



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-29

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City Attorney

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November 18, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Declare the ordinance amending and restating in its entirety Title 9, Chapter 9.66 of the Long Beach Municipal Code entitled "Residency Restrictions for Sex Offenders" read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION

The City Council approved a recommendation to amend and restate in its entirety Title 9, Chapter 9.66 to eliminate potential conflict of land uses in residential neighborhoods, to reduce potential dangers associated with multiple registered sex offenders living near families with children and places where children gather, to clarify and streamline the statutory language, and to further identify civil consequences as described below:

- I. Clarification and Streamlining
 - A. Violations involving multi-family dwellings were consolidated, and were limited to the number of sex offenders per unit.
 - B. The definition of Child Day Care Facility parallels that term as defined in State law.
 - C. "Knowingly" was defined to identify the requisite scienter element for property owner related violations.
 - D. To address potential preemption with state law, the definition of Single Family Dwelling introduced an exemption for state licensed residential facilities serving six (6) or fewer persons.

PRINCIPAL DEPUTIES

Barbara D. de Jong
Dominic Holzhaus
Belinda R. Mayes
J. Charles Parkin

DEPUTIES

C. Geoffrey Allred
Gary J. Anderson
Richard F. Anthony
Amy R. Burton
Christina L. Checel
Randall C. Fudge
Charles M. Gale
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Monte H. Machit
Barbara J. McTigue
Barry M. Meyers
Cristyl Meyers
Howard D. Russell
Tiffani L. Shin
Linda Trang

II. Elimination of Loitering Restrictions and violations

Due to the fact loitering violations may be appropriately addressed via existing provisions of the Penal Code, these portions of the ordinance were eliminated.

III. Civil Remedies

Because violations of Chapter 9.66 may be addressed via criminal and/or civil sanction, civil remedies were further defined.

IV. Prospective Application

Criminal and/or civil enforcement as to registered sex offenders and responsible property owners and/or agents shall occur prospectively as of the date the amended ordinance is enacted.

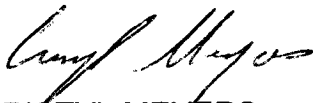
FISCAL IMPACT

This program is currently unbudgeted.

SUGGESTED ACTION

Declare the attached ordinance amending and restating Title 9, Chapter 9.66 of the Long Beach Municipal Code entitled "Residency Restrictions for Sex Offenders" read the first time and laid over to the next regular meeting of the City Council for final reading.

Respectfully submitted,



CRISTYL MEYERS
DEPUTY CITY ATTORNEY

REDLINED VERSION

ORDINANCE NO.

1
2
3 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
4 OF LONG BEACH AMENDING THE LONG BEACH
5 MUNICIPAL CODE BY AMENDING AND RESTATING IN
6 ITS ENTIRETY CHAPTER 9.66 REGARDING RESIDENCY
7 AND LOITERING RESTRICTIONS FOR SEX OFFENDERS
8

9 WHEREAS, on November 7, 2006, the voters of the State of California
10 overwhelmingly approved Proposition 83, The Sexual Predator Punishment and Control
11 Act, commonly referred to as Jessica's Law, so as to better protect Californians, and, in
12 particular, the children of this State from sex offenders; and

13 WHEREAS, Proposition 83 enacted subsection (b) of Penal Code Section
14 3003.5 which prohibits any person who is required to register as a sex offender under
15 Penal Code Section 290 (hereinafter referred to as a "sex offender"), on parole to the
16 California Department of Corrections and Rehabilitation – Division of Adult Parole
17 Operations, from residing within 2,000 feet of any public or private school, or any park
18 where children regularly gather; and

19 WHEREAS, Proposition 83, as codified in subsection (c) of Penal Code
20 Section 3003.5, authorizes municipal jurisdictions to enact local ordinances that further
21 restrict the residency of any registered sex offender, whether or not on parole or
22 probation; and

23 WHEREAS, ~~local ordinances authorized by~~ subsection (ea) of Penal Code
24 section 3003.5, enacted in 1998 prior to Proposition 83, prohibits registered sex
25 offenders who are on parole from residing in a "single-family dwelling" with another
26 registered sex offender during the parole period, unless those persons are legally
27 related by blood, marriage or adoption. ~~are permitted to regulate the number of~~
28 ~~registered sex offenders that reside in a residential facility, including those facilities~~

