

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 9.16 of the Lincoln Municipal Code relating
2 to Offenses Against Public Decency by adding a new section numbered 9.16.250 to provide
3 residency restrictions for sex offenders.

4 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

5 Section 1. That Chapter 9.16 of the Lincoln Municipal Code be amended by adding
6 a new section numbered 9.16.250 to read as follows:

7 **9.16.250 Residency Restrictions for Sex Offenders.**

8 (a) Purpose. It is the intent of this ordinance to serve the City’s compelling interest to
9 protect the health, safety and welfare of the children of the City of Lincoln, Nebraska from the risk
10 that sex offenders may reoffend where children congregate on a regular concentrated basis by
11 prohibiting certain sex offenders from establishing a residence around schools.

12 (b) Definitions. The following words, terms and phrases, when used in this ordinance,
13 shall have the meanings prescribed to them in this section, except where the context clearly indicates
14 a different meaning:

15 Sex Offender shall mean a person subject to registration requirements under the Sex
16 Offender Registration Act, Neb. Rev. Stat. §§29-4001 to 29-4713, (2004 Cum. Supp. and 2005
17 Supp.), and any future amendments thereto, for committing a criminal offense against a minor under
18 the age of fifteen and has been assessed as a Level 3/high risk offender in accordance with Neb. Rev.
19 Stat. §29-4013 (2005 Supp.) and the rules and regulations promulgated by the Nebraska State Patrol
20 to carry out the Sex Offender Registration Act.

21 Reside or residence shall mean a place where the sex offender abides, lodges, lives
22 or sleeps for five or more aggregate working days.

1 School shall mean any public or nonpublic school accredited or approved by the State
2 of Nebraska which has or includes any or all grade kindergarten through 8th grade.

3 (c) Residency Restrictions. It shall be unlawful for a sex offender to reside within 1,000
4 feet of the real property comprising a school.

5 (d) Measurement of Distance. For purposes of determining the minimum distance
6 separation, the requirement shall be measured by following a straight line from the outer property
7 line of the residence to the nearest outer property line of the school.

8 (e) Penalty for Violation. Any person who shall violate any of the provisions of this
9 section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by
10 imprisonment in the county jail for a period not to exceed six months or by a fine of not less than
11 \$250.00 nor more than \$500.00 or both such fine and imprisonment.

12 (f) Exceptions. A sex offender residing within 1,000 feet of the real property comprising
13 a school does not commit a violation of this section if any of the following apply:

14 (1) The sex offender is required to serve a sentence at a jail, prison, juvenile
15 facility, or other correctional institution or facility.

16 (2) The sex offender has established a residence prior to the effective date of this
17 ordinance.

18 (3) The sex offender has established a residence prior to the dedication of location
19 or start of construction, whichever is earlier, of the school.

20 (4) The sex offender is, or was at the time of conviction, a minor not subject to
21 the Sex Offender Registration Act because they were not convicted as an adult.

22 (5) The sex offender is a ward under guardianship.

23 (6) The sex offender is residing at an in-patient or residential treatment center for
24 sex offenders.

25 (7) The sex offender is not subject to the Sex Offender Registration Act.

1 (g) This chapter does not preclude a sex offender deemed to be handicapped or disabled
2 under the Fair Housing Act, Rehabilitation Act, or Americans with Disabilities Act from pursuing
3 requests for reasonable accommodations.

4 Section 2. That this ordinance shall take effect and be in force from and after its
5 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2006: _____ Mayor
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