

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 9.16.260 to provide
3 loitering 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 9.16.260 to read as follows:

7 **9.16.260 Loitering 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 loitering 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 Loiter or loitering shall mean standing, sitting idly, whether or not the person is in
22 a vehicle or remaining in or around school property.

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 knowingly be
4 present in any school building or on real property comprising any school, in any motor vehicle or
5 other means of conveyance owned, leased or contracted by such school or loitering within 1,000 feet
6 of the real property comprising a school unless the sex offender is a parent or guardian of a student
7 attending the school and is: (1) attending a conference at the school with school personnel to discuss
8 the progress of his or her child academically or socially, or (2) transporting or walking his or her
9 child to the school for class and the sex offender has permission to be present from the
10 superintendent or school board or in the case of a non-public school from the principal.

11 (1) In the case of a public school, if permission is granted, the superintendent or
12 school board president must inform the principal of the school where the sex offender will be
13 present. Notification by the school board or superintendent includes the nature of the sex offender's
14 visit and the hours in which the sex offender will be present in or within 1,000 feet of the school.
15 The sex offender is responsible for notifying the principal's office of a public or non-public school
16 when he or she arrives on school property or within 1,000 feet of school property and when he or
17 she departs from school property. If the sex offender is to be present in the vicinity of children, the
18 sex offender has the duty to remain under the direct supervision of a school official.

19 (2) Nothing in this section shall be construed to infringe upon the constitutional
20 right of a sex offender to be present in a school building that is used as a polling place for the
21 purpose of voting.

22 (d) Measurement of Distance. For purposes of determining the minimum distance
23 separation of 1,000 feet, the requirement shall be measured by following a straight line from the sex
24 offender's location to the nearest outer property line of the school.

1 (e) Penalty for Violation. Any person who shall violate any of the provisions of this
2 section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by
3 imprisonment in the county jail for a period not to exceed six months or by a fine of not less than
4 \$250.00 nor more than \$500.00 or both such fine and imprisonment.

5 (f) Exception. A sex offender does not commit a violation of this section if the sex
6 offender is not subject to the Sex Offender Registration Act.

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

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2006: _____ Mayor
