

TO: James L. App, City Manager
FROM: Dennis J. Cassidy, Chief of Police
SUBJECT: Ordinance Pertaining to Residency Restrictions for Certain Sex Offenders
DATE: February 7, 2006

NEEDS For the City Council to consider an ordinance augmenting residency restrictions for certain convicted sex offenders.

FACTS:

1. City Staff was asked to explore and present a sexual predator residency ordinance that would further protect children from known sexual predators by establishing residency restrictions in locations where children congregate.
2. Current state law establishes residency restriction for certain sex offenders that are on parole from residing within one quarter mile of any public or private school attended by children in Kindergarten through Grade 8 during their period of parole.
3. Section 290 of the Penal Code requires persons convicted of certain offenses to register with the Police Department in the city where he/she reside. The City of Paso Robles currently has fifty nine (59) convicted sex offenders registered in the City limits. Forty (40) of them or 68% involved victims under the age of 18 years.
4. Based on the evidence available, sex offenders have recidivism rates as high as 45%. According to a 1998 report by the U.S. Department of Justice, sex offenders are the least likely to be cured and the most likely to re-offend, and tend to prey on the most innocent members of society. More than two-thirds of the victims of rape and sexual assault are under 18 years of age. Sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon.
5. It is in the City's interest to promote, protect, and improve the health, safety, and welfare of the citizens of the City by establishing areas around locations where children regularly congregate wherein certain sexual offenders shall be prohibited from establishing temporary or permanent residence.
6. Information and concerns were received from the local Board of Realtors and dialogue between their Legal Council and the City Attorney resulted in several positive changes to the original document/ordinance. We have met with the Board of Realtors representatives and have received review comments regarding the proposed changes. The School District previously supplied information relevant to the proposed ordinance that resulted in some positive change to the document/ordinance pertaining to bus stops. Staff has refined and confirmed definitions of "areas where children congregate" and has prepared adequate mapping for disclosure/notification and future enforcement purposes.
7. The ordinance was also revised to provide that the list of protected properties and the map showing the areas in which sex offenders are to be restricted from residing are to be adopted by resolution and updated annually. Such a resolution, with the list of protected properties and the map, is attached. The map has been formatted in a personal data file (pdf) format, which can be clearly enlarged on a computer screen in order to more-accurately identify those properties affected by the ordinance.

**ANALYSIS &
CONCLUSION:**

Several States, Cities and Counties have enacted ordinances and laws further restricting the residency of convicted sex offenders in proximity to locations where children gather. Current law restricts only those currently on parole who are convicted of certain crimes from living within a quarter of a mile from certain locations where children congregate. It would benefit the citizens of Paso Robles to enhance the protection of our children by establishing areas around locations where children regularly congregate that prohibit certain sexual offenders from establishing temporary or permanent residency. This ordinance would also require property managers, landlords, and realtors to disclose the existence of the ordinance prior to the commencement of any sale, rental, or leasing transaction. This ordinance will not affect those registrants currently living in restricted areas prior to the adoption of the ordinance.

**POLICY
REFERENCE:**

Sections 290 and 3003 (g) of the California Penal Code.

**FISCAL
IMPACT:**

Undetermined. Monitoring and enforcement could require a significant law enforcement staff time commitment and personnel resources.

OPTIONS:

1. Introduce for first reading Ordinance No. XXX N.S. adding a new Chapter 9.46 to Title 9 of the Municipal Code of the City of El Paso de Robles pertaining to residency restrictions for certain sex offenders and set February 21, 2006 as the date for adoption of said ordinance. (Note: The attached resolution adopting a list of protected properties and map of restricted areas would also be adopted on February 21, 2006.)
2. Amend, modify, or reject the above option.

Attachments

1. Ordinance adding Chapter 9.46
2. Resolution adopting a list of protected properties and map of restricted areas

RESOLUTION NO. 06-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
ADOPTING A LIST PROTECTED LOCATIONS AND A MAP SHOWING PROTECTED
LOCATIONS AND PROPERTIES WITHIN ONE-QUARTER MILE OF PROTECTED
LOCATIONS IN ACCORDANCE WITH ORDINANCE NO. XXX N.S.
(RESIDENCY RESTRICTIONS FOR CERTAIN SEX OFFENDERS)

WHEREAS, the City Council has adopted Ordinance No. XXX N.S. to establish residency restrictions for certain sex offenders; and

WHEREAS, Municipal Code Section 9.46.030, as adopted by Ordinance No. XXX N.S, provides that the City Council shall, by resolution, adopt a list of protected locations and a map showing the protected locations and those properties within one-quarter (1/4) mile of said protected locations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso de Robles as follows:

Section 1. To approve the list of protected locations attached as Exhibit A to this resolution.

