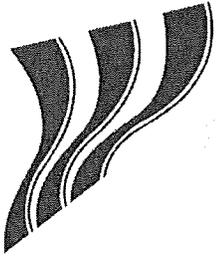
The application fee covers the cost of initial review, onsite inspection, final certification and annual maintenance of the DEED's Shovel-Ready Program. John Rhodes, the consultant for the program, reviews the application and supporting documentation, conducts the onsite visit, and provides feedback.

**FINANCIAL CONSIDERATION:** It is proposed that the professional service costs of \$13,160 be split between the City and the EDC (or \$6,580 each). It is also proposed that the application fee be shared between the Willmar Municipal Utilities and the EDC (\$2,000 by the EDC and \$1,250 by the WMU).

**LEGAL:** N/A

**Department/Responsible Party:** Aaron Backman, EDC Executive Director

**Reviewed by:** Larry Kruse, City Administrator



## CITY OF WILLMAR

Planning and Development Services  
City Office Building  
333 SW 6<sup>th</sup> Street  
Willmar, MN 56201  
320-235-8311

### COUNCIL ACTION REQUEST

**DATE:** March 31, 2016

**SUBJECT:** Industrial Park Covenants

**RECOMMENDATION:** It is respectfully requested that the City Council consider placing restrictive covenants on the property platted as Willmar Industrial Park Third and Fourth Additions.

**BACKGROUND:** With the Fourth Addition of the Industrial Park nearing completion, it is important that the City impose restrictive covenants on the property to insure its proper use, development and of maintenance. Such covenants will preserve the value of the property within the Industrial Park, protect the environment, guard against the construction of unsuitable structures and provide a level of compatibility that promotes the health and safety of the public, as well as attracting quality development to the Park. The attached draft covenants are to be considered as a starting point. Staff is open to any and all recommendations to either add or delete to the covenants included as drafted.

**FINANCIAL CONSIDERATION:** The cost of enforcing the covenants is minimal, as covenants can be enforced as part of the site and zoning review process. Ultimately, the covenants will result in higher quality development that has a positive impact on the growth of the tax base.

**LEGAL:** The City, as the property owner and developer, has the right to impose restrictive covenants on the property to meet the purposes stated above.

**DEPARTMENT/RESPONSIBLE PARTY:** Bruce D. Peterson, AICP – Director of Planning and Development Services

## **Willmar Industrial Park Third and Fourth Addition Protective Covenants**

1. General Purpose.

The purpose of these protective covenants is to insure proper use, development and maintenance of each parcel within the Industrial Park; to preserve the value of each parcel within the industrial park as well as all land located within the vicinity; to protect the environment; to guard against the erection of improper, unsuitable structures and uses; to insure protection from incompatibility and unsightliness; to protect the health and safety of the general public; and to attract quality, image-conscious companies to the Industrial Park.

2. General.

- A. These covenants shall apply to all properties located within Willmar Industrial Park Third and Fourth Addition.
- B. Each lot shall meet or exceed the minimum lot area and width as stipulated in the Willmar Zoning Ordinance (Ordinance Number 1060, as amended.)
- C. The division of any lot, area or tract of land within the Industrial Park for any purpose, whether immediate or future for conveyance, transfer, improvement or sale shall not result in the creation of any parcel of less than 2 acres in size. No division of land or lot line adjustment shall occur without prior approval of the City of Willmar.
- D. On-street parking and loading is not permitted. All parking must be accommodated on the individual lots within the Industrial Park.
- E. Nothing contained herein shall nullify any of the requirements of federal, state or city laws, regulations or ordinances. In instances where applicable laws, regulations or ordinances and these protective covenants conflict, the more restrictive shall apply.

3. Land Use.

- A. The only permitted uses are those as specified in Section 6 of the Willmar Zoning Ordinance.
- B. Exceptions from permitted uses in Section A:
  - 1) Uses which would violate the performance standards as regulated in Section 7 of the Willmar Zoning Ordinance.

Interpretation of Permitted and Prohibited Uses

In cases where it is unclear as to whether a particular proposed use is a permitted use, a positive interpretation shall first be made by the City Planning Commission before said use may be permitted.

