

EMERGENCY – July 26, 2011

COUNCIL NO: 042

SPONSOR: Ordinance Committee

ORDINANCE NO. **40-11**

AN ORDINANCE BY THE SHEFFIELD LAKE CITY COUNCIL AMENDING CHAPTER 533.23 OF THE CODIFIED ORDINANCES OF SHEFFIELD LAKE REGARDING SEXUAL OFFENDERS AND THE DECLARING OF AN EMERGENCY.

WHEREAS, the City of Sheffield Lake is concerned with protecting the children of Sheffield Lake from becoming victims of sexually abusive behavior, kidnapping and abduction by sexual predators and child victim sexual offenders; and,

WHEREAS, it is in the best interest of the citizens and especially the children of the City of Sheffield Lake to restrict non-registration-exempt sexually oriented offenders who have been convicted of any sexual offense involving a minor or any repeat sexually oriented offense from establishing a residence within one thousand feet (1,000) of any school premises, public park, or library.

NOW THEREFORE, be it ordained by the council of the City of Sheffield Lake, County of Lorain, State of Ohio that Chapter 533.23 of the Codified Ordinances of Sheffield Lake is hereby amended as follows:

Section 1. That section 533.23 of the Code, presently reading as follows:

533.23 PROHIBITION OF CERTAIN SEXUALLY ORIENTED OFFENDERS FROM RESIDING WITHIN 1,000 FEET OF SCHOOLS, PARKS OR LIBRARIES.

(a) No person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to either a child-victim or repeat sexually oriented offense that is not a registration- exempt sexually oriented offense shall establish a residence or occupy residential premises within one thousand (1,000) feet, of any school premises, public park, or library that is located within the City of Sheffield Lake.

(b) If a person to whom this section applies violates this section by establishing a residence or occupying residential premises within one thousand (1,000) feet, of any school premises, public park, or library that is located within the City of Sheffield Lake, the Director of Law has a cause of action for injunctive relief against the person. The City of Sheffield Lake shall not be required to prove irreparable harm in order to obtain the relief.

(c) The City of Sheffield Lake adopts the provisions of the law of Ohio now or hereafter in effect concerning the definition, determination, registration, or classification of a person who has been convicted of, is convicted of, has plead guilty to, or pleads guilty to either a child-victim or repeat sexually oriented offense that is not a registration-exempt sexually oriented offense.

(d) The City Council of the City of Sheffield Lake finds that because children are especially vulnerable to being victims of sexually abusive behavior, kidnapping, and abduction, and are likely to be present a significant amount of time on or near school premises, public parks, and libraries, certain persons who have been convicted of, or have plead guilty to a child-victim or repeat sexually oriented offense must not establish a residence or occupy residential premises within one thousand feet (1,000) of any school premises, public park, or library.

(e) The Council of the City of Sheffield Lake adopts the determinations and intent of the Ohio General Assembly as articulated in Ohio Revised Code Section 2950.02.

(f) The City of Sheffield Lake adopts the definitions now and hereafter in effect for school premises, public parks, or library as defined by the law of Ohio.

(g) It is hereby declared to be the intention of the Council of the City of Sheffield Lake that the sections, paragraphs, sentences, clauses, and words of this section are severable and if any word, clause, sentence, paragraph, or section of this section shall be declared unconstitutional or otherwise invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses sentences, paragraphs, and sections of this section, because the same would have been enacted by the Council of the City of Sheffield Lake without the incorporation in this section of any such unconstitutional or invalid word, clause, sentence, paragraph, or section.

(h) Anyone presently affected by this section and its inclusion of parks shall not be required to leave their current residence as a result of the enactment of this section.

(i) All present and future registered sexual offenders residing within the City of Sheffield Lake shall be required to register with the Chief of Police.

(j) Failure of all present and future sexual offenders to register with the Chief of Police will be punishable as a first degree misdemeanor.

