

**ORDINANCE NO. 1055**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF BEAUMONT, CALIFORNIA  
REPEALING CHAPTER 9.38 OF THE BEAUMONT MUNICIPAL CODE  
CONCERNING RESIDENCY RESTRICTIONS FOR REGISTERED SEX OFFENDERS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEAUMONT,  
RIVERSIDE COUNTY, STATE OF CALIFORNIA, AS FOLLOWS:

Section 1: Chapter 9.38 of the Beaumont Municipal Code (Ordinance 1013 adopted on March 20, 2012) entitled Residency Restrictions For Registered Sex Offenders, and any amendments thereto, is hereby repealed in its entirety.

Section 2: This Ordinance shall take effect thirty (30) days after its adoption at the second reading.

MOVED AND PASSED upon first reading this 7th day of April, 2015, by the following roll call vote:

AYES: Fox, Knight, Lara, Orozco, Knight  
NOES: None

ABSTAIN: None  
ABSENT: None

MOVED, PASSED AND ADOPTED this 21st day of April, 2015, upon second reading by the following roll call vote:

AYES: Lara, Knight, Orozco, White  
NOES: None

ABSTAIN: None  
ABSENT: Fox

CITY OF BEAUMONT

By

  
Brenda Knight, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

CERTIFICATION

The foregoing is certified to be a true copy of Ordinance No. 1055 duly introduced at a regular meeting of the City Council of the City of Beaumont held on April 7, 2014, and was duly adopted upon a second reading on April 21, 2015, by the roll call votes indicated therein.

CITY OF BEAUMONT

By

City Clerk



(SEAL)

Staff Report

TO: Mayor and Members of the City Council

THROUGH: City Manager *sch*

FROM: Office of the City Attorney and Police Department

DATE: April 21, 2015

SUBJECT: An Ordinance Repealing Section 9.38 of the Beaumont Municipal Code-Residency Requirements for Sex Registrants

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- ACTIONS: 1) See Options
- OPTIONS: 1) Approve Second Reading of Ordinance repealing Section 9.38 of the Beaumont Municipal Code
- 2) Modify the Ordinance as presented
- 3) Deny the Ordinance as presented
- 4) Continue and direct staff to return with additional information

SUMMARY/ BACKGROUND:

At the City Council Meeting on April 7, 2015 the City Council approved the First Reading of an Ordinance repealing Section 9.38 of the Beaumont Municipal Code. Section 9.38 established residency restrictions for sex registrants living within our City and a recent California Supreme Court recently ruled in a San Diego case that blanket residency restrictions were unconstitutional.

At the request of City Council the police department has researched and provided current laws addressing oversight of sex offenders who are mandated to register per California Penal Code Section §290, the Sex Offender Registration Act:

- The Act imposes a lifetime duty upon a convicted sex offender to register with the chief of police or sheriff of the jurisdiction of the city in which he or she is residing within five (5) days of changing his or her residence and thereafter in accordance with the Act;
- The Act requires out-of-state convicted sex offender residents working or attending school in California for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, to register in accordance with the Act;
- The Department of Justice shall make available information concerning persons who are required to register pursuant to Section 290 to the public via an Internet Web site as specified...and shall update the Internet Web site on an ongoing basis;

- The Act mandates disclosure by persons required to register upon application or acceptance of a position involving children; and a prohibition against employment or volunteering of registered sex offenders where victim was a minor under 16 years of age;
- Additionally, California Penal Code Section §3303.5 establishes certain residency requirements during the registrant's term of parole. These requirements can be imposed by a Parole Agent as terms of parole upon review of the registrant's specific case history, and may include restrictions from residing within 2000 feet of any public or private school, or park where children regularly gather.

The police department currently maintains a database of all sex offenders who have registered to live within the city as required, and monitors the registrants to ensure they stay in compliance with the mandates of the Act.

A new local ordinance attempting to regulate the behavior, residency and location of convicted sex offenders would appear to be preempted by state law as interpreted in decisions rendered by the Court of Appeal on loitering restrictions and the Supreme Court on residency and related restrictions. In fact, the Supreme Court made it clear that any regulation of convicted sex offenders would be limited to registration and oversight required by the State Act with any residency restrictions only to be imposed on a case-by-case basis by the Courts and parole officers.

**FISCAL IMPACT:**

There is no fiscal impact anticipated in repealing this Section

Respectfully Submitted

City Staff



# CITY OF BEAUMONT

## LEGAL NOTICE

**NOTICE IS HEREBY GIVEN**, that the Beaumont City Council will conduct a public hearing on Tuesday, April 7, 2015 in room 5 at the Beaumont Civic Center, 550 E. 6<sup>th</sup> Street, Beaumont, California 92223, to receive testimony and comments from all interested persons regarding the adoption of the following matter(s):

**An Ordinance of the City Council of the  
City of Beaumont, California,  
Repealing Section 9.38 of the Beaumont Municipal Code  
“Residency Restrictions for Registered Sex Offenders”**

It is the purpose and intent of this Ordinance to repeal Section 9.38 of the Beaumont Municipal Code which provides for the regulation of residency of registered sex offenders within the City of Beaumont. This Ordinance will repeal and delete Section 9.38 in its entirety.

Frank Coe  
Police Chief

Date: March 20, 2015

Publish one time only in the Record Gazette on March 27, 2015

**Record Gazette**  
218 N. Murray St.  
**Proof of Publication**  
(2015.5 C.C.P.)

116145 - REPEALING SECT. 9.38

**State of California** )  
**County of Riverside** ) **ss.**

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

March 27, 2015

CITY OF BEAUMONT  
LEGAL NOTICE

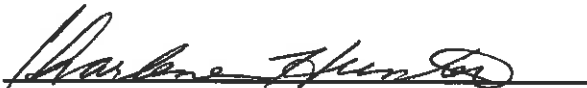
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Frank Coe  
Police Chief  
Date: March 20, 2015  
Published in  
The Record Gazette  
No. 116145  
03/27, 2015

Executed on: 03/27/2015

At Banning, CA

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature