

ORDINANCE NO. 2018-2
INTRODUCED BY: MAYOR PATRICK A. WARD
AND ALL MEMBERS OF COUNCIL

**AN ORDINANCE AMENDING CHAPTER 666 OF
THE CODIFIED ORDINANCES OF THE CITY
TITLED OFFENSES BY ENACTING SECTION
666.22, AND DECLARING AN EMERGENCY**

WHEREAS, sexually oriented offenders, as defined in Chapter 2950 of the Ohio Revised Code, pose an ongoing risk of engaging in further sexually abusive behavior even after being released from imprisonment, other confinement or detention, or while on probation, and protection of the public, especially children, from such individuals is a paramount government interest; and

WHEREAS, restrictive confidentiality and liability laws governing the release of information about individuals have reduced the ability in general to release information that could be appropriately released under the public disclosure laws, and the risks to public safety have therefore been increased; and

WHEREAS, a person who is found by a Court to be a sexually oriented offender and who is required to register as such has a reduced expectation of privacy because of the public interest and the public safety; and

WHEREAS, the United States Supreme Court has specifically noted that the “risk of recidivism posed by sex offenders is frightening and high”; and

WHEREAS, it is necessary and appropriate for federal, state and local governments to protect their citizens against those who would seek to commit offenses against them; and

WHEREAS, it is most appropriate for the various governments to protect children from continued exposure to potential abuse, as they are often the most vulnerable members of the community; and

WHEREAS, children are likely to be present a significant amount of time in or near school premises, libraries, parks, playgrounds, ball fields, day-care centers and pools; and

WHEREAS, as a direct result of these concerns, the state of Ohio has enacted legislation requiring convicted sex offenders to register with the County Sheriff, as well as limiting the areas within which convicted sexual offenders can reside, in order to create a protected area around school premises; and

WHEREAS, the State of Ohio has adopted additional legislation to protect children from sexually oriented offenders and to increase the protected areas within which convicted sexual offenders cannot reside to include preschools and child daycare centers; and

WHEREAS, this Council finds it necessary to continue to protect the children in the City by creating a protected area around locations frequented by children; and

WHEREAS, these protected areas are most effectively created by the enactment of residence restrictions around certain recreational facilities; and

WHEREAS, this Council has previously enacted legislation limiting the areas within which sexually oriented offenders can reside; and

WHEREAS, this Council wishes to clarify those areas. Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDBURST,
COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:**

SECTION 1. Section 666.22 of the Codified Ordinances of the City titled "Prohibitions on Residency" is hereby amended to read as follows (new material appears like THIS; deleted material appears like ~~this~~):

666.22 PROHIBITIONS ON RESIDENCY

- (a) As used in this section:
- (1) "Registered Offender" shall mean any person who is required to register pursuant to the terms of Section 2950.04 through 2950.06 of the Ohio Revised Code, as the same may be amended from time to time.
 - (2) "Recreational Facilities" shall mean all land and buildings used for park, recreational or educational purposes, including, but not limited to, the Community Center, the skate park, any library, all playgrounds, ball fields, public pools, park pavilions, preschools, ~~child day-care centers~~ ALL CHILD DAY-CARE FACILITIES AND CHILD DAY CAMPS REFERENCED IN SECTION 5104.01 OF THE OHIO REVISED CODE, and school premises.
- (b) No registered offender shall reside within one thousand (1,000) feet of any recreational facility.
- (c) Whoever violates this section shall be guilty of a misdemeanor of the first degree in accordance with Chapter 666 of the City of Lyndhurst Codified Ordinances.
- (d) Whoever violates this section is subject to a cause of action for injunctive relief. Said action shall be brought by the director of law to enjoin the registered offender from violating this section. The City shall not be required to prove irreparable harm in order to obtain the relief.

SECTION 2. This Council declares that the various provisions of this Ordinance are severable, and if any word, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of this Ordinance.

SECTION 3. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary to implement the aforesaid sections of the general offenses code in the City immediately and without delay so as to protect the residents of the City. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: January 15, 2018

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on January 25, 2018 and February 1, 2018 .

Clerk of Council

First Reading: January 15, 2018

Second Reading: Suspended

Third Reading: Suspended

Passed 1-15-2018