

**Ordinance No. 29-2006**

**AN URGENCY ORDINANCE OF  
THE CITY COUNCIL OF THE CITY OF ELK GROVE  
RELATING TO THE  
PROTECTION OF CHILDREN FROM SEXUAL OFFENDERS**

The City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose and Authority and Urgency Findings

The City Council of the City of Elk Grove desires to impose safety precautions in furtherance of the goal of protecting children.

The City Council finds that sex offenders pose a clear threat to the children residing or visiting in the community. Further the City Council finds that there is no cure for sex offenders, that there are never any guarantees that they might not reoffend, and convicted sex offenders are more likely than any other type of offender to re-offend for another sexual assault. The City Council further finds that recently the City of Elk Grove has become a targeted location for placement of sexual offenders on their release from incarceration, and without such an ordinance such as this, children in our community may unnecessarily be put at increased risk.

The City Council further finds that the purpose of this ordinance is to harmonize with state law and reduce the potential risk of harm to children of the community by limiting the opportunity for sex offenders to be in contact with unsuspecting children in locations that are primarily designed for use by, or are primarily used by children, namely, the grounds of public or private schools for children, centers or facilities that provide day care or children's services, video arcades, public and private playgrounds and play facilities, parks, teen centers, youth sports facilities, skate parks and public swimming pools. The City Council finds that currently, state law does not address the areas that sex offenders can frequent. Instead, state law only regulates where sex offenders can reside in relation to a limited number of specified areas. This ordinance is not intended to conflict with existing state or federal law but to add location restrictions to sex offenders where state and federal law is silent.

For these reasons, the reasons stated in the staff report (which is incorporated herein by this reference) and for the reasons provided to the City Council at the City Council meeting on June 14<sup>th</sup>, 2006 (all of which are incorporated herein by this reference) the City Council of the City of Elk Grove finds that a public emergency exists that affects the life, health and public welfare of children, resident in, and visitors to, the City of Elk Grove and that for the immediate preservation of the public peace, health, and safety an urgency exists to require the immediate adoption of this ordinance and that this ordinance should take effect immediately.

Section 2: Prohibitions

A. DEFINITIONS.

“Children” means those persons who are under the age of eighteen (18).

“Sex offender” means a person who has been required to register with a governmental entity as a sex offender under Penal Code section 290.

**B. PROHIBITION.**

A sex offender is prohibited from being on or within three hundred (300) feet of the grounds of public or private schools for children, centers or other facilities that provide day care or children’s services, video arcades, public and private playgrounds and play facilities, parks, teen centers, youth sports facilities, skate parks, public swimming pools and bus stops in the immediate vicinity of parks and schools. For purposes of this section, distances shall be measured from the edge of the parcel or contiguous parcels where the identified use is located.

This prohibition does not apply to a sex offender’s place of residence when regulated by state law. This prohibition does not apply to single trips while traveling past a location specified in this ordinance while in route to another destination. This prohibition does not apply to single trips while a sex offender who is also a parent or guardian of a child is accompanying his/her child or ward to or from a location specified above.

**C. VIOLATION.**

Any person violating this ordinance is guilty of a misdemeanor punishable by a fine up to One Thousand (\$1,000.00) or by imprisonment for up to one (1) year, or both. A Person is guilty of a separate offense for each and every day during which a violation occurs.

**Section 3: No Mandatory Duty of Care.**

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

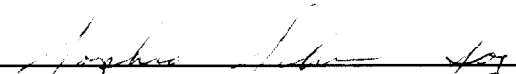
**Section 4: Severability and Codification**

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced. This ordinance shall not be codified.

Section 5: Effective Date and Publication

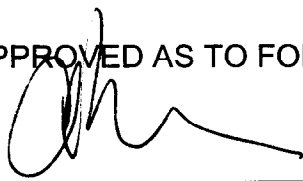
This ordinance was introduced, the title thereof read, adopted at the regular meeting of the City Council and became effective on June 14, 2006.

PASSED AND ADOPTED by a four fifths majority vote the City Council of the City of Elk Grove this 14th day of June, 2006.

  
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RICK SOARES, MAYOR of the  
CITY OF ELK GROVE

ATTEST:

  
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PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

EFFECTIVE DATE:

JUNE 14, 2006

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

SOARES, SCHERMAN, COOPER, LEARY  
NONE  
NONE  
BRIGGS