

## Chapter 9.36

### REGULATION OF SEX OFFENDERS RELATIVE TO LOCATIONS WHERE CHILDREN CONGREGATE

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#### **9.36.010 Purpose and Intent.**

Sex offenders pose a clear threat to the children residing or visiting in the community. Because convicted sex offenders are more likely than any other type of offender to re-offend for another sexual assault, the City Council of the City desires to impose safety precautions in furtherance of the goal of protecting the children. The purpose of this ordinance is to reduce the potential risk of harm to children in the City of Ripon by reducing the opportunity 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 public or private schools for children, centers or facilities that provide day care or children’s services, video arcades, playgrounds and play facilities, parks, youth sports facilities, skate parks, libraries, public swimming pools or amusement centers. The City desires to add location restrictions to such offenders where the State law is silent. (Ord. 778 §1, 2009)

#### **9.36.020 Definitions.**

For purposes of this chapter, the following

definitions shall apply:

“Child,” “children,” or “minor” means any person under the age of 18 years of age.

“Child care and development facility” shall have the meaning ascribed by California Education Code section 8208.

“Loitering” means remaining or wandering in a public or private place for the apparent purpose of observing any minor or minors, or with the apparent purpose or intent of engaging or soliciting any person to engage in any sexual act of any kind, or after having been told to leave by the owner or any authorized official of such place or facility.

“Sex offender” means an individual who is currently required by law to register with a governmental entity as a sex offender under California Penal Code section 290. (Ord. 778 §1, 2009)

#### **9.36.030 General Prohibitions.**

Sex offenders are prohibited from loitering around or within 300 feet of a public or private school for children, a child care and development facility, a park or recreation facility, library, public and private playgrounds and play facilities, youth sports facilities, skate parks, public swimming pools, video arcade, amusement center, or bus stops in the immediate vicinity of parks and schools. For purposes of this section, distances shall be measured from the edge of the parcel or contiguous parcels where the identified use is located. (Ord. 778 §1, 2009)

#### **9.36.040 Exceptions.**

A. Notwithstanding Section 9.36.030, this chapter shall not apply to restrict incidental or employment related proximity not amounting to loitering as defined by Section 9.36.020.

B. This chapter does not restrict access to public parks for the purpose of exercising the constitutional rights of free expression and assembly, so long as such activity does not amount to loitering as defined by Section 9.36.020.

C. This chapter does not apply to a sex offender's place of residence when otherwise regulated by State law.

D. This chapter does not apply to single trips while traveling past a location specified in Section 9.36.030 while en route to another destination. (Ord. 778 §1, 2009)

**9.36.050 Violations – Penalties.**

A. Any person violating this chapter is guilty

of a misdemeanor. A misdemeanor is punishable by a fine of up to \$1,000.00 or by imprisonment for up to one (1) year, or both.

B. The City Attorney may reduce the violation to an infraction. An infraction is punishable by a fine not exceeding:

1. One hundred dollars for a first violation;
2. Two hundred dollars for a second violation;
3. Five hundred dollars for each additional violation of this provision.

C. A person is guilty of a separate offense for each and every day during which a violation occurs. (Ord. 778 §1, 2009)