

ORDINANCE NO. 2216

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 OF LEXINGTON; TO ESTABLISH PENALTIES FOR A VIOLATION; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF Lexington, Nebraska, as follows:

Sec. 1. 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.

Sec. 2. 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 means 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 means 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.

Sec. 3. 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:
- (1) Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;
 - (2) Established a residence before July 1, 2006, and has not moved from that residence; or
 - (3) 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.

[Statutory Reference: The Sexual Predator Residency Restriction Act, Laws 2006, LB 1199, §§27 to 29; Neb. Rev. Stat. Sec. 29-4003 and Sec. 29-4013]

Section 4. All ordinance or sections of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 22nd day of August, 2006.



President of the Council

Clerk - Deputy