

ORDINANCE NO. 882

AN ORDINANCE OF THE CITY OF CENTRAL CITY, NEBRASKA, AMENDING CHAPTER TWO (2) OF THE CENTRAL CITY MUNICIPAL CODE, ADDING ARTICLE SEVEN (7) “SEX OFFENDER RESIDENCY”; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ORDINANCES IN CONFLICT. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CENTRAL CITY, NEBRASKA:

SECTION 1)

ARTICLE VII – SEX OFFENDER RESIDENCY

Section 2-701. **Findings and Intent.**

A. Repeat sex offenders who use physical violence and prey on children are sexual predators who present an extreme threat to the public safety. Sex offenders are extremely likely to use physical violence or to repeat their offenses. And most sex offenders commit many offenses, have many more victims that are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society at large, while incalculable, extremely exorbitant.

B. It is the intent of this ordinance 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 certain areas around locations where children regularly congregate in concentrated numbers where certain sex offenders and sexual predators are prohibited from establishing temporary or permanent residence.

Section 2-702. **Definitions.**

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

A. *Sex offender* shall be anyone classified as a High Risk / Level 3 Sex Offender subject to the Sex Offender Registration Act (Sections 29-4001 to 29-4713, inclusive, Neb. Rev. Stat.) or any amendments thereto.

B. *Permanent residence* shall mean a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.

C. *Temporary residence* shall mean 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 non-consecutive days in any month and which is not the person's permanent residence.

Section 2-703. Sex Offender Residence Prohibition; Penalties; and Exceptions.

A. *Prohibited location of residence.* It is unlawful for any person classified as a High Risk / Level 3 sex offender who is subject to the Sex Offender Registration Act to establish a permanent residence or temporary residence within 2,000 feet of any school, designated public school bus stop, licensed day care center, park, playground, or library.

B. *Measurement of distance.* 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, designated school bus stop, licensed day care center, park, playground, or library.

C. *Penalties.* A person who violates this section shall be punished by a fine not exceeding \$500.00.

D. *Exceptions.* A person residing within 2,000 feet of any school, designated school bus stop, licensed day care center, park, playground, or library does not commit a violation of this section if any of the following apply:

(1) The person was a minor when he/she committed the offense and was not convicted as an adult;

(2) The person is a minor; and,

(3) The school, designated public school bus stop or licensed day care center within 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 the Sex Offender Registration Act.

E. *Nonconforming residence.* Any sex offender who is currently residing at a residence that is in violation of this ordinance shall be deemed a nonconforming

residence. The nonconforming residence will be permitted to continue for a period not to exceed six (6) months, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. After the six (6) month period expires, the sex offender shall be deemed in violation of the terms of this ordinance.

SECTION 2) Force and Effect. This ordinance shall take effect, and be in full force from and after its passage, approval, and publication or posting as required by law.

SECTION 3) Conflict. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Passed and approved this 10th day of April, 2006.

Clayton Erickson, Mayor

ATTEST:

David Rish, City Clerk