

ORDINANCE NO. 801

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; TO ESTABLISH PENALTIES
FOR VIOLATIONS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS
AND TO PROVIDE AN EFFECTIVE DATE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
GOTHENBURG, DAWSON COUNTY, NEBRASKA, AS FOLLOWS:

Section 1. The following ordinance shall be adopted and designated as an addition to
Chapter 6, Article 3, Section 6-320, to wit:

§6-320 SEXUAL PREDATOR RESIDENCE; FINDINGS AND INTENT;
DEFINITIONS; PROHIBITED ACTS; PENALTIES; AND EXCEPTIONS.

(1) *Findings and Intent*; 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.; 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. 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 of Gothenburg by creating certain areas around locations where children regularly congregate and concentrated numbers where certain sexual predators cannot reside.

(2) *Definitions*; for purposes of this ordinance:

(a) "child care facility" means a facility licensed pursuant to the Child Care Licensing Act;

(b) "school" means a public, private, nondenominational, or parochial school which meets the requirements for state accreditation or approval;

(c) "reside" means to sleep, live, or dwell at a place, which may include more than one location, and maybe mobile or transitory;

(d) "residence" means a place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory;

(e) "sex offender" means an individual who has been convicted of a crime listed in Nebraska Revised Statute, section 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and.

(f) "sexual predator" means an individual who is required to register under the Sex Offender Registration Act, who has been classified as a Level 3 because of a high risk of recidivism as determined by Nebraska State Patrol under Nebraska Revised Statute Section 29-4013, and who has victimized a person 18 years of age or younger.

(3) Sexual Predator Residency Restrictions; Penalties; Exceptions.

(a) It is unlawful for any sexual predator to reside within 500 feet of a school or child care facility.

(b) For purposes of determining 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 property line of the school or child care facility.

(c) A person who violates this section shall be punished as provided in this chapter.

(d) This ordinance shall not apply to a sexual predator who:

1. Resides within a prison or correctional or treatment facility operated by the state of Nebraska or a political subdivision;

2. Established a residence before July 1, 2006, and has not moved from that residence;

3. Established a residence after July 1, 2006, and the school or child care facility triggering of the restriction was established after the initial date of the sexual predator's residence at that location; or

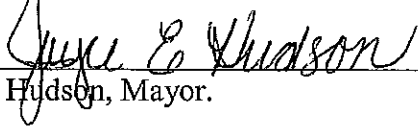
4. Established a residence after July 1, 2006, and prior to the passage of this ordinance, within 500 feet of a school or child care facility, and fails to relocate such residence within 100 days from the passage of this ordinance.

Section 2. Any ordinance or parts of ordinances passed and approved prior to the passage, approval and publication of this ordinance which are in conflict herewith are hereby repealed.

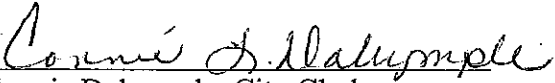
Section 3. This ordinance shall take effect from and after its passage, approval and publication as required by law.

Passed and approved this 20th day of November, 2007.

City of Gothenburg, Dawson County, Nebraska


Joyce Hudson, Mayor.

Attest:


Connie Dalrymple, City Clerk.

Approved As to Form:


Michael L. Bacon, City Attorney