1 ~~commonly referred to as sober living facilities, and are considered a single family~~
2 ~~dwelling pursuant to Health and Safety Code Section 1566.3; and~~

3 WHEREAS, the City of Long Beach is becoming an increasingly attractive
4 place of residence for families with children; and

5 WHEREAS, there are approximately 800 registered sex offenders in the
6 City of Long Beach, and approximately 300 of these registered sex offenders are on
7 parole; and

8 WHEREAS, the City is concerned with recent occurrences, within the City
9 and elsewhere in California, where multiple registered sex offenders have been residing
10 together in clusters ~~in violation of subsection (b) of Penal Code Section 3003.5; and~~

11 WHEREAS, because Long Beach Municipal Code Chapter 9.66 is
12 intended to eliminate any potential conflict of land uses in residential neighborhoods and
13 to reduce the potential dangers associated with multiple registered sex offenders living
14 near families with children and places where children frequently gather, ~~coupled with the~~
15 ~~fact that subsection (a) of Penal Code Section 3003.5 expressly refers to 'single family~~
16 ~~dwelling~~s' as opposed to multiple family dwellings, Chapter 9.66 shall also regulate the
17 number of registered sex offenders permitted to reside in multiple family dwellings; and

18 WHEREAS, in addition to public and private schools and parks, the City
19 further finds that California State licensed child day care facilities are necessarily included
20 as places where children frequently gather; and

21 ~~WHEREAS, there is currently no State or local ordinance that prohibits~~
22 ~~registered sex offenders from loitering near places where children congregate, therefore~~
23 ~~Chapter 9.66 shall also prohibit registered sex offenders from loitering within a 300 foot~~
24 ~~radius from locations where children gather; and~~

25 WHEREAS, in order to foster compliance with the intent of this ordinance,
26 Chapter 9.66 shall also establish regulations ~~of registered sex offenders and the~~ for
27 property owners who knowingly rent or lease residential dwellings to them registered
28 sex offenders in violation of Chapter 9.66; and

1 ~~D. "Child Safety Zone" shall include those areas located within three~~
2 ~~hundred (300) feet from the nearest property line of a child care center, public or~~
3 ~~private school, park, public library, swimming or wading pool, commercial~~
4 ~~establishment that provides any area in or adjacent to such establishment as a~~
5 ~~children's playground, or any location that facilitates on the property classes or~~
6 ~~group activities for children, or school bus stops.~~

7 EC. "Duplex" shall mean a residential land use for a building containing
8 two dwelling units.

9 FD. "Hotel/Motel" shall mean a commercial land use for the rental of six
10 (6) or more guest rooms or suites for primarily temporary residency for a period
11 of not more than thirty (30) consecutive days.

12 GE. "Inn" shall mean a commercial land use for the rental of five (5) or
13 fewer guest rooms or suites primarily for temporary residency for a period of not
14 more than thirty (30) consecutive days.

15 F. "Knowingly" shall mean with knowledge of the existence of the facts
16 in question. Knowledge of the unlawfulness of any act or omission is not
17 required.

18 ~~H. "Loiter" shall mean to delay, linger, or idle about a Child Safety~~
19 ~~Zone without lawful business or purpose for being present.~~

20 IG. "Multi-family Dwelling" shall mean a building designed for
21 permanent residency for three (3) or more families living independently of each
22 other. This ~~includes apartment houses and condominiums, but~~ does not include
23 hotels, motels, or inns.

24 JH. "Owner's Authorized Agent" shall mean any natural person, firm,
25 association, joint venture, joint stock company, partnership, organization, club,
26 company, corporation, business trust or the manager, lessee, agent, servant,
27 officer or employee authorized to act for the owner of a real property.

28 /////

1 ~~KI.~~ “Park” shall include any areas publicly owned, leased, controlled,
2 maintained or managed by a the city or county which are open to public use for
3 recreational, cultural and/or community service activities, and include, but are not
4 limited to, beaches, playgrounds, playfields, athletic courts, and dog park
5 recreation areas, as well as those areas specifically dedicated or designated as
6 “Parks” in Chapter 21.35 of this Code.

