

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

802



FROM: County Counsel

SUBMITTAL DATE:
August 5, 2010

SUBJECT: Ordinance No. 902, An Ordinance of the County of Riverside Establishing Sex Offender Residency and Loitering Prohibitions.

RECOMMENDED MOTION: That the Board of Supervisors reintroduce and adopt on successive weeks Ordinance No. 902.

BACKGROUND: On July 27, 2010, the Board of Supervisors ordered the introduction of Ordinance No. 902 which would establish residency and loitering requirements for sex offenders in Riverside County.

County Counsel has revised the ordinance to strengthen the residency and loitering requirements. In accordance with Government Code section 25131, the revised ordinance is being reintroduced. Ordinance No. 901 which established sex offender residency and loitering requirements on an urgency basis remains operative until the effective date of revised Ordinance No. 902.

Katherine A. Lind

Katherine A. Lind for
PAMELA J. WALLS, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$	In Current Year Budget:
	Current F.Y. Net County Cost:	\$	Budget Adjustment:
	Annual Net County Cost:	\$	For Fiscal Year:

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY: *Tina Grande*
Tina Grande

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

Dep't Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: | District: ALL | Agenda Number: **3.74**

Departmental Concurrence

1 safeguards against sex offenders, particularly those that prey on children.

2 Section 2. PURPOSE. The purpose of this ordinance is to better protect the children
3 of the County of Riverside by restricting the residency of any registered sex offender, whether or not on
4 parole or probation.

5 Section 3. AUTHORITY. This ordinance is adopted pursuant to Penal Code section
6 3003.5, subdivision (c), which authorizes municipal jurisdictions to enact local ordinances that further
7 restrict the residency of any registered sex offender, whether or not on parole or probation.

8 Section 4. DEFINITIONS. As used in this ordinance, the following terms shall have
9 the following meanings:

- 10 a. Child. Any person under the age of eighteen (18) years of age.
- 11 b. Child Day Care Facility. Any State of California, Department of Social
12 Services (“CDSS”) licensed facility, as that term is defined under Health and
13 Safety Code Section 1596.750, that provides non-medical care to children under
14 18 years of age in need of personal services, supervision, or assistance essential
15 for sustaining the activities of daily living or for the protection of the individual
16 on less than a twenty four (24) hour basis, including but not limited to day care
17 center, employer-sponsored child care center, family day care home, infant center,
18 preschool, extended-day care facility, or school-age child care center.
- 19 c. Child Safety Zone. Those areas located within a three hundred (300) foot radius
20 of a child care center, public or private school, park, public library, public
21 swimming or wading pool, commercial establishment that provides any area in or
22 adjacent to such establishment as a children’s playground, school bus stop, or any
23 location that facilitates on the property classes or group activities for children.
- 24 d. Duplex. A residential land use for a building containing two dwelling units.
- 25 e. Hotel/Motel. A commercial land use for the rental of six (6) or more guest
26 rooms or suites for primarily temporary residency for a period of not more than
27 thirty (30) consecutive days.
- 28

- 1 f. Inn. A commercial land use for the rental of five (5) or fewer guest rooms or
2 suites primarily for temporary residency for a period of not more than thirty (30)
3 consecutive days.
- 4 g. Knowingly. With knowledge of the existence of the facts in question.
5 Knowledge of the unlawfulness of any act or omission is not required.
- 6 h. Loiter. To delay, linger, remain or wander without any apparent purpose.
- 7 i. Multi-family Dwelling. A building designed for permanent residency for three
8 (3) or more families living independently of each other. This does not include
9 hotels, motels, or inns.
- 10 j. Owner's Authorized Agent. Any natural person, firm, association, joint
11 venture, joint stock company, partnership, organization, club, company,
12 corporation, business trust or the manager, lessee, agent, servant, officer or
13 employee authorized to act for the owner of real property.
- 14 k. Park. Any areas publicly owned, leased, controlled, maintained or managed by
15 the County or the Riverside County Regional Park and Open-Space District which
16 are open to public use for recreational, cultural and/or community service activities,
17 and include, but are not limited to, beaches, playgrounds, playfields, athletic courts,
18 and dog park recreation areas.
- 19 l. Permanent Resident. Any person who, as of a given date, obtained a legal right
20 to occupy or reside in a Duplex, Multi-family Dwelling, Single Family Dwelling,
21 Hotel, Motel or Inn for a period of more than thirty (30) consecutive days.
- 22 m. Property Owner. The owner of record of any parcel of real property as
23 designated on the County Assessor's tax roll, or a holder of a subsequently
24 recorded deed to the property and shall include any part owner, joint owner,
25 tenant, tenant in common, or joint tenant, of the whole or a part of such real
26 property.
- 27 n. Residential Exclusion Zone. Those areas located within two thousand (2,000)
28 feet of the nearest property line of the subject property to the nearest property line

