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ORDINANCE NO. 4972

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

Section 1. Chapter 9.55 of Title 9 of the El Dorado County Ordinance Code is hereby added as follows:

CHAPTER 9.55

**PROHIBITION OF REGISTERED
SEX OFFENDERS FROM ENTERING
COUNTY PARKS, SCHOOLS, AND OTHER
AREAS WHERE CHILDREN CONGREGATE.**

9.55.010 Purpose.

- A. Sex offenders pose a clear threat to the children residing or visiting in the community. Further, there are no guarantees that they will not re-offend. Convicted sex offenders are more likely than any other type of offender to re-offend for another sexual assault.
- B. It is anticipated that the County of El Dorado will be chosen as a location for the placement of numerous sexual offenders on their release from incarceration, and without an ordinance such as this, children in El Dorado County may unnecessarily be put at increased risk.
- C. In order to reduce the potential risk of harm to children in El Dorado County, there is a need to limit the opportunity for sex offenders to be in contact with unsuspecting children in locations that are primarily designed for use by, or are primarily used by children, including, but not limited to: the grounds of public or private schools for children, school bus stops, centers or facilities that provide day care or children's services, video arcades, public and private playgrounds and play facilities, parks, youth sports facilities, skate parks, libraries, and public swimming pools.

D. Currently, state law does not adequately address the areas that sex offenders can frequent. Instead, state law only regulates where sex offenders can reside in relation to a limited number of specified areas. This ordinance is not intended to conflict with, but to supplement, state law by imposing restrictions on the locations which sex offenders may frequent in El Dorado County in order to ensure the safety of children.

E. For these reasons, the Board of Supervisors of El Dorado County finds that a public emergency exists that affects the life, health and public welfare of children, residents in, and visitors to, the County of El Dorado, and that the preservation of the public peace, health, and safety require the adoption of this ordinance.

9.55.020 Definitions.

A. “Children”: For purposes of this ordinance, children means those persons who are under the age of eighteen (18) years.

B. “Registered Sex Offender”: For purposes of this ordinance, sex offender means an individual who is registered, or required to register, by any state or federal agency as a sex offender and/or whose name is published or required to be published on any state or federal sex offender registry, including, but not limited to any person required to register pursuant to California Penal Code sections 290, et seq.

C. “Park”: For purposes of this ordinance, a park is defined as any park located in El Dorado County, before or after the effective date of this article, including, but not limited to, tot-lots, play areas, playgrounds, river recreation areas, picnic areas, youth sports facilities, community centers, public swimming pools, skate parks, athletic courts/fields, dog parks, lake recreation areas, beaches and all areas which are open to public use for recreational, cultural, and community service activities whose primary purpose is to provide group activities for children.

Further, a park is defined to include, but not be limited to:

1. any of the parks and recreation areas identified at www.edcgov.us/Parks/;
2. any of the parks, athletic fields or trails identified at www.edhcsd.org/parks_locations_map.html;
3. any parks identified at www.cameronpark.org/parks_and_facilities.html;

D. “Child Care Center(s)”: For purposes of this ordinance, child care center(s) means any facility licensed by the State of California, Department of Social Services that provides non-medical care to children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than twenty-

four (24) hour basis, including, but not limited to, a family day care home, infant center, preschool, extended day care facility, or school-age child care center.

Further, a child care center is defined to include, but not be limited to: any child care or day care services, or children's swimming pools located at an athletic club or facility.

E. "School(s)": For purposes of this ordinance, school means the buildings, grounds, and parking lots of any public or private school used for the education of children in kindergarten or in grades 1-12, inclusive, and any public or private facility whose primary purpose is to provide classes for children.

F. The definitions of "Park," "Child Care Center(s)," and "School(s)" noted above includes any adjacent public parking area as well as the driveway, entrance way, or pedestrian walkway used by the public to access these locations.

9.55.030 Prohibitions and Exemptions

A. Any person who is a Registered Sex Offender is prohibited from being on or within three hundred (300) feet of the grounds of any park, school, school bus stop, child care center or library. For purposes of this section, distances shall be measured from the edge of the parcel or contiguous parcels where the identified use is located.

B. This prohibition does not apply to a Registered Sex Offender's place of residence if regulated by state law. This prohibition does not apply to single trips by the sex offender when traveling past a location specified in this chapter while in route to another destination. This prohibition does not apply when the El Dorado County Sheriff has granted written permission. Such written permission for schools shall only be granted upon consultation with the Superintendent, El Dorado County Office of Education.

C. When one of the restricted locations is used as a polling place for an election, the registered sex offender may enter such restricted location for the limited purpose of voting if he/she qualifies to do so at such polling place. The privilege shall only extend to those parts or areas of the polling place in a restricted location that are commonplace or designated for polling and any registered sex offender found outside of such parts shall be punished as set forth herein.

9.55.040 Violation and Penalties

Punishment for violation of this section shall be as follows:

A. Upon a first conviction, by imprisonment in a county jail for a period of not more than six (6) months, or by a fine not exceeding five hundred dollars (\$500.00), or by both imprisonment and a fine.

B. Upon a second conviction, by imprisonment in a county jail for a period of not less than ten (10) days and not more than six (6) months, or by both imprisonment and a fine not exceeding five hundred dollars (\$500.00). Upon a second conviction, however, the person shall not be released on probation, parole, or any other basis until he or she has served not less than ten (10) days imprisonment.

C. Upon a third or subsequent conviction, by imprisonment in a county jail for a period of not less than ninety (90) days and not more than six (6) months, or by both imprisonment and a fine not exceeding five hundred dollars (\$500.00). Upon a third or subsequent conviction, however, the person shall not be released on probation, parole, or any other basis until he or she has served not less than ninety (90) days imprisonment.

9.55.050 Other Prosecution Authorized

Nothing in this ordinance shall preclude or prohibit prosecution under any other provision of law.

9.55.060 Notification of Sex Offenders

The El Dorado County Sheriff shall provide a copy of this ordinance to all sex registrants during the re-registration process. Failure to provide notice of this ordinance shall not constitute a defense for any violation.

9.55.070 Severability

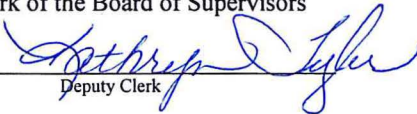
If any section, paragraph, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof. The Board of Supervisors hereby declares that it would have adopted this ordinance irrespective of the validity of any particular portion thereof and intends that the invalid portions should not be severed and the balance of the ordinance be enforced.

Section 4. This ordinance shall become effective thirty (30) days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 14 day of February, 2012, by the following vote of said Board:

Ayes: Sweeney, Santiago, Nutting, Briggs, Knight

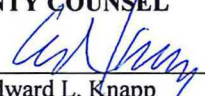
ATTEST
SUZANNE ALLEN DE SANCHEZ
Clerk of the Board of Supervisors

By 
Deputy Clerk

Noes: none
Absent: none


Chairman, Board of Supervisors
John R. Knight

APPROVED AS TO FORM
LOUIS B. GREEN
COUNTY COUNSEL

By 
Edward L. Knapp
Chief Ass't. County Counsel

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____
ATTEST: SUZANNE ALLEN DE SANCHEZ, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk