

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORONA, CALIFORNIA, AMENDING THE CORONA MUNICIPAL CODE BY ADDING CHAPTER 9.21 TO TITLE 9 RELATING TO RESIDENCY RESTRICTIONS FOR SEX OFFENDERS

WHEREAS, on November 7, 2006, the voters of the State of California overwhelmingly approved Proposition 83, the Sexual Predator Punishment and Control Act, to better protect Californians, and, in particular, the children of this State, from sex offenders; and

WHEREAS, before the passage of Proposition 83, Penal Code Section 3003.5(a) provided that a person released on parole after having served a term of imprisonment in state prison for any offense for which registration is required pursuant to Penal Code Section 290, may not, during the period of parole, reside in any single family dwelling with any other person also required to register pursuant to Section 290, unless those persons are legally related by blood, marriage, or adoption. For purposes of Penal Code Section 3003.5(a), "single family dwelling" does not include a residential facility which serves six or fewer persons; and

WHEREAS, Proposition 83 enacted Penal Code Section 3003.5(b), which prohibits any sex offender who is required to register pursuant to Penal Code Section 290 from residing within 2,000 linear feet of any public or private school, or any park where children regularly gather; and

WHEREAS, Proposition 83, as codified in Penal Code Section 3003.5(c), authorizes municipal jurisdictions to enact local ordinances that further restrict the residency of any sex offender who is required to register pursuant to Penal Code Section 290; and

WHEREAS, local ordinances authorized by Penal Code Section 3003.5(c) are permitted to regulate the number of registered sex offenders that reside in a residential facility, including those facilities that serve six or fewer persons, commonly referred to as sober living facilities, and are considered a single-family dwelling pursuant to Health and Safety Code Section 1566.3; and

WHEREAS, the City of Corona ("City") is becoming an increasingly attractive place of residence for families with children; and

WHEREAS, the City is concerned with recent occurrences, within the City and elsewhere in California, where multiple registered sex offenders have been residing in clusters in violation of Penal Code Section 3003.5(b); and

WHEREAS, the addition of Chapter 9.21 to the Corona Municipal Code is intended to eliminate any potential conflict of land uses in residential neighborhoods and to reduce the potential dangers associated with multiple Sex Offenders (as defined in Chapter 9.21) living near families with children and places where children regularly gather; and

WHEREAS, in addition to public and private schools and parks, the City further finds that California state-licensed child care facilities are also places where children regularly gather, and therefore should be regulated in the same manner; and

WHEREAS, the City has determined that all Parks located in, or within two thousand (2,000) linear feet of, its jurisdictional boundaries are places where children regularly gather, except those Parks (if any) expressly exempted within the terms of Chapter 9.21; and

WHEREAS, Article XI, Section 7 of the California Constitution authorizes the City to enact and enforce ordinances that regulate conditions which may be public nuisances or health hazards, or that promote social, economic or aesthetic considerations; and

WHEREAS, California Government Code Section 38773.5 further authorizes cities to pass ordinances that provide for the recovery of attorneys' fees in any action, administrative proceeding, or special proceeding to abate a nuisance; and

WHEREAS, in order to foster compliance with the intent of this ordinance, Chapter 9.21 should also establish residency regulations of Sex Offenders and the property owners (or their authorized agents) who rent to them; and

WHEREAS, the City has determined that Sex Offenders who reside within a Residential Exclusion Zone (as defined in Chapter 9.21), Sex Offenders who reside in any Single Family Lot, Multi-family Lot, Duplex Lot, Mobile Home, and/or commercial rooms on a Hotel Lot, Motel Lot, or Inn Lot (as those terms are defined in Chapter 9.21) where a Sex Offender already resides, and Responsible Parties (as defined in Chapter 9.21) who knowingly rent any Single Family Lot, Multi-family Lot, Duplex Lot, Mobile Home, and/or commercial rooms on a Hotel Lot, Motel Lot, or Inn Lot to more than one (1) Sex Offender, create a public nuisance that is injurious to the public health, safety, and welfare; and

WHEREAS, a 1998 report by the U.S. Department of Justice found that sex offenders are the least likely criminals to be cured and the most likely to re-offend, and they prey on the most innocent members of our society; and

WHEREAS, more than two-thirds of the victims of rape and sexual assault are under the age of 18; and

WHEREAS, sex offenders have a dramatically high rate of recidivism.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORONA,
CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

SECTION 1.

A new Chapter 9.21 entitled "Sex Offender Residency Restrictions" is hereby added to Title 9 of the Corona Municipal Code to read as follows:

**“CHAPTER 9.21
SEX OFFENDER RESIDENCY RESTRICTIONS**

9.21.010 DEFINITIONS.

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

- A. "Child" or "Children" shall mean any person(s) under the age of eighteen (18) years of age.
- B. "Child Care Center" shall mean any State of California, Department of Social Services licensed facility that provides non-medical care to children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis, including but not limited to a family day care home, infant center, preschool, extended-day care facility, or school-age child care center. Child Care Centers shall include those in, or within two thousand (2,000) linear feet of, the jurisdictional boundaries of the City of Corona.
- C. "Duplex Lot" shall mean a lot designed for permanent residency and containing two (2) dwelling units whether attached or detached.
- D. "Hotel Lot" or "Motel Lot" shall mean a lot on which there is located a commercial land use for the rental of six (6) or more guest rooms or suites for primarily temporary residency for a period of not more than thirty (30) consecutive days.
- E. "Inn Lot" shall mean a lot on which there is located a commercial land use for the rental of five (5) or fewer guest rooms or suites primarily for temporary residency for a period of not more than thirty (30) consecutive days.
- F. “Mobile Home” shall be considered to be a dwelling and shall mean a structure designed for human habitation and for being moved on a street or highway under permit pursuant to Section 35790 of the Vehicle Code. Mobile home includes a manufactured home, as defined in Section 18007 of the Health and Safety Code,

and a mobile home, as defined in Section 18008 of the Health and Safety Code, but does not include a recreational vehicle, as defined in Section 799.29 of the Civil Code and Section 18010 of the Health and Safety Code or a commercial coach as defined in Section 18001.8 of the Health and Safety Code. Mobile home does not include a trailer or other recreational vehicle located in a recreational vehicle park.

- G. "Mobile Home Park" shall mean a residential land use where two or more Mobile Home sites are rented, or held out for rent, to accommodate Mobile Homes designed for permanent residency, with such homes not affixed to a permanent foundation.
- H. "Multi-family Lot" shall mean a lot designed for permanent residency and containing three (3) or more dwelling units whether attached or detached. This includes a lot containing apartment houses and condominiums, but does not include hotels, motels, or inns.
- I. "Owner's Authorized Agent" shall mean any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, corporation, business trust or the manager, lessee, agent, servant, office or employee authorized to act for the owner of a property.
- J. "Park" shall include those areas used as public parks where children regularly gather. Parks shall include those in, or within two thousand (2,000) linear feet of, the jurisdictional boundaries of the City of Corona.
- K. "Permanent Resident" shall mean any person who, as of a given date, obtained the right to occupy a dwelling on a lot, including, but not limited to, a Single Family Lot, Multi-family Lot, Duplex Lot, Mobile Home Park, Hotel Lot, Motel Lot, or Inn Lot for more than thirty (30) consecutive days.
- L. "Property Owner" as applied to buildings and land shall mean the owner of record of any parcel of real property as designated on the county assessor's tax roll, or a holder of a subsequently recorded deed to the property, and shall include any part owner, joint owner, tenant, tenant in common, or joint tenant, of the whole or part of such a building or land.
- M. "Residential Exclusion Zone" shall include those areas located within two thousand (2,000) linear feet of the closest property line of a lot containing a Child Care Center, School, or Park. A lot shall be considered to be within a Residential Exclusion Zone if its property line closest to a Child Care Center, School or Park falls within the two thousand (2,000) linear feet distance. In the case of a Hotel Lot, Motel Lot or Inn Lot, the Residential Exclusion Zone shall be calculated using the closest property line of the Hotel Lot, Motel Lot or Inn Lot, and not the

room in which the Sex Offender resides. In the case of a Mobile Home Park, the Residential Exclusion Zone shall be calculated using the closest property line of the rented space in which the Mobile Home is sited, and not the closest property line of the Mobile Home Park.

- N. "Responsible Party" shall mean the Property Owner and/or Owner's Authorized Agent.
- O. "School" means any public or private school with one or more grades K through 12, located in, or within two thousand (2,000) linear feet of, the jurisdictional boundaries of the City of Corona.
- P. "Sex Offender" means any person for whom registration is required pursuant to California Penal Code Section 290, regardless of whether that person is on parole or probation.
- Q. "Single Family Lot" shall mean a lot designed for permanent residency and containing one (1) dwelling unit.
- R. "Temporary Resident" means any person who, as of a given date, obtained the right to occupy a dwelling on a lot, including, but not limited to, a Single Family Lot, Multi-family Lot, Duplex Lot, Mobile Home Park, a Hotel Lot, Motel Lot or Inn Lot for thirty (30) days or less.

