

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



**FROM:** Supervisor Jeff Stone

**SUBMITTAL DATE:** October 16, 2011

**SUBJECT:** Urgency Ordinance No. 902.1 Amending Ordinance No. 902 to Establish Time, Place and Manner Restrictions on Sex Offenders on Halloween.

**RECOMMENDED MOTION:** That the Board:

1. Adopt Ordinance No. 902.1, an urgency ordinance amending Ordinance No. 902 to establish time, place and manner restrictions on sex offenders on Halloween.
2. Find the adoption of Ordinance No. 902.1 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).
3. Direct the Clerk of the Board to file a Notice of Exemption with the County Clerk for posting.

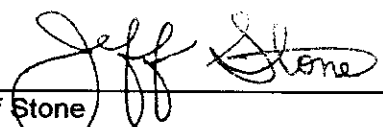
**BACKGROUND:**

This Board previously directed County Counsel to draft an ordinance to support the ERACE Program (Eliminate Registrant Attendance at County Entities). One element of the ERACE Program is to restrict the activities of registered sex offenders on Halloween. The cities of Orange and San Jacinto have adopted similar ordinances.

On September 14, 2010, the Board adopted Ordinance No. 902 establishing sex offender residency and loitering prohibitions. County Counsel has reviewed the ERACE Program goals and determined that an amendment to Ordinance No. 902 would be the appropriate ordinance to establish time, place and manner restrictions on sex offenders on Halloween. Ordinance No. 902.1, as proposed, prohibits sex offenders from answering the door to trick-or-treating children, turning their exterior lights on after dark or decorating their homes with Halloween decorations between the hours of 12:00 a.m. and 11:59 p.m. on October 31<sup>st</sup> of each year.

Given that Halloween is this month and given the public peace, health and safety concerns related to the issue as set forth in Section 3 of Ordinance No. 902.1, this ordinance is an urgency measure and shall take effect immediately upon its adoption.

Ordinance No. 902.1 is not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

  
\_\_\_\_\_  
Jeff Stone  
Supervisor  
Third District

JS:vc

3.43  
AGENDA

1 ORDINANCE NO. 902.1

2  
3 AN URGENCY ORDINANCE OF THE COUNTY OF RIVERSIDE  
4 ESTABLISHING SEX OFFENDER RESIDENCY AND  
5 LOITERING PROHIBITIONS  
6

7 The Board of Supervisors of the County of Riverside ordains as follows:

8 Section 1. A new Section 9 is added to Ordinance No. 902 to read as follows:

9 “Section 9. SEX OFFENDER TIME, PLACE AND MANNER  
10 RESTRICTIONS. A sex offender between 12:00 a.m. and 11:59 p.m. on October  
11 31<sup>st</sup> shall:

- 12 a. Be prohibited from decorating the dwelling in which the sex  
13 offender resides with Halloween decorations, and shall remove any  
14 such decorations; and  
15 b. During the evening hours starting at 5 p.m. until 11:59 p.m., leave  
16 all exterior residential, decorative and ornamental lighting off at the  
17 dwelling in which the sex offender resides; and  
18 c. Be prohibited from answering the door of the dwelling in which the  
19 sex offender resides to children who are trick-or-treating.”

20 Section 2. Existing Sections 9, 10, 11, 12, 13, 14 and 15 of Ordinance No. 902 are re-  
21 numbered Sections 10, 11, 12, 13, 14, 15, and 16, respectively.

22 Section 3. EFFECTIVE DATE. This ordinance is hereby declared to be an urgency  
23 measure and shall take effect immediately upon its adoption. The existing findings in Section 1 of Ordinance  
24 No. 902 support the need for this urgency measure and are incorporated herein by reference. Additionally, in  
25 accordance with the requirements of Government Code section 25123, subdivision (d), the Board of  
26 Supervisors hereby declares that the provisions contained herein are necessary for the immediate preservation  
27 of the public peace, health or safety for the following reasons: (1) there are numerous registered sex offenders  
28 who reside in the County of Riverside, including those on parole; (2) Halloween is an upcoming holiday that is

1 widely celebrated throughout the County by children and their families, who often visit the residences of  
2 strangers in efforts to obtain treats on October 31<sup>st</sup> each year; (3) sex offenders pose an immediate threat to  
3 children trick-or-treating on Halloween because children often will engage a disproportionate number of  
4 complete strangers as part of their door-to-door activities; (4) children are often unaccompanied by their  
5 parents or guardians on Halloween; (5) the events of Halloween could put children unknowingly in close  
6 proximity to sexual offenders who have committed violations against children; (6) the existing regulations  
7 within the County ordinances are not adequate to address the current activities of sex offenders on Halloween;  
8 (7) immediate action is needed to protect children given that Halloween is this month and to provide advance  
9 notice to all sex offenders as reasonably possible in the effort to prevent any potential harm to children and/or  
10 other victims and preserve the public peace, health or safety.

11  
12 BOARD OF SUPERVISORS OF THE COUNTY  
OF RIVERSIDE, STATE OF CALIFORNIA

13  
14 By: \_\_\_\_\_  
Chairman

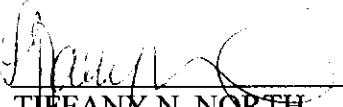
15 ATTEST:  
16 CLERK OF THE BOARD

17 By: \_\_\_\_\_  
18 Deputy

19  
20 (SEAL)

21 APPROVED AS TO FORM

22 October 12, 2011

23  
24 By:   
25 TIFFANY N. NORTH  
Deputy County Counsel

26  
27 G:\PROPERTY\TNORTH\RCO NO 902 1 FINAL.DOC  
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