1 of a Child Day Care Facility, public or private school (grades K through 12), or
2 Park in which a sex offender is prohibited from temporarily or permanently
3 residing.

- 4 o. Responsible Party. The Property Owner and/or the Owner's Authorized Agent.
5 p. Sex Offender. Any person convicted of a crime for which registration is required
6 pursuant to Section 290 of the California Penal Code.
7 q. Single Family Dwelling. A building designed for permanent residency located on
8 a single lot. Single Family Dwelling shall include a mobile home or manufactured
9 home.
10 r. Temporary Resident. Any person who, as of a given date, obtained a legal right
11 to occupy or reside in a Duplex, Multi-family Dwelling, Single Family Dwelling,
12 Hotel, Motel or Inn for a period of thirty (30) consecutive days or less.

13 Section 5. SEX OFFENDER RESIDENCY PROHIBITIONS.

- 14 a. A sex offender shall be prohibited from becoming a Permanent or Temporary
15 Resident in any Residential Exclusion Zone.
16 b. A sex offender shall be prohibited from becoming a Permanent or Temporary
17 Resident in a Single Family Dwelling if said dwelling is already occupied by a sex
18 offender, unless the other person is legally related by blood, marriage or adoption.
19 c. A sex offender shall be prohibited from becoming a Permanent or Temporary
20 Resident in a Duplex and/or Multi-family Dwelling unit if said dwelling unit is
21 already occupied by a sex offender, unless the other person is legally related by
22 blood, marriage or adoption.
23 d. A sex offender shall be prohibited from becoming a Permanent or Temporary
24 Resident in a Hotel, Motel, or Inn room if said room is already occupied by a sex
25 offender, unless the other person is legally related by blood, marriage or adoption.
26 e. A sex offender shall be prohibited from becoming a Permanent or Temporary
27 Resident in a Hotel, Motel or Inn if ten percent (10%) or up to a maximum of 6
28 units of the total dwelling units within the Hotel, Motel or Inn are already occupied

1 by sex offenders ("Occupied Units"). Notwithstanding the above, a sex offender
2 may be a Permanent or Temporary Resident of an Occupied Unit within a Hotel,
3 Motel or Inn if the Occupied Unit is occupied by another sex offender legally
4 related by blood, marriage or adoption.

5 Section 6. RESPONSIBLE PARTY PROHIBITIONS.

- 6 a. A Responsible Party shall be prohibited from knowingly renting or leasing a
7 Single Family Dwelling to more than one sex offender during any given period of
8 tenancy, unless those persons are legally related by blood, marriage or adoption.
- 9 b. A Responsible Party shall be prohibited from knowingly renting or leasing any
10 unit within a Duplex and/or Multi-family Dwelling to more than one sex offender
11 during any given period of tenancy, unless those persons are legally related by
12 blood, marriage or adoption.
- 13 c. A Responsible Party shall be prohibited from knowingly renting or leasing a guest
14 room in a Hotel, Motel, or Inn to more than one sex offender, unless those persons
15 are legally related by blood, marriage or adoption.

