



1            Section 3.     AUTHORITY.     This ordinance is adopted pursuant to subdivision (c) of  
2 Penal Code section 3003.5 which authorizes local jurisdictions to enact ordinances that further restrict the  
3 residency of sex offenders.

4            Section 4.     APPLICATION.     This ordinance shall apply to sex offenders released from  
5 custody for any criminal offense on or after the effective date of this ordinance.

6            Section 5.     DEFINITIONS.     As used in this ordinance, the following terms shall have  
7 the following meanings:

8            a.     Building.            A structure supported by columns or walls that is more or  
9            less permanently located on the ground or affixed to something permanently  
10           located on the ground, including a mobile home or manufactured home.

11           b.     Child Day Care Facility.     A facility licensed by the State of California  
12           that meets the definition set forth in Health and Safety Code section  
13           1596.750.

14           c.     Child Safety Zone.     The area located within three hundred (300) feet of  
15           any of the following: a child day care facility, a public or private school, a  
16           public or private school bus stop, a park, a public library, a public  
17           swimming or wading pool, a commercial establishment that has an on-site  
18           or adjacent children's playground, or a place where classes or group  
19           activities for children are held.

20           d.     Dwelling.            A building, or portion thereof, designed or occupied for  
21           residential purposes, including a building used to house a single family or  
22           two or more families, but not including a transient occupancy facility or a  
23           state-licensed residential care facility serving six (6) or fewer persons in the  
24           limited circumstance described in Section 5.a. of this ordinance.

25           e.     Knowingly.            With knowledge of the existence of the facts in question.  
26           Knowledge of the unlawfulness of any act or omission is not required.

27           f.     Loiter.                To delay, to linger or to idle without lawful business for being  
28           present.

- 1 g. Park. Any area owned, leased, controlled, managed or maintained by  
2 Riverside County, the Riverside County Regional Park and Open-Space  
3 District or any city on which the public may engage in recreational, cultural  
4 or community service activities, including, but are not limited to,  
5 playgrounds, playfields, athletic courts, and dog parks.
- 6 h. Property Owner. The person designated on the latest equalized County  
7 assessment roll as the owner of the parcel in question, or the holder of a  
8 subsequently recorded deed to the parcel in question, including, but not  
9 limited to, a part owner, joint owner, joint tenant or tenant in common of  
10 the whole or any part of the parcel in question. Property owner shall  
11 include any person or entity authorized by the property owner to act on his  
12 or her behalf.
- 13 i. Released From Custody. Released on parole, probation or otherwise  
14 following conviction.
- 15 j. Related by Blood, Marriage or Adoption. Consanguinity, affinity or  
16 adoption within the fourth (4<sup>th</sup>) degree.
- 17 k. Reside. Occupy for any period of time pursuant to a legal right obtained  
18 as of a certain date.
- 19 l. Sex Offender. A person required to register pursuant to Penal Code  
20 section 290.
- 21 m. State-Licensed Residential Care Facility. A facility licensed by the  
22 State of California to provide residential care services, including those  
23 facilities described in Health & Safety Code sections 1250 et seq., 1500 et  
24 seq., 1568.01 et seq., 1569 et seq., 1760 et seq., and 11834.20 et seq. and  
25 those facilities described in Welfare and Institutions Code section 5116.
- 26 n. Transient Occupancy Facility. A building, or portion thereof, designed or  
27 occupied for temporary residential purposes, typically for a period of not  
28 more than thirty (30) days, including, but not limited to, a hotel, motel or  
inn.

1            Section 6.    SEX OFFENDER RESIDENCY PROHIBITIONS. A sex offender shall  
2 not do any of the following:

- 3            a.    Reside in a dwelling if a sex offender already resides there, unless the sex  
4 offenders are legally related by blood, marriage or adoption.  
5            Notwithstanding this prohibition, a sex offender on parole, may, during the  
6 period of parole, reside in a state-licensed residential care facility serving  
7 six (6) or fewer persons even if the facility is already occupied by a sex  
8 offender. As provided in subdivision (a) of Penal Code section 3003.5, a  
9 state-licensed residential care facility shall not be considered a dwelling in  
10 this limited circumstance. In determining whether a state-licensed  
11 residential care facility serves six (6) or fewer persons, the licensee,  
12 members of the licensee's family and persons employed as facility staff  
13 shall not be counted.
- 14           b.    Reside in a room in a transient occupancy facility if a sex offender already  
15 resides there, unless the sex offenders are legally related by blood, marriage  
16 or adoption.
- 17           c.    Reside in a transient occupancy facility if sex offenders already reside in ten  
18 percent (10%) of the facility, or they already reside in more than six (6)  
19 rooms, whichever is less.