Section 2. To approve the map showing protected locations and properties within one-quarter (1/4) mile of protected locations attached as Exhibit B to this resolution.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 21st day of February 2006 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Cathy M. Davis, Deputy City Clerk

Exhibit A
List of Protected Properties
(2006)

APN	Facility	Type	Street Address
008-011-047	Site for County Office of Educ Facility	Public School	NEC 36th & Oak
008-031-024	Full Gospel Korean Church	Church	3401 Oak Street
008-031-025	Georgia Brown School	Public School	525 - 36th Street
008-031-031	Church of Christ	Church	3545 Spring Street
008-032-023	Youth Arts Center	Youth-Oriented Facility	3201 Spring Street
008-071-013	Child Development Center	Child Care Center	3150 Park Street
008-071-014	Oak Park/George Stephan	Youth-Oriented Facility	3150 Park Street
008-101-005	Flamson Middle School	Public School	655 - 24th Street
008-102-009	Flamson Middle School	Public School	655 - 24th Street
008-102-010	No. Co. Community School& Municipal Pool	Public School, Youth-Oriented Fac	504 1/2 & 530 - 28th Street
008-102-011	Flamson Middle School	Public School	655 - 24th Street
008-102-012	War Memorial Stadium	Public School, Youth-Oriented Fac	655 - 24th Street
008-102-014	Flamson Middle School & Boys & Girls Club	Public School, Youth-Oriented Fac	600 - 26th Street
008-111-025	PR Community Church	Church	2706 Spring Street
008-134-004	Fairgrounds	Youth-Oriented Facility	2198 Riverside Avenue
008-162-005	Scout Hut	Youth-Oriented Facility	2247 Oak Street
008-171-007	Mennonite meeting rooms	Church	733 - 23rd Street
008-171-008	Rainbow Bright Preschool	Child Care Center	739 - 23rd Street
008-171-016	Cristo Viene Pentecostal Church	Church	2328 Park Street
008-171-018	Mennonite Church	Church	2343 Park Street
008-174-002	Fairgrounds	Youth-Oriented Facility	2199 Riverside Avenue
008-182-001	Fairgrounds	Youth-Oriented Facility	2200 Riverside Avenue
008-182-005	Fairgrounds	Youth-Oriented Facility	2201 Riverside Avenue
008-182-007	Fairgrounds	Youth-Oriented Facility	2202 Riverside Avenue
008-182-008	Fairgrounds	Youth-Oriented Facility	2203 Riverside Avenue
008-183-001	Fairgrounds	Youth-Oriented Facility	2204 Riverside Avenue
008-183-002	Fairgrounds	Youth-Oriented Facility	2205 Riverside Avenue
008-183-023	Fairgrounds	Youth-Oriented Facility	2206 Riverside Avenue
008-183-024	Fairgrounds	Youth-Oriented Facility	2207 Riverside Avenue
008-183-025	Fairgrounds	Youth-Oriented Facility	2208 Riverside Avenue
008-184-001	Fairgrounds	Youth-Oriented Facility	2209 Riverside Avenue
008-184-003	Fairgrounds	Youth-Oriented Facility	2210 Riverside Avenue
008-184-004	Fairgrounds	Youth-Oriented Facility	2211 Riverside Avenue
008-191-003	Fairgrounds	Youth-Oriented Facility	2212 Riverside Avenue
008-191-014	Fairgrounds	Youth-Oriented Facility	2213 Riverside Avenue
008-211-001	Glen Speck School	Public School	401 - 17th Street
008-211-002	Head Start Facility	Child Care Center	304 - 19th Street
008-226-005	New Light Missionary Baptist	Church	745 - 20th Street
008-245-005	Second Baptist Church	Church	1937 Riverside Avenue
008-245-006	Second Baptist Church	Church	1937 Riverside Avenue
008-245-007	Second Baptist Church	Church	1937 Riverside Avenue
008-247-008	La Luz del Mundo Church	Church	2055 Riverside Avenue
008-251-002	Fairgrounds	Youth-Oriented Facility	2214 Riverside Avenue
008-251-003	Fairgrounds	Youth-Oriented Facility	2215 Riverside Avenue
008-251-004	Fairgrounds	Youth-Oriented Facility	2216 Riverside Avenue
008-251-006	Fairgrounds	Youth-Oriented Facility	2217 Riverside Avenue
008-251-007	Fairgrounds	Youth-Oriented Facility	2218 Riverside Avenue
008-251-008	Fairgrounds	Youth-Oriented Facility	2219 Riverside Avenue
008-251-009	Fairgrounds	Youth-Oriented Facility	2220 Riverside Avenue
008-252-018	Pioneer Park	Park	Riverside Ave & 19th Street