16 Section 7. SEX OFFENDER LOITERING PROHIBITIONS. No sex offender shall
17 loiter in a Child Safety Zone except as follows:

- 18 a. Where the sex offender is a minor, and he or she is present within three hundred
19 (300) feet of a Child Safety Zone while accompanied by a parent or legal
20 guardian.
- 21 b. Where the sex offender is present within three hundred (300) feet of a Child
22 Safety Zone only because he or she is accompanying a Related Minor to that site
23 and only for so long as necessary to provide care or supervision to the Related
24 Minor. As used herein, Related Minor means a minor to whom the sex offender
25 is a legal parent or guardian.
- 26 c. Where the sex offender is exercising First Amendment rights protected by the
27 United States Constitution, such as the free exercise of religion at a place of
28 worship, or freedom of speech or the right of assembly at a traditional public

1 forum.

2 Section 8. Section 8. VIOLATIONS AND PENALTIES. Any person violating
3 any provision of this ordinance shall be deemed guilty of a misdemeanor offense and punished by a fine
4 not exceeding one thousand dollars (\$1000) or six months (6) in jail, or both. Such person shall be
5 deemed guilty of a separate offense for each and every day or portion thereof during which any violation
6 of any of the provisions of this ordinance is committed, continued, or permitted. The penalties herein are
7 in addition to any other remedies provided by law and the payment of any penalty herein shall not relieve
8 a person of the obligation to correct the violation.

9 Section 9. CRIMINAL PENALTIES DO NOT SATISFY ADMINISTRATIVE OR
10 CIVIL ACTIONS. Neither the arrest, prosecution, conviction, imprisonment, or payment of a fine for
11 a criminal violation of this ordinance shall satisfy or diminish the authority of the County to commence
12 civil or criminal proceedings under applicable local ordinances or State law as an alternative or in
13 addition to the proceedings set forth in this ordinance.

14 Section 10. CIVIL ACTIONS.

- 15 a. Civil actions include, but are not limited to, injunctive relief and civil and/or
16 administrative actions or proceedings as defined in State law and local ordinances.
- 17 b. Any person required to comply with the provisions of this ordinance shall be liable
18 in a civil action filed by the County in any court of competent jurisdiction in order
19 to enforce such provision and to pay reasonable abatement costs incurred by the
20 County and costs of the suit as a court may deem appropriate, including any and all
21 attorney fees incurred by the County in the prosecution of said enforcement action.

22 Section 11. ENFORCEMENT. The Sheriff, District Attorney, County Counsel and
23 Code Enforcement shall have the primary responsibility for enforcing this ordinance.

24 Section 12. COPY OF ORDINANCE TO CALIFORNIA DEPARTMENT OF
25 CORRECTIONS. The County of Riverside, Office of County Counsel is directed, on the effective date of
26 this ordinance, to send a copy of this ordinance to the California Department of Corrections and
27 Rehabilitation, Division of Adult Operations.

28 Section 13. COPY OF ORDINANCE TO REGISTERED SEX OFFENDERS. The

1 Riverside County Sheriff's Department is directed to send copies of this ordinance to any sex offender
2 who, on the effective date of this ordinance, is registered as living within the unincorporated area of the
3 County of Riverside.

4 Section 14. Nothing in this ordinance is intended to conflict with provisions of
5 California's Megan's Law as codified in Penal Code Sections 290.4 and 290.46.

6 Section 15. SEVERABILITY. If any provision, clause, sentence or paragraph of this
7 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity
8 shall not affect the other provisions of this ordinance which can be given effect without the invalid
9 provision or application, and to this end, the provisions of this ordinance are hereby declared to be
10 severable.

11 Section 16. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after
12 its adoption.

13
14 BOARD OF SUPERVISORS OF THE COUNTY
15 OF RIVERSIDE, STATE OF CALIFORNIA

16 By: _____
17 Chairman

17 ATTEST:
18 CLERK OF THE BOARD

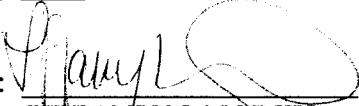
19 By: _____

20 Deputy

21
22 (SEAL)

23 APPROVED AS TO FORM

24 July 27, 2010

25
26 By: 
27 TIRFANY N. NORTH
28 Deputy County Counsel