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AN ORDINANCE OF THE COUNTY OF RIVERSIDE
ESTABLISHING SEX OFFENDER RESIDENCY AND
LOITERING PROHIBITIONS

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

Section 1. FINDINGS. Studies have consistently shown that sex offenders are a threat to the community. A 1998 U.S. Department of Justice study found that sex offenders are more likely of all parolees to reoffend and that they prey on the most innocent members of our society. More than two-thirds of the victims of rape and sexual assault are under the age of eighteen (18). The Department of Justice study found that over five (5) percent of sex offenders were arrested for another sex crime within three (3) years of being paroled. The same study also found an estimated three percent of child molesters were rearrested for another sex crime against a child within three (3) years of being paroled. That most of the children they were alleged to have molested were thirteen (13) years old or younger. Studies conducted in California and throughout the United States substantiate the U.S. Department of Justice findings.

Board of Supervisors is concerned about the public safety threat posed by multiple sex offenders residing in dwellings or transient occupancy facilities within Riverside County, and is further concerned about the public safety threat posed by the presence of sex offenders near locations within the County frequently frequented by children, such as day care facilities, schools and playgrounds. The Board of Supervisors finds that these public safety threats have not been adequately addressed by subdivisions within the County, by Penal Code section 3003.5, or by the placement and oversight policies of the California Department of Corrections and Rehabilitation. The Board of Supervisors further finds that it must take the steps described in this ordinance to safeguard its residents from sex offenders, particularly those who pose a threat to children.

Section 2. PURPOSE. The purpose of this ordinance is to restrict the residency of sex offenders to a further extent than that specified in subdivisions (a) and (b) of Penal Code section 261.01, and to prohibit sex offenders from loitering in certain areas.

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 (4th) 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.

- b. Knowingly rent or lease a room in a transient occupancy facility to more than one sex offender, unless the sex offenders are legally related by blood, marriage or adoption.
- c. Knowingly rent or lease a room in a transient occupancy facility to a sex offender if sex offenders already reside in ten percent (10%) of the facility, or they already reside in more than six (6) rooms, whichever is less.

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

- a. Remain in a Child Safety Zone if the sex offender is a minor and accompanied by a parent or legal guardian.
- b. Escort a minor to a place within a Child Safety Zone if the sex offender is the parent or legal guardian of the minor and if the sex offender remains in the Child Safety Zone only for so long as is necessary to provide care or supervision to the minor.
- c. Exercise First Amendment rights protected by the United States Constitution, such as the free exercise of religion at a place of worship, or freedom of speech or the right of assembly at a traditional public forum.

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

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

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