

ORDINANCE NO. 2005 – 2275

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF NATIONAL CITY
ADDING CHAPTER 10.63 TO THE NATIONAL CITY
MUNICIPAL CODE TO REGULATE PROXIMITY OF SEX
OFFENDERS TO CHILDREN'S FACILITIES

BE IT ORDAINED by the City Council of the City of National City as follows:

Section 1. Title 10 of the National City Municipal Code is hereby amended by adding Chapter 10.63 to read as follows:

Chapter 10.63

SEX OFFENDERS PROXIMITY TO CHILDREN'S FACILITIES

Sections:

- 10.63.010 Purpose.
- 10.63.020 Definitions.
- 10.63.030 Regulations.
- 10.63.040 Violations.

10.63.010 Purpose. Sex offenders pose a clear threat to the children residing, or visiting in our community. Because convicted sex offenders are more likely than any other type offender to reoffend for another sexual assault, the City Council of the City of National City desires to impose safety precautions in furtherance of the goal of protecting our children. The purpose of this regulation is to reduce the potential risk of harm to children of our community by impacting the ability 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 a public or private school for children, a center or facility that provides day care or children's services, a video arcade, a playground, park, or an amusement center. The City of National City desires to add location restrictions to such offenders where the state law is silent.

10.63.020 Definitions.

- A. "Sex Offender" means a person who has been required to register with a governmental entity as a sex offender.
- B. "Children" means those person's who are under the age of eighteen (18) years of age.

10.63.030 Prohibitions. A sex offender is prohibited from being on or within three hundred feet (300') of a public or private school for children, a center or facility that provides day care or children's services, a video arcade, a playground, park, or an amusement center. This prohibition does not apply to a sex offender's place of residence when regulated by state law.

10.63.040 Violations. Any person violating this section is guilty of a misdemeanor. A misdemeanor is punishable by a fine up to one thousand dollars (\$1,000) or by imprisonment for up to one year, or both. The city attorney may reduce the violation to an infraction. An infraction is punishable by (1) a fine not exceeding one hundred dollars (\$100) for a first violation; (2) a fine not exceeding two hundred dollars (\$200) for a second violation; (3) a fine not exceeding five hundred dollars (\$500) for each additional violation of this provision. A person is guilty of a separate offense for each and every day during which a violation occurs.

PASSED and ADOPTED this _____ day of _____ 2005.

Nick Inzunza, Mayor

ATTEST:

Michael Dalla, City Clerk

APPROVED AS TO FORM:

George H. Eiser, III
City Attorney