7 ~~LJ.~~ “Permanent Resident” shall mean any person who, as of a given
8 date, obtained ~~the~~ a legal right to occupy or reside in a ~~dwelling including but not~~
9 ~~limited to a Duplex, Multi-family Dwelling, Single Family Dwelling, Hotel, Motel or~~
10 Inn for a period of more than thirty (30) consecutive days.

11 ~~MK.~~ “Property Owner” ~~as applied to buildings and land~~ shall mean the
12 owner of record of any parcel of real property as designated on the county
13 assessor’s tax roll, or a holder of a subsequently recorded deed to the property
14 and shall include any part owner, joint owner, tenant, tenant in common, or joint
15 tenant, of the whole or a part of such ~~building or land~~ real property.

16 ~~NL.~~ “Residential Exclusion Zone” shall include those areas located
17 within two thousand (2,000) feet of the ~~closest~~ nearest property line of the subject
18 property to the ~~closest~~ nearest property line of a Child Day Care Facility Center,
19 public or private school (grades K through 12), or Park in which a sex offender is
20 prohibited from temporarily or permanently residing.

21 ~~OM.~~ “Responsible Party” shall mean the Property Owner and/or the
22 Owner’s Authorized Agent.

23 ~~PN.~~ “Sex Offender” means any person convicted of a crime on or after
24 the effective date of this ordinance, for ~~whom~~ which registration is required
25 pursuant to Section 290 of the California Penal Code, ~~regardless of whether that~~
26 ~~person is on parole or probation.~~

27 ~~QO.~~ “Single Family Dwelling” means one permanent residential dwelling
28 located on a single lot ~~with yard areas that separate that dwelling from other~~

1 dwellings. For purposes of this Chapter, Single Family Dwelling shall not include
2 any State licensed residential facility which serves six or fewer persons.

3 RP. "Temporary Residency" means any occupant person who, as of a
4 given date, for a period of less than one month, either at his or her own expense or
5 at the expense of another, obtained the a legal right of to occupancy or reside in
6 a Duplex, Multi-family Dwelling, Single Family Dwelling, Hotel, Motel or Inn for
7 which rent is charged a period of thirty (30) consecutive days or less.

8
9 ~~9.66.020 Violation of Child Safety Zone.~~

10 ~~No Sex Offender shall Loiter in a Child Safety Zone.~~

11
12 9.66.0320 ~~Violation of Sex Offender Prohibition Residential Exclusion Zone.~~

13 ~~No A sex offender shall be prohibited from becoming a Permanently or~~
14 ~~Temporarily Resident in any Residential Exclusion Zone.~~

15
16 9.66.0430 ~~Sex Offender Violation Prohibition – Single Family Dwellings.~~

17 ~~No A sex offender shall be prohibited from becoming a Permanent or~~
18 ~~Temporary Resident obtain occupancy in a Single Family Dwelling if said dwelling~~
19 ~~is already occupied by a sex offender, unless the other these persons are is legally~~
20 ~~related by blood, marriage or adoption.~~

21
22 9.66.0540 ~~Sex Offender Violation Prohibitions – Duplex & Multi-family Dwellings.~~

23 ~~No A sex offender shall be prohibited from becoming a Permanent or~~
24 ~~Temporary Resident obtain occupancy in a Duplex and/or Multi-family Dwelling~~
25 ~~unit if said dwelling unit is already occupied by a sex offender, unless the other~~
26 ~~these persons are is legally related by blood, marriage or adoption.~~

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1 ~~9.66.060 Sex Offender Violation – Duplex Dwellings.~~

2 ~~No Sex Offender shall obtain occupancy in a Duplex Dwelling already~~
3 ~~occupied by a Sex Offender, unless those persons are legally related by blood,~~
4 ~~marriage or adoption.~~

5
6 9.66.0750 Sex Offender ~~Violation~~ Prohibition - Hotel/Motel/Inn Rooms.

