

ORDINANCE NO. 2311

AN ORDINANCE TO AMEND SECTION 19-8 OF THE LEXINGTON CITY CODE; TO REVISE DEFINITION OF SEXUAL PREDATOR; TO REPEAL ORIGINAL SECTION 19-8 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR 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:

Section 1. That Section 19-8 of the Lexington City Code is hereby amended to read as follows:

Section 19-8 Sexual Predator Residency Restrictions.

A. 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 committed an aggravated offense as defined in Nebr. Rev. Stat. Section 29-4001.01, and who has victimized a person eighteen years of age or younger.

B. PROHIBITED LOCATION OF RESIDENCE. It is unlawful for any sexual predator to reside within five hundred feet from a school or child care facility.

C. 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.

D. PENALTIES. A person who violates this section shall be punished as provided generally in the code.

E. 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.

(Ordinance No.2216, adopted August 23, 2006) See LB 1199, 2006.

Section 2. That original Section 19-8, together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 3. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 24th day of January, 2012.



Amelia Burke
City Clerk

John H. Fyfe
President of Council