

ORDINANCE - 862

AN ORDINANCE AMENDING TITLE XIII, CHAPTER 131, SECTION 131.06  
RELATED TO RESIDENCY RESTRICTITONS FOR SEXUAL PREDATORS;  
REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING  
FOR AN EFFECTIVE DATE.

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

Section 1. A copy of Title XIII, Chapter 131, Section 131.06 of the Gothenburg  
Municipal Code is attached hereto as Exhibit #1.

Section 2. Title XIII, Chapter 131, Section 131.06 of the Gothenburg Municipal Code  
is hereby amended to read as follows

**§ 131.06 SEXUAL PREDATOR RESIDENCY RESTRICTIONS.**

(A) The state legislature has found that certain sex offenders present a high risk to  
commit repeat offenses and has enabled municipalities to restrict the 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 the 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 section 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 and concentrated numbers where certain sexual predators cannot reside.

(B) For the purpose of this section, the following definitions shall apply unless the  
context clearly indicates or requires a different meaning.

**CHILD CARE FACILITY.** Facility licensed pursuant to the Child Care Licensing  
Act.

**RESIDE.** To sleep, live, or dwell at a place, which may include more than one  
location, and may be mobile or transitory.

**RESIDENCE.** A place where an individual sleeps, lives, or dwells, which may  
include more than one location, and may be mobile or transitory.

**SCHOOL.** A public, private, nondenominational, or parochial school which meets  
the requirements for state accreditation or approval.

**SEX OFFENDER.** An individual who has been convicted of a crime listed in Neb. RS §29-4003, and who is required to register as a sex offender pursuant to the Sex Offender Registration Act, Neb. RS §29-4001, through §29-4019, inclusive, as the same may be amended from time to time.

**SEXUAL PREDATOR.** An individual who is required to register under the Sex Offender Registration Act, Neb. RS §29-4001, through §29-4019, inclusive, as the same may be amended from time to time, who committed an aggravated offense as defined in Neb. RS §29-4003 and has victimized a person 18 years of age or younger.

(C) (1) It is unlawful for any sexual predator to reside within 500 feet of a school or child care facility.

(2) 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.

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

(4) This section shall not apply to a sexual predator who:

(a) Resides within a prison or correctional or treatment facility operated by the state, or a political subdivision;

(b) Established a residence before July 1, 2006, and has not moved from that residence;

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

(d) Established a residence after July 1, 2006, and prior to the passage of this section, within 500 feet of a school or child care facility, and fails to relocate the residence within 60 days from the passage of this section.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be published and shall be effective after such publication, according to law.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2011.



City of Gothenburg

Joyce E. Hudson  
Joyce Hudson, Mayor

Attest:

Connie L. Dalrymple  
Connie Dalrymple, City Clerk

Approved as to form:

Michael L. Bacon, City Attorney.