20           Section 7.    PROPERTY OWNER PROHIBITIONS. A property owner shall not do  
21 any of the following:

- 22           a.    Knowingly rent or lease a dwelling to more than one sex offender, unless  
23 the sex offenders are legally related by blood, marriage or adoption.  
24           Notwithstanding this prohibition, a property owner may, for the reasons set  
25 forth in Section 5. a. of this ordinance, rent or lease space to a sex offender  
26 on parole, during the period of parole, in a state-licensed residential care  
27 facility serving six (6) or fewer persons, even if the facility is already  
28 occupied by a sex offender.

1                   b.     Knowingly rent or lease a room in a transient occupancy facility to more  
2                   than one sex offender, unless the sex offenders are legally related by  
3                   blood, marriage or adoption.

4                   c.     Knowingly rent or lease a room in a transient occupancy facility to a sex  
5                   offender if sex offenders already reside in ten percent (10%) of the  
6                   facility, or they already reside in more than six (6) rooms, whichever is  
7                   less.

8                   Section 8.     SEX OFFENDER LOITERING PROHIBITIONS. A sex offender shall  
9 not loiter in a Child Safety Zone. It shall not be considered loitering for a sex offender to do any of the  
10 following:

11                  a.     Remain in a Child Safety Zone if the sex offender is a minor and  
12                  accompanied by a parent or legal guardian.

13                  b.     Escort a minor to a place within a Child Safety Zone if the sex offender is  
14                  the parent or legal guardian of the minor and if the sex offender remains in  
15                  the Child Safety Zone only for so long as is necessary to provide care or  
16                  supervision to the minor.

17                  c.     Exercise First Amendment rights protected by the United States  
18                  Constitution, such as the free exercise of religion at a place of worship, or  
19                  freedom of speech or the right of assembly at a traditional public forum.

20                  Section 9.     VIOLATIONS AND PENALTIES. Any person violating any provision of  
21 this ordinance shall be deemed guilty of a misdemeanor offense and punished by a fine not exceeding one  
22 thousand dollars (\$1000) or six months (6) in jail, or both. Such person shall be deemed guilty of a  
23 separate offense for each and every day or portion thereof during which any violation of any of the  
24 provisions of this ordinance is committed, continued, or permitted. The penalties herein are in addition to  
25 any other remedies provided by law and the imposition of any penalty herein shall not relieve a person of  
26 the obligation to correct the violation or prevent the County from commencing any proceeding to ensure  
27 that the violation is corrected.

28                  Section 10.     CIVIL ACTIONS. Any person violating any provision of this ordinance  
shall be subject to a civil enforcement action filed by the County in any court of competent jurisdiction

1 and shall be subject to reasonable abatement costs, costs of suit and attorney's fees incurred by the  
2 County.

3           Section 11.   ENFORCEMENT. The Sheriff, District Attorney, County Counsel and  
4 Director of Code Enforcement shall enforce the provisions of this ordinance.

5           Section 12.   COPY OF ORDINANCE TO CALIFORNIA DEPARTMENT OF  
6 CORRECTIONS. On the effective date of this ordinance, the County Counsel is directed to send a copy  
7 of this ordinance to the California Department of Corrections and Rehabilitation.

8           Section 13.   COPY OF ORDINANCE TO REGISTERED SEX OFFENDERS. On the  
9 effective date of this ordinance, the Sheriff is directed to send copies of this ordinance to any sex offender  
10 who lives within the unincorporated area of the County.

11           Section 14.   SEVERABILITY. If any provision, clause, sentence or paragraph of this  
12 ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity  
13 shall not affect the other provisions of this ordinance which can be given effect without the invalid  
14 provision or application, and to this end, the provisions of this ordinance are hereby declared to be  
15 severable.

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Section 15. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its adoption at which time Ordinance No. 901 is hereby repealed.

BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

By: \_\_\_\_\_  
Chairman

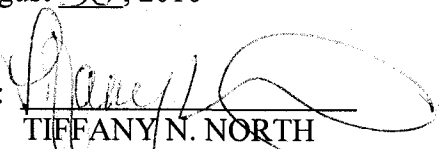
ATTEST:  
CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy

(SEAL)

APPROVED AS TO FORM

August 30, 2010

By:   
TIFFANY N. NORTH  
Deputy County Counsel





**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

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

<b>SOURCE OF FUNDS:</b>	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**

ATTACHMENTS FILED WITH THE CLERK OF THE BOARD

Departmental Concurrence

Policy  Policy   
Consent  Consent

Dept's Recomm.:  
Per Exec. Ofc.:

**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above ordinance is approved as introduced with waiver of reading.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley  
Nays: None  
Absent: None  
Date: August 31, 2010  
xc: Co.Co., CØB

Kecia Harper-Ihem  
Clerk of the Board  
By: [Signature]  
Deputy

3.29