

ORDINANCE NO. 988

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING CHAPTER 9.44 OF THE LANCASTER MUNICIPAL CODE RELATING TO THE REGULATION OF REGISTERED SEX OFFENDERS

WHEREAS, Proposition 83, also known as “Jessica’s Law,” was passed by California voters on November 7, 2006; and

WHEREAS, Jessica’s Law enhances the state’s ability to detect, track and apprehend sexual offenders by, among other things, prohibiting sex offenders that are released from prison from living within 2,000 feet of parks and schools and mandating Global Positioning System (GPS) supervision for life; and

WHEREAS, the City of Lancaster (the “City”) strongly supports Jessica’s Law and desires to impose safety precautions that even exceed Jessica’s Law based upon its compelling interest in protecting children from registered sex offenders; and

WHEREAS, on September 11, 2012, the City Council adopted Ordinance No. 981 (“Ordinance No. 981”), which added Chapter 9.44 (“Chapter 9.44”) to the Lancaster Municipal Code and established certain regulations relative to registered sex offenders;

WHEREAS, in adopting Ordinance No. 981, the City Council found that certain registered sex offenders pose a clear threat to children and that it was the purpose and intent of Ordinance No. 981 to reduce that threat by limiting the ability of certain registered sex offenders to be in contact with children; and

WHEREAS, while the City Council reaffirms the findings and purpose behind its adoption of Ordinance No. 981, it has determined that it is in the public interest and welfare to narrow the scope and application of Chapter 9.44 (which was originally added by Ordinance No. 981) in order to avoid potential constitutional challenges and to avoid the cost of potential litigation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 9.44 of the Lancaster Municipal Code, as added by Ordinance No. 981, shall be and hereby is repealed in its entirety.

Section 2. Chapter 9.44 (“Regulation of Registered Sex Offenders”) is hereby added to the Lancaster Municipal Code as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 12th day of March, 2013, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 988, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of the _____, _____.

(seal)

EXHIBIT “A”

CHAPTER 9.44

REGULATION OF REGISTERED SEX OFFENDERS

Sections:

- 9.44.010 Purpose.**
- 9.44.020 Definitions.**
- 9.44.030 Registered sex offender regulations and prohibitions.**
- 9.44.040 Penalty.**
- 9.44.050 Severability.**

9.44.010 Purpose.

Proposition 83, also known as “Jessica’s Law,” was passed by California voters on Nov. 7, 2006. Jessica’s Law enhances the state’s ability to detect, track and apprehend sexual offenders by, among other things, prohibiting sex offenders that are released from prison from living within 2,000 feet of parks and schools and mandating Global Positioning System (GPS) supervision for life.

The city strongly supports Jessica’s Law and desires to impose safety precautions that even exceed Jessica’s Law based upon its compelling interest in protecting children from registered sex offenders. The city council finds that certain registered sex offenders pose a clear threat to children. It is the purpose and intent of this chapter to reduce that threat by limiting the ability of certain registered sex offenders to be in contact with children.

9.44.020 Definitions.

Except as otherwise expressly set forth herein, the following words and terms as used in this chapter shall have the following meanings:

“Child” or “children” means any person under the age of 18 years of age.

“Registered sex offender” means any person who is required to register under Section 290 of the California Penal Code, regardless of whether or not such person is on parole or probation, because of a conviction for a crime in which the victim was a child. It shall be prima facie evidence that a person is a registered sex offender if such person’s record (i) appears in/on the Department of Justice Sex Offender Tracking Program Database and (ii) lists among his or her offenses a crime in which the victim was a child.

9.44.030 Registered sex offender regulations and prohibitions.

On October 31st of each year, as well as on any day designated by the city for any Halloween trick or treating event, a registered sex offender, shall: (i) leave all exterior residential, decorative and ornamental lighting off during the hours of 5:00 p.m. to 11:59 p.m.; and (ii) not decorate his or her permanent residence with Halloween decorations, and remove any such decorations; and (iii) not answer the door to children who are trick-or-treating.

9.44.040 Penalty.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, the penalty shall be a fine of not more than \$1,000 or imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment.

9.44.050 Severability.

If any part or provision of this chapter is found to be invalid or unenforceable by a court of law, such invalidity shall not affect any other part or provision herein, and all remaining provisions of this chapter will be valid and enforceable to the fullest extent permitted by law.