

## ORDINANCE NO. 3034

### ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHAPTER 9.80 TO THE CITY OF CHULA VISTA MUNICIPAL CODE TO REGULATE THE PROXIMITY OF SEX OFFENDERS TO CHILDREN'S FACILITIES

WHEREAS, convicted sex offenders who committed a sexual offense against children pose a clear threat to the children residing, or visiting in our community; and

WHEREAS, the City of Chula Vista currently places a high priority on maintaining public safety through a highly skilled and trained police department as well as laws that deter and punish criminal behavior; and

WHEREAS, it is the intent of the City of Chula Vista in enacting this measure to help its citizens and their children have additional precautions. It is not the intent of the City to embarrass or harass persons convicted of sex offenses.

NOW, THEREFORE, the City Council of the City of Chula Vista does hereby ordain as follows:

#### FINDINGS AND DECLARATIONS

The City of Chula Vista finds and declares each of the following:

- (a) The City of Chula Vista currently places a high priority on maintaining public safety through a highly skilled and trained police department as well as laws that deter and punish criminal behavior.
- (b) It is the intent of the City of Chula Vista in enacting this measure to help its citizens and their children have additional precautions. It is not the intent of the city to embarrass or harass persons convicted of sex offenses.
- (c) The City of Chula Vista must take additional steps to monitor sex offenders and protect children.

#### DEFINITIONS

“Park” or “city park” means the land and easements owned or leased by the city of Chula Vista which, by ordinance, resolution, regulation or agreement, is dedicated to or operated by the city for purposes of sports and public recreation.

“Person” means a person who has committed a sexual offense against or involving a minor for which the person must register as a sex offender pursuant to Penal Code §290.

RESIDENCY RESTRICTIONS – SCHOOLS AND PARKS

1. A person shall not reside within five hundred (500) feet of the real property of a school, grades kindergarten through eighth.
2. A person shall not reside within five hundred (500) feet of the real property of a park.
3. Following notification by the Chula Vista Police Department of the requirements of this ordinance, any violation of this section is a misdemeanor punishable by a fine of up to and including \$1,000 and/or six months in the county jail.
4. This section shall not apply to any person who has established a residence (at which this person lists as his or her address for Penal Code § 290 registration) prior to July 1, 2006.

SEVERABILITY

If any provisions or clause of this Ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions of this Ordinance or clauses or applications thereof which can be implemented without the invalid provision, clause or application, and to this end, the provisions and clauses of this Ordinance are declared to be severable.

SECTION 3. Effective Date.

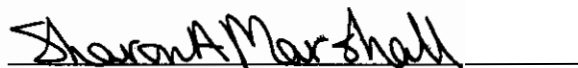
This Ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by



Richard P. Emerson  
Police Chief

Approved as to form by



Ann Moore  
City Attorney

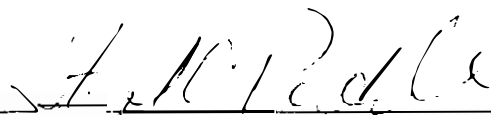
PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 28th day of March, 2006, by the following vote:

AYES: Councilmembers: Castaneda, Chavez, and Rindone

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: McCann, Padilla

  
\_\_\_\_\_  
Stephen C. Padilla, Mayor

ATTEST:

  
\_\_\_\_\_  
Susan Bigelow, MMC, City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF SAN DIEGO    )  
CITY OF CHULA VISTA     )

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 3034 had its first reading at a regular meeting held on the 21st day of March, 2006 and its second reading and adoption at a regular meeting of said City Council held on the 28th day of March 2006.

Executed this 28th day of March 2006.

  
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Susan Bigelow, MMC, City Clerk