4. Submission of Plans.

No building, improvement, or use shall be erected, placed, or altered on any lot in the Industrial Park until the site plan has been approved by the City of Willmar and the building plans have been approved by the City Building Official. Site plans shall be prepared and reviewed in accordance with the City of Willmar Zoning Ordinance, as may be amended from time to time, and with these protective covenants.

5. Construction Materials and Appearance.

A. At least 25 percent of the front of all buildings – that is, the side facing the street on which the building is deemed to front – shall be faced with concrete, brick, masonry or stone. Said facing shall extend across the full front of the building. All other sides of any building shall be finished in an attractive manner in keeping with the state of the art for industrial buildings, but need not be finished in a like manner as that portion of the building referred to as the front. On corner lots, both sides of the building facing the streets shall be faced as described above. It is the intent of these provisions that all structure shall be designed and constructed in such a manner as to provide an aesthetically pleasing appearance and be harmonious with the overall development of the Industrial Park.

B. All parking, driveways, walks and storage areas shall be paved with asphalt or concrete, and shall be completed prior to building occupancy, unless an extension not to exceed 12 months is granted in writing by the City.

C. Fire hydrants, where required by state or city codes, shall be required to be placed as directed by the Willmar Fire Department at the owner's expense.

6. Building and Structure Height.

The maximum building and structure height including roof top equipment shall be four (4) stories or fifty-five (55) feet, unless a greater height is allowed by conditional use permit.

7. Minimum Setback and Other Yard Requirements.

A. All building, parking and fencing setbacks shall meet the requirements of the Willmar Zoning Ordinance.

8. Vision Triangle.

At all street intersections, no obstruction of vision shall be erected, installed, planted, parked or otherwise placed on any lot between 3 and 8 feet above the grade of the sidewalk (or ground grade at the lot line) adjacent to such streets and within the vision triangle formed by street centerlines and a line connecting them at points 80 feet from the intersection of the street centerlines.

9. Utilities.

A. The location of utility lines and easements shall be as shown on the City-approved site plan.

- B. All electric distribution lines (excluding lines of 15,000 volts or more), all telephone lines from which lots are individually served, and all television cable lines and other utilities installed within the Industrial Park shall be underground. Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted boxes may be located above ground. Temporary overhead facilities may be installed to serve a construction site.

10. Drainage and Erosion Control.

- A. No land shall be developed and no use shall be permitted that results in the flooding, erosion, or sedimentation of adjacent properties or drainage ways. Erosion control measures must be taken during and after construction. All runoff shall be properly channeled into a storm drain, watercourse, storage area, or other storm water management facility in conformance with the City of Willmar Storm Water Ordinance.
- B. All elements of the drainage control system shall be constructed and maintained in accordance with the City-approved site plan.
- C. All roof storm water must be collected and discharged less than 2 feet above grade at the building or be conducted directly to the drainage system. Alternatively, roof storm water maybe discharged without collection, but must be discharged in such a way as to prevent erosion and protect water quality. Each property owner shall take the necessary precautions to ensure that storm drainage from their site is not contaminated with motor vehicle fuels and lubricants, scale or other chemical compounds that are detrimental to aquatic life.

11. Site Grading.

- A. The grading of individual lots and construction sites shall be the responsibility of the property owner.
- B. Utility easements shown on the City-approved site plan shall be graded to within 6 inches of final grade prior to the installation of underground electric and/or communications facilities. After such facilities have been installed, said final grade shall not be altered by more than 6 inches by the owner or by subsequent owners of the lots on which utility easement are located, except with written consent of the utility or utilities involved and the City Engineer.

12. Outdoor Storage.

- A. Outdoor storage area shall be maintained in a neat and orderly manner, be located only to the rear of the building(s), and be effectively screened by opaque fencing which is a maximum of 8 feet in height.
- B. Outdoor storage shall not be located between the building line (extended) and the adjacent street.