Section 2. Is hereby repealed and rewritten as follows:

533.23 PROHIBITION OF CERTAIN SEXUALLY ORIENTED OFFENDERS FROM RESIDING WITHIN 1,000 FEET OF SCHOOLS, PARKS OR LIBRARIES.

(a) No person who has been convicted of, is convicted of, has pleaded guilty to, or pleads guilty to any sexual offense involving a minor or repeat sexually oriented offense that is not a registration-exempt sexually oriented offense shall establish a residence or occupy residential premises within one thousand (1,000) feet, of any school premises, public park, or library that is located within the City of Sheffield Lake.

(b) If a person to whom this section applies violates this section by establishing a residence or occupying residential premises within one thousand (1,000) feet, of any school premises, public park, or library that is located within the City of Sheffield Lake, the Director of Law has a cause of action for injunctive relief against the person. The City of Sheffield Lake shall not be required to prove irreparable harm in order to obtain the relief.

(c) The City of Sheffield Lake adopts the provisions of the law of Ohio now or hereafter in effect concerning the definition, determination, registration, or classification of a person who has been convicted of, is convicted of, has plead guilty to, or pleads guilty to either a child-victim or repeat sexually oriented offense that is not a registration-exempt sexually oriented offense.

(d) The City Council of the City of Sheffield Lake finds that because children are especially vulnerable to being victims of sexually abusive behavior, kidnapping, and abduction, and are likely to be present a significant amount of time on or near school premises, public parks, and libraries, certain persons who have been convicted of, or have plead guilty to a child-victim or repeat sexually oriented offense must not establish a residence or occupy residential premises within one thousand feet (1,000) of any school premises, public park, or library.

(e) The Council of the City of Sheffield Lake adopts the determinations and intent of the Ohio General Assembly as articulated in Ohio Revised Code Section 2950.02.

(f) The City of Sheffield Lake adopts the definitions now and hereafter in effect for school premises, public parks, or library as defined by the law of Ohio.

(g) It is hereby declared to be the intention of the Council of the City of Sheffield Lake that the sections, paragraphs, sentences, clauses, and words of this section are severable and if any word, clause, sentence, paragraph, or section of this section shall be declared unconstitutional or otherwise invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses sentences, paragraphs, and sections of this section, because the same would have been enacted by the Council of the City of Sheffield Lake without the incorporation in this section of any such unconstitutional or invalid word, clause, sentence, paragraph, or section.

(h) Anyone presently affected by this section and its inclusion of parks shall not be required to leave their current residence as a result of the enactment of this section.

(i) All present and future registered sexual offenders residing within the City of Sheffield Lake shall be required to register with the Chief of Police.

(j) Failure of all present and future sexual offenders to register with the Chief of Police will be punishable as a first degree misdemeanor.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This ordinance is hereby declared to be an emergency measure made necessary for the preservation of the public peace, health, safety and welfare of the City of Sheffield Lake, Ohio, the emergency being the immediate necessity of protecting the children of the City of Sheffield Lake, from being vulnerable to becoming victims of sexually abusive behavior, kidnapping, and abduction.

PASSED THIS _____ DAY OF _____, 2011.

| | Yea | Nay | NV |
|--------------|-------|-------|-------|
| Dennis Bring | _____ | _____ | _____ |
| Leanna Stark | _____ | _____ | _____ |
| Diane Huska | _____ | _____ | _____ |
| Steve Kovach | _____ | _____ | _____ |
| Rick Rosso | _____ | _____ | _____ |
| Alan Smith | _____ | _____ | _____ |
| Eric Elliott | _____ | _____ | _____ |

MAYOR
John J Piskura

PRESIDENT OF COUNCIL
Edward R Podmanik

CLERK OF COUNCIL
Kay Fantauzzi

I, Kay Fantauzzi, duly appointed Clerk of Council of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of Ordinance#_____. PASSED _____, 2011.