7 No A sex offender shall be prohibited from becoming a Permanent or
8 Temporary Resident in a guest room of a Hotel, Motel, or Inn room if said room is
9 already occupied by a sex offender, unless ~~those~~ the other persons are is legally
10 related by blood, marriage or adoption.

11
12 9.66.0860 Responsible Party ~~Violation~~ Prohibition - Single Family Dwellings.

13 No A Responsible Party shall be prohibited from knowingly renting or
14 leasing a Single Family Dwelling to more than one sex offender during any given
15 period of tenancy, unless those persons are legally related by blood, marriage or
16 adoption.

17
18 9.66.090 Responsible Party ~~Violation~~ – Single Family Dwellings.

19 No Responsible Party shall knowingly rent a Single Family Dwelling to a
20 Sex Offender for a period of Temporary Residency.

21
22 9.66.4070 Responsible Party ~~Violation~~ Prohibitions – Duplex & Multi-family
23 Dwellings.

24 No A Responsible Party shall be prohibited from knowingly renting or
25 leasing any unit within a Duplex and/or Multi-family Dwelling to more than one
26 sex offender during any given period of tenancy, unless those persons are legally
27 related by blood, marriage or adoption.

28 ////

1 ~~9.66.110 — Responsible Party Violation — Multi-Family Dwellings.~~

2 ~~No Responsible Party shall knowingly rent more than one unit within a~~
3 ~~Multi-family Dwelling to a Sex Offender during any given period of tenancy.~~

4
5 ~~9.66.120 — Responsible Party Violation — Multi-Family Dwellings.~~

6 ~~No Responsible Party shall knowingly rent any Multi-family Dwelling to a~~
7 ~~Sex Offender for a period of Temporary Residency.~~

8
9 ~~9.66.130 — Responsible Party Violation — Duplex Dwellings.~~

10 ~~No Responsible Party shall knowingly rent any unit within a Duplex~~
11 ~~Dwelling to more than one (1) Sex Offender during any given period of tenancy,~~
12 ~~unless those persons are legally related by blood, marriage or adoption.~~

13
14 ~~9.66.140 — Responsible Party Violation — Duplex Dwellings.~~

15 ~~No Responsible Party shall knowingly rent more than one (1) unit within a~~
16 ~~Duplex Dwelling to a Sex Offender during any given period of tenancy.~~

17
18 ~~9.66.150 — Responsible Party Violation — Duplex Dwellings.~~

19 ~~No Responsible Party shall knowingly rent any Duplex Dwelling to a Sex~~
20 ~~Offender for a period of Temporary Residency.~~

21
22 ~~9.66.16080~~ Responsible Party Violation Prohibitions - Hotel/Motel/Inn.

23 ~~No~~ A Responsible Party shall be prohibited from knowingly renting or
24 leasing a guest room in a Hotel, Motel, or Inn to more than one sex offender,
25 unless those persons are legally related by blood, marriage or adoption.

26 ~~////~~

27 ~~////~~

28 ~~////~~

1 9.66.17090 Criminal Penalties.

2 ~~Every~~ Any person who violates any provision of this Chapter shall is be
3 guilty of a misdemeanor ~~and shall be~~ subject to the penalties as set forth in
4 Section 1.32.010 of this Code.

5
6 9.66.1810 Criminal Penalties Do Not Satisfy Administrative or Civil Actions.

7 Neither the arrest, prosecution, conviction, imprisonment, or payment of
8 any fine for ~~the~~ a criminal violation of Chapter 9.66 shall satisfy or diminish the
9 authority of the City to ~~institute administrative or civil from~~ commence civil or
10 criminal proceedings under applicable Civil, Penal or Municipal Code provisions
11 as an alternative or in addition to the proceedings set forth in this Chapter.

12
13 9.66.1920 Civil Actions.

14 A. Civil actions include, but are not limited to, injunctive relief and civil
15 and/or administrative actions or proceedings as defined in State law and local
16 ordinances.

17 B. Any person required to comply with any or all of the provisions of this
18 Chapter 9.66 shall be liable in an civil action filed by the City in any court of
19 competent jurisdiction in order to enforce such provision and to pay such
20 reasonable abatement costs incurred by the City and costs of the suit as the a
21 court may deem appropriate, including any and all attorney fees incurred by the
22 City in the prosecution of said enforcement action.

23
24 ~~Section 2. The Long Beach Police Department is directed to send copies~~
25 ~~of this ordinance to any Sex Offender who, on the effective date of this ordinance, is~~
26 ~~registered as living within the City of Long Beach.~~

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28 ////

1 ~~Section 3.~~ The City of Long Beach, Office of the Long Beach City
2 Attorney is directed to send copies of this ordinance to those Property Owners identified
3 by the Long Beach Police Department who, on the effective date of this ordinance, own
4 Single Family Dwellings, Multi-family Apartment Houses, Duplex Dwellings, and/or
5 commercial Hotels, Motels, and/or Inns occupied by more than one Sex Offender.
6

7 Section 4~~2~~. The City of Long Beach, Office of the Long Beach City
8 Attorney is directed, on the effective date of this ordinance, to send a copy of this
9 ordinance to the California Department of Corrections and Rehabilitation, Division of
10 Adult Operations.
11

12 ~~Section 4.~~ Notwithstanding any provision of this ordinance to the
13 contrary, any Responsible Party in violation of the provisions of Chapter 9.66 prior to the
14 effective date of this ordinance, shall be granted a six (6) month compliance period,
15 commencing on the effective date of this ordinance, to bring their property into conformity
16 with the provisions of Chapter 9.66.
17

18 Section 3. Nothing in this Chapter is intended to conflict with provisions
19 of California's Megan's Law as codified in Penal Code Sections 290.4 and 290.46.
20

21 Section 6~~4~~. If any section, subsection, sentence, clause, phrase, or
22 portion of this ordinance is for any reason held to be invalid or unconstitutional by the
23 decision of any court of competent jurisdiction, such decision shall not affect the validity
24 of the remaining portions of this ordinance. The City Council hereby declares that it
25 would have adopted this ordinance and each section, subsection, sentence, clause,
26 phrase, or portion thereof, irrespective of the fact that any one or more sections,
27 subsections, clauses, phrases or portions be declared invalid or unconstitutional.
28

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OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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Section 75 The City Clerk shall certify to the passage of this ordinance by the City Council of the City of Long Beach and cause it to be posted in three conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31) day after it is approved by the Mayor.

I hereby certify that the foregoing amended ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2008, by the following votes:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING AND RESTATING IN
ITS ENTIRETY CHAPTER 9.66 REGARDING RESIDENCY
RESTRICTIONS FOR SEX OFFENDERS

WHEREAS, on November 7, 2006, the voters of the State of California
overwhelmingly approved Proposition 83, The Sexual Predator Punishment and Control
Act, commonly referred to as Jessica's Law, so as to better protect Californians, and, in
particular, the children of this State from sex offenders; and

WHEREAS, Proposition 83 enacted subsection (b) of Penal Code Section
3003.5 which prohibits any person who is required to register as a sex offender under
Penal Code Section 290 (hereinafter referred to as a "sex offender") from residing within
2,000 feet of any public or private school, or any park where children regularly gather; and

WHEREAS, Proposition 83, as codified in subsection (c) of Penal Code
Section 3003.5, authorizes municipal jurisdictions to enact local ordinances that further
restrict the residency of any registered sex offender, whether or not on parole or
probation; and

WHEREAS, subsection (a) of Penal Code section 3003.5, enacted in
1998 prior to Proposition 83, prohibits registered sex offenders who are on parole from
residing in a "single-family dwelling" with another registered sex offender during the
parole period, unless those persons are legally related by blood, marriage or adoption;
and

WHEREAS, the City of Long Beach is becoming an increasingly attractive
place of residence for families with children; and

////

1 WHEREAS, there are approximately 800 registered sex offenders in the
2 City of Long Beach, and approximately 300 of these registered sex offenders are on
3 parole; and

4 WHEREAS, the City is concerned with recent occurrences, within the City
5 and elsewhere in California, where multiple registered sex offenders have been residing
6 together in clusters; and