- C. All trash containers, including dumpsters, must be enclosed by a fence or wall of solid materials that match the building façade and provide an opaque visual screen. Such fence or wall shall be maintained so as to present a good appearance at all times.
- D. Storage of wood or combustible materials, including pallets or skids, must be enclosed and be at least 20 feet from any structure, building or property line.
- E. Storage areas shall not be allowed in or across any utility or drainage easements, or the drainage ways designated on each parcel's City-approved site plan.
- F. Storage of fuel oil or other bulk fluids or gases must be underground, unless written approval is obtained from the City, following a recommendation from the Willmar Fire Chief.
- G. Outdoor storage areas shall be maintained in an orderly, debris-free condition.

13. Signs.

- A. No signs shall be allowed other than as regulated in Section 5 of the Willmar Zoning Ordinance.

14. Fences.

- A. Fences shall not be permitted to be located in or across any utility easement or the drainage ways designated on each parcel's City-approved site plan.
- B. The maximum height of any fence is 8 feet.
- C. Fences must be kept in good repair and condition.
- D. Fences used for screening purposes shall be opaque.

15. Landscaping.

- A. Landscaping of properties subject to these covenants shall be in accordance with Section 3.P. of the Willmar Zoning Ordinance.
- B. Required landscaping must be completed within 12 months of building occupancy.

16. Maintenance Responsibilities.

- A. Each lot owner shall keep their property, all contiguous street right-of-way to edge of pavement, and all drainage and easement areas in a well-maintained, safe, clean and attractive condition at all times. Such maintenance includes, but is not limited to, the following:
  - 1) The removal of all litter, refuse and waste.
  - 2) Compliance with the City's plant and weed control standards, including the mowing of all grass areas, and the care and pruning of trees and shrubbery within property boundaries.

- 3) Maintenance of exterior lighting, signs, and mechanical facilities.
  - 4) Keeping all exterior building surfaces in a clean, well-maintained condition.
  - 5) Striping and maintenance of parking and driveway areas.
  - 6) Removal of unlicensed or inoperable vehicles.
  - 7) Snow and ice removal.
  - 8) Maintenance of all drainage ways including the removal of all debris, weeds, and silt.
- B. During construction, it shall be the responsibility of each owner to insure that construction sites are kept free of unsightly accumulations of rubbish and scrap materials; and that construction materials, trailers and the like are kept in a neat and orderly manner. Burning of excess or scrap construction materials is prohibited. Construction site erosion control practices shall be implemented to prevent erosion, sedimentation and pollution of air or water during construction.
- C. The owner of any undeveloped lands shall maintain said lands free of rubbish, noxious weeds and mosquito breeding pond conditions.

17. Recapture and Resale of Land.

- A. If a buyer of any lot does not commence construction of a principal building or principal buildings thereon with 24 months after the date of purchase and complete the construction of a building or buildings thereon within 3 years after the date of purchase, the City shall have the option to repurchase the property. Such option shall be exercisable upon delivery in writing of a notice to the buyer within 6 months after the expiration of such 24 month or 3 year period. Closing shall take place within 60 days following the exercise of such option on such date as shall be designated by the City specified in such notice. The purchase price to be paid by the City upon the exercise of such option shall be the sum of the following:
- 1) The purchase price paid for the land by the buyer.
  - 2) The current market value of all improvements, if any, thereon made by the buyer.
  - 3) All special assessments which have been paid by the buyer or levied against the premises during the period of such buyer's ownership, less the sum of the following:
    - 4) Unpaid real estate taxes.
    - 5) Proration of current year's real estate taxes to date of closing.
    - 6) Title insurance policy premium.
    - 7) Liens and encumbrances on the property of a definite or ascertainable amount.

- 8) The cost of any environmental audit and/or clean-up deemed necessary by the City to have performed on the parcel.

Conveyance shall be by warranty deed, free and clear of all liens and encumbrances except those in existence prior to the buyer's ownership of the property, and subject to municipal and zoning and subdivision ordinances, recorded easements for public utilities, and recorded Covenants and amendments thereto. Seller shall furnish title insurance policy at seller's expense for full amount of purchase price.

