

COUNCIL AGENDA – JULY 1, 2014




SUBJECT: SECOND READING – ORDINANCE 1815, REPEALING PORTERVILLE MUNICIPAL CODE CHAPTER 18, ARTICLE V, RELATING TO REGISTERED SEX OFFENDER RESTRICTIONS

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT/CITY CLERK DIVISION

COMMENT: Ordinance No. 1815, An Ordinance of the City Council of the City of Porterville Repealing Porterville Municipal Code Chapter 18, Article V, Relating to Registered Sex Offender Restrictions, was given first reading on June 17, 2014, and has been printed.

RECOMMENDATION: That the Council give Second Reading to Ordinance No. 1815, waive further reading, and adopt said Ordinance.

ATTACHMENT: Ordinance No. 1815

		
Dir	Approp./ Funded	CM

Item No. 5

ORDINANCE NO. 1815

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF PORTERVILLE REPEALING
CHAPTER 18, ARTICLE V OF THE PORTERVILLE
MUNICIPAL CODE RELATING TO
REGISTERED SEX OFFENDER RESTRICTIONS**

WHEREAS, the City Council of the City of Porterville, California ("the City Council") adopted Ordinance No. 1707 to impose safety precautions to reduce the potential risk of harm to children in our community by restricting the ability of sex offenders to be in contact with children in locations that are primarily used by children; and

WHEREAS, Article XI, Section 7 of the California Constitution and Government Code Section 37100 provide that a legislative body may pass ordinances not in conflict with the Constitution and laws of the State of the United States; and

WHEREAS, a conflict exists between State law and otherwise valid local legislation if the local legislation enters an area fully occupied by general law, either expressly or by legislative implication; and

WHEREAS, on January 10, 2014, two unanimous rulings were issued by the Fourth District Court of Appeal, Division Three, that held that California's statutory scheme imposing restrictions on a sex offender's daily life fully occupies the field and therefore preempts a local agency's effort to impose further restrictions on sex offenders; and

WHEREAS, as a result of these rulings and the threat of a legal challenge to Ordinance No. 1707, the City Council finds that it is in the best interest of the City of Porterville, California to repeal Ordinance No. 1707 as it has been codified in the Porterville Municipal Code.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF PORTERVILLE DOES
ORDAIN AS FOLLOWS:**

Section 1. Repeal. Chapter 18, Article V (Sections 18-55 through 18-60) of the Porterville Municipal Code is hereby repealed.

Section 2. Effective Date. This Ordinance shall take effect thirty (30) days from and after its adoption as provided by Porterville Charter Section 12.

Section 3. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED, APPROVED AND ADOPTED this _____ day of July, 2014.

Cameron J. Hamilton, Mayor

ATTEST:

John D. Lollis, City Clerk

By: _____
Patrice Hildreth, Chief Deputy City Clerk