7 WHEREAS, because Long Beach Municipal Code Chapter 9.66 is
8 intended to eliminate any potential conflict of land uses in residential neighborhoods and
9 to reduce the potential dangers associated with multiple registered sex offenders living
10 near families with children and places where children frequently gather, Chapter 9.66
11 shall also regulate the number of registered sex offenders permitted to reside in multiple
12 family dwellings; and

13 WHEREAS, in addition to public and private schools and parks, the City
14 further finds that California State licensed child day care facilities are necessarily included
15 as places where children frequently gather; and

16 WHEREAS, in order to foster compliance with the intent of this ordinance,
17 Chapter 9.66 shall also establish regulations for property owners who knowingly rent or
18 lease residential dwellings to registered sex offenders in violation of Chapter 9.66; and

19 WHEREAS, this ordinance is required for the immediate preservation of
20 the public peace, health, and safety, and it shall be the intent of the City Council to
21 construe this ordinance as having a prospective application only;

22 NOW THEREFORE, the City Council of the City of Long Beach ordains
23 as follows:

24 Section 1. Chapter 9.66 of the Long Beach Municipal Code entitled "Sex
25 Offender Residency Restrictions" is amended and restated in its entirety as follows:

26 ////

27 ////

28 ////

1 CHAPTER 9.66
2 SEX OFFENDER RESIDENCY
3 RESTRICTIONS

4 9.66.010 Definitions.

5 For purposes of this Chapter only, and unless the context clearly requires a
6 different meaning, the words, terms and phrases set forth in this Section are
7 defined as follows:

8 A. "Child" or "Children" shall mean any person(s) under the age of
9 eighteen (18) years of age.

10 B. "Child Day Care Facility" shall mean any State of California,
11 Department of Social Services ("CDSS") licensed facility, as that term is defined
12 under Health and Safety Code Section 1596.750, that provides non-medical care
13 to children under 18 years of age in need of personal services, supervision, or
14 assistance essential for sustaining the activities of daily living or for the protection
15 of the individual on less than a twenty four (24) hour basis, including but not
16 limited to day care center, employer-sponsored child care center, family day care
17 home, infant center, preschool, extended-day care facility, or school-age child
18 care center.

19 C. "Duplex" shall mean a residential land use for a building containing
20 two dwelling units.

21 D. "Hotel/Motel" shall mean a commercial land use for the rental of six
22 (6) or more guest rooms or suites for primarily temporary residency for a period
23 of not more than thirty (30) consecutive days.

24 E. "Inn" shall mean a commercial land use for the rental of five (5) or
25 fewer guest rooms or suites primarily for temporary residency for a period of not
26 more than thirty (30) consecutive days.

27 ////

28 ////

1 F. "Knowingly" shall mean with knowledge of the existence of the facts
2 in question. Knowledge of the unlawfulness of any act or omission is not
3 required.

4 G. "Multi-family Dwelling" shall mean a building designed for
5 permanent residency for three (3) or more families living independently of each
6 other. This does not include hotels, motels, or inns.

7 H. "Owner's Authorized Agent" shall mean any natural person, firm,
8 association, joint venture, joint stock company, partnership, organization, club,
9 company, corporation, business trust or the manager, lessee, agent, servant,
10 officer or employee authorized to act for the owner of real property.

11 I. "Park" shall include any areas publicly owned, leased, controlled,
12 maintained or managed by the city or county which are open to public use for
13 recreational, cultural and/or community service activities, and include, but are not
14 limited to, beaches, playgrounds, playfields, athletic courts, and dog park
15 recreation areas, as well as those areas specifically dedicated or designated as
16 "Parks" in Chapter 21.35 of this Code.

17 J. "Permanent Resident" shall mean any person who, as of a given
18 date, obtained a legal right to occupy or reside in a Duplex, Multi-family Dwelling,
19 Single Family Dwelling, Hotel, Motel or Inn for a period of more than thirty (30)
20 consecutive days.

21 K. "Property Owner" shall mean the owner of record of any parcel of
22 real property as designated on the county assessor's tax roll, or a holder of a
23 subsequently recorded deed to the property and shall include any part owner,
24 joint owner, tenant, tenant in common, or joint tenant, of the whole or a part of
25 such real property.