9.21.020 VIOLATION OF RESIDENTIAL EXCLUSION ZONE.

No Sex Offender shall be a Permanent or Temporary Resident in a Residential Exclusion Zone.

9.21.025 RESIDENTIAL EXCLUSION ZONE – EXEMPTED PARKS.

The City has determined that the following Parks are not places where children regularly gather, as provided for in this Chapter: None – all Parks are places where children regularly gather.

9.21.030 SEX OFFENDER VIOLATION - SINGLE FAMILY LOTS.

No Sex Offender shall be a Permanent or Temporary Resident in a Single Family Lot already occupied by a Sex Offender, unless those persons are legally related by blood, marriage or adoption.

9.21.040 SEX OFFENDER VIOLATION - DUPLEX LOTS.

No Sex Offender shall be a Permanent or Temporary Resident in a Duplex Lot already occupied by a Sex Offender, unless those persons are legally related by blood, marriage or adoption.

9.21.050 SEX OFFENDER VIOLATION - MULTI-FAMILY LOTS.

No Sex Offender shall be a Permanent or Temporary Resident in a Multi-Family Lot already occupied by a Sex Offender, unless those persons are legally related by blood, marriage or adoption.

9.21.060 SEX OFFENDER VIOLATION - HOTEL/ MOTEL/ INN ROOMS.

No Sex Offender shall be a Permanent or Temporary Resident in a guest room of a Hotel, Motel, or Inn already occupied by a Sex Offender, unless those persons are legally related by blood, marriage or adoption.

9.21.070 SEX OFFENDER VIOLATION - HOTEL/MOTEL/INN PERMANENT RESIDENT.

No Sex Offender shall be a Permanent Resident in any guest room of a Hotel, Motel, or Inn wherein a separate and distinct guest room is already occupied by a Sex Offender as a Permanent Resident.

9.21.080 SEX OFFENDER VIOLATION – MOBILE HOME.

No Sex Offender shall be a Temporary or Permanent Resident in any Mobile Home sited in and upon a rented space located within a Mobile Home Park wherein the Mobile Home is already occupied by a Sex Offender, unless those persons are legally related by blood, marriage or adoption.

9.21.090 SEX OFFENDER VIOLATION – MOBILE HOME PARK PERMANENT RESIDENT.

No Sex Offender shall be a Permanent Resident in any Mobile Home cited in and upon a rented space located within a Mobile Home Park wherein any other Mobile Home sited in and upon a rented space located within the same Mobile Home Park is already occupied by a Sex Offender as a Permanent Resident, unless those persons are legally related by blood, marriage or adoption.

9.21.100 RESPONSIBLE PARTY VIOLATION - SINGLE FAMILY LOTS.

No Responsible Party shall knowingly rent a dwelling unit in a Single Family Lot to, or allow occupancy as a Permanent or Temporary Resident by, more than one (1) Sex Offender

during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

9.21.110 RESPONSIBLE PARTY VIOLATION - DUPLEX LOTS.

No Responsible Party shall knowingly rent a dwelling unit in a Duplex Lot to, or allow occupancy as a Permanent or Temporary Resident by, more than one (1) Sex Offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

9.21.120 RESPONSIBLE PARTY VIOLATION - MULTI-FAMILY LOTS.

No Responsible Party shall knowingly rent a dwelling unit in a Multi-family Lot to, or allow occupancy as a Permanent or Temporary Resident by, more than one (1) Sex Offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

9.21.130 RESPONSIBLE PARTY VIOLATION – HOTEL/ MOTEL/INN.

No Responsible Party shall knowingly rent a guest room in a Hotel, Motel, or Inn, or allow occupancy as a Permanent or Temporary Resident by, more than one (1) Sex Offender, unless those persons are legally related by blood, marriage, or adoption.

9.21.140 RESPONSIBLE PARTY VIOLATION – HOTEL/MOTEL/INN PERMANENT RESIDENT.

No Responsible Party shall knowingly rent more than one (1) guest room in a Hotel, Motel, or Inn to, or allow occupancy as a Permanent or Temporary Resident by, more than one (1) Sex Offender as a Permanent Resident.

