

STAFF REPORT
City of Lancaster

CC 4
03/26/13
MVB

Date: March 26, 2013

To: Mayor Parris and City Council Members

From: Geri K. Bryan, CMC, City Clerk

Subject: **Consideration of adoption of Ordinance No. 988**

Recommendation:

Adopt **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.

Fiscal Impact:

The fiscal impact of this ordinance is unknown.

Background:

The City Attorney's Office was previously requested by the Criminal Justice Commission to draft an ordinance based upon Jessica's Law in order to restrict and regulate the places that a registered sex offender may reside and frequent. That ordinance was adopted by the City Council on September 11, 2012, as Ordinance No. 981, which added Chapter 9.44 to the Lancaster Municipal Code (entitled "Regulation of Registered Sex Offenders") and imposed restrictions and regulations upon registered sex offenders in addition to those imposed under state law. While Ordinance No. 981 was intended to supplement, not to conflict with, existing state law by imposing more stringent restrictions on the locations where registered sex offenders may reside and by imposing restrictions on the locations that registered sex offenders may frequent, issues were recently raised concerning the constitutionality of certain aspects of Ordinance No. 981. To address such issues, and to avoid the cost of potential litigation, the Ordinance repeals and replaces the current version of Chapter 9.44 of the Lancaster Municipal Code (which was added by Ordinance No. 981). The new version of Chapter 9.44 as set forth in the Ordinance is limited to activity related to Halloween. Specifically, it provides that "[o]n 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."

At the March 12, 2013 meeting, the City Council approved the introduction of Ordinance No. 988 by the following vote:

AYES: Council Members: Johnson, Mann, Smith, Vice Mayor Crist
NOES: None
ABSTAIN: None
ABSENT: Council Members: Mayor Parris

Attachment:
Ordinance No. 988