

ORDINANCE NO. 14-2014

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 9.20 REGARDING SEX
OFFENDERS' PROXIMITY TO CHILDREN'S FACILITIES**

WHEREAS, recent court decisions have found that state law preempts certain local regulation of registered sex offenders; and

WHEREAS, the City Council supports the protection of children and other victims against sexual predators and sex-related crimes; and

WHEREAS, the City maintains the ability to restrict the conduct of registered sex offenders under state law, and the City defers to the enforcement of state law in light of recent case law preempting certain local regulation of registered sex-offenders.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1. Amendment.

Elk Grove Municipal Code Chapter 9.20 "Sex Offenders' Proximity to Children's Facilities" is hereby amended in full to read as follows:

**Chapter 9.20
REGISTERED SEX OFFENDERS**

Sections:

9.20.010 Registered sex offenders' compliance with law.

9.20.010 Registered sex offenders' compliance with law.

The City supports the protection of children and other victims against sexual predators and sex-related crimes, and the City encourages the enforcement of all laws to serve that purpose, as well as the enforcement of all state and federal laws regulating the conduct of any person for whom registration is required pursuant to California Penal Code Section 290.

Section 2: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.


Section 4: Savings Clause

The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 5: Effective Date and Publication

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the Office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: **14-2014**
INTRODUCED: June 11, 2014
ADOPTED: June 25, 2014
EFFECTIVE: July 25, 2014




GARY DAVIS, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN P. HOBBS,
CITY ATTORNEY

Dated: July 3, 2014


**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 14-2014**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on June 11, 2014 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 25, 2014 by the following vote:

AYES : **COUNCILMEMBERS:** ***Davis, Cooper, Detrick, Hume, Trigg***
NOES: **COUNCILMEMBERS:** ***None***
ABSTAIN: **COUNCILMEMBERS:** ***None***
ABSENT: **COUNCILMEMBERS:** ***None***

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Jason Lindgren, City Clerk
City of Elk Grove, California**