9.21.150 RESPONSIBLE PARTY VIOLATION – MOBILE HOME.

No Responsible Party shall knowingly rent a space for the location and placement of a Mobile Home, or allow occupancy as a Permanent or Temporary Resident by, more than one (1) Sex Offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

9.21.160 RESPONSIBLE PARTY VIOLATION – MOBILE HOME PARK PERMANENT RESIDENT.

No Responsible Party shall knowingly rent more than one (1) Mobile Home in a Mobile Home Park to, or allow occupancy as a Permanent or Temporary Resident by, more than one (1) Sex Offender in the Mobile Home Park as a Permanent Resident, unless those persons are legally related by blood, marriage or adoption.

9.21.170 OFFENSES CONSTITUTING NUISANCES.

Any Single Family Lot, Duplex Lot, Multi-family Lot, Mobile Home, Mobile Home Park, Hotel Lot, Motel Lot or Inn Lot operated or maintained in a manner inconsistent with the occupancy requirements of this Chapter, or the restrictions of Penal Code Section 3003.5, is declared to be unlawful and is defined as and declared to be public nuisances per se that are injurious to the public health, safety, and welfare.

9.21.180 NUISANCES; RECOVERY OF ABATEMENT EXPENSES.

In any action or proceeding to enforce the provisions of this Chapter, the prevailing party will be entitled to recovery of all costs, attorney's fees and expenses, to the extent provided for in Sections 1.08.021 and 1.08.022 of this Code.

9.21.190 PENALTIES.

Every person who violates any provision of this Chapter shall be guilty of a misdemeanor and shall be subject to the penalties as set forth in this Code. Each day that such violation exists shall be deemed a new and separate offense.

9.21.200 CRIMINAL PENALTIES DO NOT SATISFY ADMINISTRATIVE OR CIVIL ACTIONS.

Neither the arrest, prosecution, conviction, imprisonment, or payment of any fine for the violation of Chapter 9.21 shall satisfy or diminish the authority of the City to institute administrative or civil actions seeking enforcement of any or all of the provisions of this Chapter.

9.21.210 TIMING OF APPLICATION OF THIS CHAPTER.

Notwithstanding anything to the contrary contained herein, this Chapter shall apply to all Sex Offenders who locate within the City of Corona after the effective date of the Ordinance creating this Chapter, and to all Responsible Parties who allow occupancy by a Sex Offender within the City of Corona after the effective date of the Ordinance creating this Chapter. Nothing in this Chapter is intended to limit the obligations of a Sex Offender to comply with the requirements of state law, including, but not limited to, California Penal Code Section 3003.5.”

SECTION 2. Section 1.08.021 of this Code is amended to add a new Subsection (C)(29) to read as follows:

"(29) Chapter 9.21 (Sex Offender Residency Restrictions)"

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion or the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. This Ordinance supersedes and voids all prior ordinances, resolutions, and other Council actions which are inconsistent with its terms.

SECTION 5. CEQA. Based on the entire record before the City Council, and all written and oral evidence presented to the City Council, the City Council hereby finds that this ordinance is exempt from review under the California Environmental Quality Act ('CEQA'), as outside the definition of a 'project' under Section 15378 of the CEQA Guidelines and Section 21065 of the Public Resources Code. **The City Staff is directed to prepare a Notice of Exemption and file it with the County of Riverside.**

SECTION 6. The Mayor shall sign this ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in the Press Enterprise, a newspaper published and circulated in the City of Corona, and thereupon and thereafter this ordinance shall take effect and be in force according to law.

ADOPTED this 1st day of October, 2008.

Mayor of the City of Corona, California

ATTEST:

City Clerk of the City of Corona, California

CERTIFICATION

I, VICTORIA J. WASKO, City Clerk of the City of Corona, California, do hereby certify that the foregoing Ordinance was regularly at a regular adjourned meeting held on the 17th day of September, 2008, and thereafter at a regular meeting held on the 1st day of October, 2008, it was duly passed and adopted by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 1st day of October 2008.

City Clerk of the City of Corona, California

(SEAL)

SUMMARY

On October 1, 2008, the Corona City Council will consider adopting an Ordinance, which will establish residency restrictions for sex offenders. A certified copy of the full text of this proposed Ordinance is posted in the City Clerk's Office.

The City Council meets at 7:00 p.m. in the Council Chambers in the Corona City Hall, located at 400 South Vicentia Avenue. The City Clerk's office is located in City Hall near the Council Chambers.