26 L. "Residential Exclusion Zone" shall include those areas located
27 within two thousand (2,000) feet of the nearest property line of the subject
28 property to the nearest property line of a Child Day Care Facility, public or private

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school (grades K through 12), or Park in which a sex offender is prohibited from temporarily or permanently residing.

M. "Responsible Party" shall mean the Property Owner and/or the Owner's Authorized Agent.

N. "Sex Offender" means any person convicted of a crime on or after the effective date of this ordinance, for which registration is required pursuant to Section 290 of the California Penal Code.

O. "Single Family Dwelling" means one permanent residential dwelling located on a single lot. For purposes of this Chapter, Single Family Dwelling shall not include any State licensed residential facility which serves six or fewer persons.

P. "Temporary Resident" means any person who, as of a given date, obtained a legal right to occupy or reside in a Duplex, Multi-family Dwelling, Single Family Dwelling, Hotel, Motel or Inn for a period of thirty (30) consecutive days or less.

9.66.020 Sex Offender Prohibition Residential Exclusion Zone.

A sex offender shall be prohibited from becoming a Permanent or Temporary Resident in any Residential Exclusion Zone.

9.66.030 Sex Offender Prohibition – Single Family Dwellings.

A sex offender shall be prohibited from becoming a Permanent or Temporary Resident in a Single Family Dwelling if said dwelling is already occupied by a sex offender, unless the other person is legally related by blood, marriage or adoption.

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9.66.040 Sex Offender Prohibitions – Duplex & Multi-family Dwellings.

A sex offender shall be prohibited from becoming a Permanent or Temporary Resident in a Duplex and/or Multi-family Dwelling unit if said dwelling unit is already occupied by a sex offender, unless the other person is legally related by blood, marriage or adoption.

9.66.050 Sex Offender Prohibition - Hotel/Motel/Inn Rooms.

A sex offender shall be prohibited from becoming a Permanent or Temporary Resident in a Hotel, Motel, or Inn room if said room is already occupied by a sex offender, unless the other person is legally related by blood, marriage or adoption.

9.66.060 Responsible Party Prohibition - Single Family Dwellings.

A Responsible Party shall be prohibited from knowingly renting or leasing a Single Family Dwelling to more than one sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

9.66.070 Responsible Party Prohibitions – Duplex & Multi-family Dwellings.

A Responsible Party shall be prohibited from knowingly renting or leasing any unit within a Duplex and/or Multi-family Dwelling to more than one sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

9.66.080 Responsible Party Prohibitions - Hotel/Motel/Inn.

A Responsible Party shall be prohibited from knowingly renting or leasing a guest room in a Hotel, Motel, or Inn to more than one sex offender, unless those persons are legally related by blood, marriage or adoption.

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9.66.090 Criminal Penalties.

Any person who violates any provision of this Chapter is guilty of a misdemeanor subject to the penalties as set forth in Section 1.32.010 of this Code.

9.66.110 Criminal Penalties Do Not Satisfy Administrative or Civil Actions.

Neither the arrest, prosecution, conviction, imprisonment, or payment of a fine for a criminal violation of Chapter 9.66 shall satisfy or diminish the authority of the City to commence civil or criminal proceedings under applicable Civil, Penal or Municipal Code provisions as an alternative or in addition to the proceedings set forth in this Chapter.

9.66.120 Civil Actions.

A. Civil actions include, but are not limited to, injunctive relief and civil and/or administrative actions or proceedings as defined in State law and local ordinances.

B. Any person required to comply with the provisions of this Chapter shall be liable in a civil action filed by the City in any court of competent jurisdiction in order to enforce such provision and to pay reasonable abatement costs incurred by the City and costs of the suit as the a court may deem appropriate, including any and all attorney fees incurred by the City in the prosecution of said enforcement action.

Section 2. The City of Long Beach, Office of the Long Beach City Attorney is directed, on the effective date of this ordinance, to send a copy of this ordinance to the California Department of Corrections and Rehabilitation, Division of Adult Operations.

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OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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Approved: _____
(Date)

City Clerk

Mayor