- B. In the event a buyer elects to sell all or any part of any parcel which is vacant, the same shall first be offered for sale, in writing, to the City at a price per acre computed as set forth in Subsection A above. The City shall have 60 days from the receipt of such offer to accept or reject same. Acceptance or rejection of such offer shall be effected by resolution adopted by the City Council. Upon acceptance by the City, conveyance shall be by warranty deed free and clear of all liens and encumbrances except those in existence prior to the buyer's ownership of the property, and subject to municipal and zoning and subdivision ordinances, easements for public utilities, and building restrictions and ordinances. The seller shall furnish title insurance policy at seller's expense.
- C. If the City fails to timely exercise the option described in Subsection B above or rejects said offer, buyer may then sell such property to any other buyer and the City shall have no further interest therein, except that any use of said property by any subsequent buyer shall be subject to applicable zoning and subdivision ordinances, restriction, and regulations of the City related to the use of said property at the time of such sale and to the provisions of these Covenants.
- D. Nothing contained herein shall be deemed to give the City a right of first refusal or option in the event that a buyer of a parcel who has improved the same by construction of a building or buildings thereon shall propose to sell all of such property as one parcel together with the improvements thereon, it being intended that the provision of this apply only to the resale of vacant parcels.

18. Number of Years Restrictions and Covenants to Run with the Land.

Each lot shall be conveyed subject to the restrictions and covenants set forth herein, all of which are to run with the land and shall be binding on all parties and all persons claiming them for a period of 10 years from the date these Covenants are recorded, after which time said restrictions and covenants as are then in force and effect shall be automatically extended for successive periods of 10 years each, unless an instrument terminating such restrictions and covenants by the City Council as evidenced by a resolution is duly adopted by favorable vote of a majority the City Council.

19. Amendment of Declaration of Restrictions and Covenants.

The restrictions and covenants set forth herein may be amended only upon the execution and recording of a written instrument to said effect by the City Council as

evidenced by a resolution duly adopted by favorable vote of a majority of the City Council.

20. Enforcement.

A. Abatement, Injunction and Suit.

Violation or breach of any restriction or covenant herein contained shall give to any and every owner of property within the Industrial Park, and the City of Willmar, the right to prosecute a proceeding at law or in equity against the person or persons who have violated or attempted to violate any of these restrictions and covenants to enjoin or prevent them from doing so, and to cause said violation to be removed or remedied and to recover damages for said violation, including the attorney's fees of the prevailing party or parties, and such amount as may be fixed by the Court in such proceedings.

B. Property Maintenance.

Should any landscaping improvements such as grass, weeds or other shrubs and trees or decorative materials, become overgrown, the City of Willmar may order that such area be trimmed, mowed or groomed within 48 hours by written or verbal request. If after 48 hours have passed, the owner neglects to take such actions requested, the City may enter the property and take such actions as are necessary, and assess such costs as a special assessment charge against the property pursuant to Minnesota Statutes.

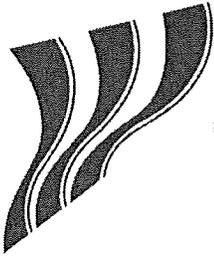
Furthermore, the City of Willmar may enter upon the premises that have been vacated or abandoned for 90 days or more for the purpose of performing such maintenance as may be necessary to prevent the exterior of any buildings and grounds from deteriorating, becoming unsightly or otherwise detracting from the appearance and general character of in the industrial park. Any expense incurred by the City hereunder shall be charged against the property abandoned and it shall be obligation of the owner, lessee or sublessee to pay such expense to the City upon written demand for payment.

21. Severability.

Invalidation of any one of the restrictions or covenants contained within these Covenants, by judgement or court order, shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

22. Other Applicable Laws.

Notwithstanding the provisions contained herein these Covenants, all development within the Industrial Park shall be in accordance with all applicable local, state and federal laws.



## CITY OF WILLMAR

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City Office Building  
333 SW 6<sup>th</sup> Street  
Willmar, MN 56201  
320-235-8311

### COUNCIL ACTION REQUEST

**DATE:** March 31, 2016

**SUBJECT:** An Ordinance Imposing Residency Restrictions on Sexual Offenders and Sexual Predators  
(see attached)

**RECOMMENDATION:** It is respectfully requested the City Council consider the following recommendation: That the Ordinance be introduced for a Public Hearing to be held April 18, 2016, and to ultimately adopt the Ordinance.