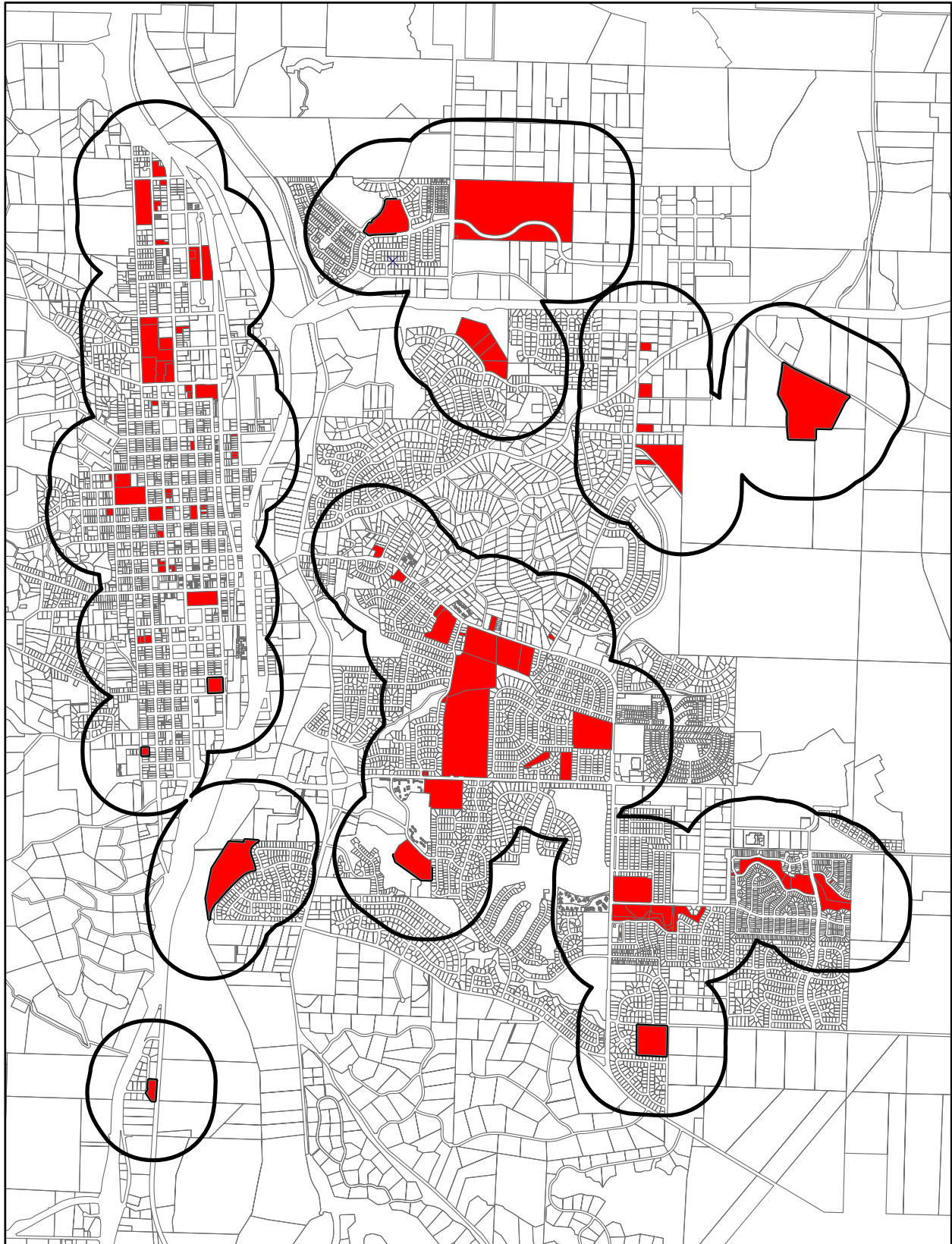
Exhibit A
List of Protected Properties
(2006)

