

## ORDINANCE 893

AN ORDINANCE TO ADOPT SEXUAL PREDATOR RESIDENCY RESTRICTIONS; TO PROHIBIT CERTAIN PERSONS SUBJECT TO THE SEX OFFENDER REGISTRATION ACT AND DEFINED AS SEXUAL PREDATORS FROM RESIDING IN CERTAIN AREAS WITHIN THE CITY; TO ESTABLISH PENALTIES FOR A VIOLATION; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CENTRAL CITY:

Section 1) Section 2-701 of the Municipal Code of Central City, Nebraska is hereby amended to read as follows:

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

A. The Nebraska Legislature has found that certain sex offenders present a high risk to commit repeat offenses and has enabled municipalities to restrict such persons' place of residency as provided in the Sexual Predator Residency Restriction Act.

B. Sex offenders who prey on children and who are high risks to repeat such acts present an extreme threat to public safety. The cost of sex offender victimization to these children and to society at large, while incalculable, is exorbitant.

C. 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 sexual predators cannot reside.

Section 2) Section 2-702 of the Municipal Code of Central City, Nebraska is hereby amended to read as follows:

### Section 2-702. **Definitions**

For purposes of this ordinance:

1. Child care facility means a facility licensed pursuant to the Child Care Licensing Act;

2. School means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;
3. Reside mean to sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory;
4. Residence means a place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory;
5. Sex offender means an individual who has been convicted of a crime listed in Nebr. Rev. Stat. section 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and
6. Sexual predator mean an individual who is required to register under the Sex Offender Registration Act; who has been classified as Level 3 because of a high risk of recidivism as determined by the Nebraska State Patrol under Nebr. Rev. Stat. section 29-4013, and who has victimized a person eighteen years of age or younger.

Section 3) Section 2-703 of the Municipal Code of Central City, Nebraska is hereby amended to read as follows:

**Section 2-703. Sexual Predator Residency Restrictions; Penalties; Exceptions**

- A. **PROHIBITED LOCATION OF RESIDENCE.** It is unlawful for any sexual predator to reside within five hundred feet from a school or child care facility.
- B. **MEASURE OF DISTANCE.** For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.
- C. **PENALTIES.** A person who violates this section shall be punished as provided generally in the code.
- D. **EXCEPTIONS.** This ordinance shall not apply to a sexual predator who:
  - a. Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;
  - b. Established a residence before July 1, 2006, and has not moved from that residence; or
  - c. Established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sexual predator's residence at that location.

Section 4) Any ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions are repealed.

Section 5) This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 14<sup>th</sup> day of August, 2006.

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Clayton Erickson, Mayor

Attest:

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David Rish, City Clerk

(SEAL)