**BACKGROUND:** For the past several months, the Community Development Committee and full City Council have discussed the issue of regulating housing for convicted sexual offenders. These discussions were held in response to several citizen concerns over safety and neighborhood property values. At the March 21, 2016 Council meeting, action on the Ordinance was tabled to allow time for members to better understand the impacts of the various sizes of residency prohibition areas.

City Attorney Robert Scott previously advised the City Council as to its authority and limitations regarding the City's regulation of sexual offender housing. Although the City cannot impose an outright ban on such housing, it can reasonably restrict the location and concentration of the use by an ordinance that defines specific areas within which such housing is not permitted. For the purposes of this Ordinance, no designated offenders shall live within 500 feet of a school, licensed daycare center, park, public playground, or place of worship.

An initial part of the regulatory process will be to map areas where offenders may not live. Due to changes in property uses, said map will need to be updated annually. Contact with the Office of the Minnesota Commissioner of Corrections will be required to get information about, and track the residencies of, designated offenders.

**FINANCIAL CONSIDERATION:** The cost of enforcing the Ordinance is expected to be primarily for staff time. No additional funds have been budgeted for such enforcement. At this time, it would be difficult to estimate the budgetary impact of enforcement.

**LEGAL:** N/A

**DEPARTMENT/RESPONSIBLE PARTY:** Bruce D. Peterson, AICP – Director of Planning and Development Services

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE ADDING A NEW ARTICLE V IMPOSING RESIDENCY RESTRICTIONS  
ON SEXUAL OFFENDERS AND SEXUAL PREDATORS TO MUNICIPAL CODE  
CHAPTER 10, OFFENSES AND MISCELANEOUS PROVISIONS

The City Council of the City of Willmar hereby ordains as follows:

Section 1. AMENDMENT OF MUNICIPAL CODE, CHAPTER 10, OFFENSES AND MISCELLANEOUS PROVISIONS. Chapter 10 of the Willmar Municipal Code is hereby amended by adding a new Article V, Sexual Offenders and Sexual Predators, imposing residency restrictions on sexual offenders and sexual predators as follows:

**ARTICLE V. - SEXUAL OFFENDERS AND SEXUAL PREDATORS**

**Sec. 10-76. – Findings and Intent.**

**Sec. 10-77. – Definitions.**

**Sec. 10-78. – Residence Prohibition; Penalties; Exceptions.**

**Sec. 10-79. – Renting Real Property; Penalties.**

**Sec. 10-80. – Severability.**

**Sec. 10-76. – 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 an extreme threat to the public safety. Sexual offenders are likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. The costs of this sexual offender victimization to society at large are severe.
- (b) 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.
- (c) Offenders who have committed the designated sexual and predatory offenses and are confined in Minnesota correctional facilities or treatment facilities are subject to review by an End of Confinement Review Committee (ECRC) established by the Minnesota Commissioner of Corrections, which assesses, reviews and assigns a risk level to the offender before the offender is released from confinement, all pursuant to Minnesota Statutes, Section 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.

- (d) The ECRC assigns offenders a risk level from I to III, with those assigned a risk level III having been assessed to have the highest risk of reoffending and thus posing the greatest risk to other residents of the city.
- (e) Research indicates the measurement of individual characteristics are the best predictors of likelihood of reoffending and the end of confinement review process follows the procedures for such individualized review identified in Minnesota Statutes, Section 244.052, resulting in the assigned risk level.
- (f) It is the intent of this Article 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 those sexual offenders and sexual predators assessed to have the greatest likelihood of reoffending are prohibited from residing.

**Sec. 10-77. – Definitions.**

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

- (a) *Designated Offender.* The term “designated offender” means any person who has committed a designated sexual offense, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age, or who has been categorized as a level III sex offender under Minnesota statutes section 244.052 or successor statute.
- (b) *Designated sexual offense.* The term “designated sexual offense” means a conviction, adjudication of delinquency, commitment under Minnesota Statutes, Chapter 253B, or admission of guilt under oath without adjudication involving any of the offenses identified under Minnesota Statutes, Section 243.166, Subdivision 1b, requiring the offender to register with the Department of Corrections, including offenses under a similar law of another state, as identified under Minnesota Statutes, Section 243.166, Subdivision 1b.
- (c) *Permanent residence.* The term “permanent residence” means a place where the person abides, lodges, or resides for 14 or more consecutive days.
- (d) *Temporary residence.* The term “temporary residence” means a place where the person abides, 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, or a place where the person routinely abides, 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.

- (e) *School*. The word “school” means any public or nonpublic elementary or secondary school, and shall include any structure, land, or facility owned, leased or used for operation of the school or school activities.
- (f) *Licensed day care center*. The term “licensed day care center” means any facility, center, home or institution where children are cared for pursuant to a license issued by the Kandiyohi County Health and Human Services Department.
- (g) *Park*. The word “park” means an outdoor area owned by a local government and maintained for public recreational use and/or preservation of natural space.
- (h) *Public playground*. The term “public playground” means an improved outdoor area owned by a local government and designed, equipped, and set aside for children’s play, and includes in that area such facilities as play equipment, surfacing, fencing, sign, internal pathways, internal land forms, vegetation and related structures.
- (i) *Place of worship*. The term “place of worship” means a place where persons regularly assemble for religious worship and which provides regular educational programs for children.

**Sec. 10-78. – Residence Prohibition; Penalties; Exceptions.**

- (a) *Prohibited Location Of Residence*. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 500 feet of any school, licensed daycare center, park, public playground or place of worship.
- (b) *Prohibited Activity*. It is unlawful for any designated offender to participate in a holiday event involving children under 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 nonfamilial children are present, are exempt from this subsection.
- (c) *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 the nearest outer property line of a school, daycare center, park, public playground, place of worship, or other place where children regularly congregate.

- (2) The city clerk shall maintain an official map showing prohibited locations as defined by this Article. The clerk shall update the map at least annually to reflect any changes in the location of prohibited zones.
- (d) *Penalties.* Any person violating any provision of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-15 of this code. Each day a person maintains a residence in violation of this Article constitutes a separate violation.
- (e) *Exceptions.* A designated offender residing within a prohibited area as described in subsection (a) of this section does not commit a violation of this section if any of the following applies:
- (1) The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Minnesota Statutes, Sections 243.166, 243.167, or successor statute, prior to July 1, 2016.
  - (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 500 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 Statutes, Sections 243.166 or 243.167.
  - (5) The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or children.
- (f) Nothing in this section shall require any person or designated offender to sell or otherwise dispose of any real property acquired or owned prior to the conviction restricting residency under this Article.

**Sec. 10-79. – Renting Real Property; 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 Article, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in Section 10-78(a).

- (b) A property owner's failure to comply with provisions of this section shall constitute a violation of this section.
- (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.

**Sec. 10-80. – Severability.**

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

Secs. 10-81. – 10.85.—Reserved.

Section 2. EFFECTIVE DATE. This ordinance shall be effective from and after July 1, 2016.

Passed by the City Council of the City of Willmar this \_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Kevin Halliday, City Clerk

\_\_\_\_\_  
Marvin Calvin, Mayor

VOTE: \_\_\_\_\_ AHMANN \_\_\_\_\_ ANDERSON \_\_\_\_\_ CHRISTIANSON  
\_\_\_\_\_ FAGERLIE \_\_\_\_\_ JOHNSON \_\_\_\_\_ MUESKE \_\_\_\_\_ NELSEN \_\_\_\_\_ PLOWMAN

This Ordinance introduced by Council Member: \_\_\_\_\_

This Ordinance introduced on: \_\_\_\_\_

This Ordinance published on: \_\_\_\_\_

This Ordinance given a hearing on: \_\_\_\_\_

This Ordinance adopted on: \_\_\_\_\_

This Ordinance published on: \_\_\_\_\_