APN	Facility	Type	Street Address
008-253-002	Fairgrounds	Youth-Oriented Facility	2221 Riverside Avenue
008-261-009	Pioneer Park	Park	Riverside Ave & 19th Street
008-273-006	Campfire Cabin	Youth-Oriented Facility	244 - 19th Street
008-275-001	Glen Speck School	Public School	401 - 17th Street
008-282-001	Marie Bauer School	Public School	1626 Vine Street
008-283-003	Christian Life Center	Church, Child Care	1744 Oak Street
008-283-004	Christian Life Center	Church, Child Care	1744 Oak Street
008-283-013	Christian Life Center	Church, Child Care	1744 Oak Street
008-284-001	First Church of God	Church	620 - 17th Street
008-286-014	First Baptist Church	Church	1645 Park Street
008-288-001	parking lot for First Baptist Church	Church	1644 Park Street
008-288-002	parking lot for First Baptist Church	Church	1636 Park Street
008-288-004	parking lot for First Baptist Church	Church	1620 Park Street
008-303-006	Church of Christ	Church	238 - 17th Street
008-313-013	Paso Robles Coop Preschool	Child Care Center	533 - 15th Street
008-313-016	Christian Church	Church	1521 Oak Street
009-035-002	St James Episcopal Church	Church	1335 Oak Street
009-035-010	Plymouth Congregational Church	Church	1301 Oak Street
009-037-003	Children's Museum	Youth-Oriented Facility	611 - 13th Street
009-037-005	Children's Museum	Youth-Oriented Facility	611 - 13th Street
009-101-001	City Park & Carnegie Library	Park	Spring and 11th Streets
009-141-014	No. Co. Christian Fellowship	Church	905 Vine Street
009-141-015	No. Co. Christian Fellowship	Church	405 - 9th Street
009-141-016	No. Co. Christian Fellowship	Church	421 - 9th Street
009-143-002	Presbyterian Korean Church	Church	522 - 10th
009-204-001	Robbins Field	Park	6th & Park Streets
009-281-009	First Missionary Baptist Church	Church	403 - 3rd Street
009-311-019	Sherwood Park	Park	Creston Road & Scott Street
009-351-026	Family Worship Center	Church	616 Creston Road
009-382-003	St. Rose Church & School	Church, Pvt School, Child Care	820 Creston Road
009-411-048	Grace Baptist	Church	535 Creston Road
009-451-033	Truth Tabernacle	Church	915 Creston Road
009-511-022	St. Rose Church & School	Church, Pvt School, Child Care	820 Creston Road
009-511-025	St. Rose Church & School	Church, Pvt School, Child Care	820 Creston Road
009-512-037	Parking Lot for Lewis Middle School	Public School	634 Nickerson Drive
009-561-019	Daniel Lewis Middle School	Public School	900 Creston Road
009-561-024	Winifred Pifer Elem School	Public School	1350 Creston Road
009-561-049	Latter Day Saints	Church	1020 Creston Road
009-561-050	Trinity Lutheran Church & Elem School	Church, Pvt School, Child Care	940 Creston Road
009-561-051	Centennial Park	Park	600 Nickerson Drive
009-566-042	Southern Baptist	Church	1145 Niblick Road
009-567-013	Walkway to Centennial Park	Park	Andrea Circle
009-588-039	Melody Park	Park	Melody Drive
009-588-042	Melody Park	Park	Melody Drive
009-588-044	Melody Park	Park	Melody Drive
009-611-044	Liberty High School, Preschool	Public School	801 Niblick Road
009-611-045	Paso Robles High School	Public School	800 Niblick Road
009-633-029	Vineyard Christian	Church	1332 Vendels Circle
009-641-012	Children's Corner Preschool	Child Care Center	711 Rolling Hills
009-691-034	Casa Robles Park	Park	Appaloosa & Palomino Drives

Exhibit A
List of Protected Properties
(2006)

APN	Facility	Type	Street Address
009-691-035	Casa Robles Park	Park	Appaloosa & Palomino Drives
009-697-030	Paso Robles High School	Public School	800 Niblick Road
009-701-086	Turtle Creek Park	Park	Brookhill Road
009-701-087	Turtle Creek Park	Park	Brookhill Road
009-706-037	Turtle Creek Park	Park	Brookhill Road
009-753-080	Oak Creek Park	Park	Scott Street e/o Creston Road
009-755-074	Harvest Bible Church	Church	1916 Creston Road
009-756-003	Oak Creek Park	Park	Scott Street e/o Creston Road
009-756-004	Oak Creek Park	Park	Scott Street e/o Creston Road
009-756-005	Oak Creek Park	Park	Scott Street e/o Creston Road
009-756-006	Oak Creek Park	Park	Scott Street e/o Creston Road
009-756-007	Oak Creek Park	Park	Scott Street e/o Creston Road
009-756-008	Oak Creek Park	Park	Scott Street e/o Creston Road
009-761-044	Larry Moore Park & riverbottom	Park	Riverbank Drive
009-781-049	Royal Oak Meadows Park	Park	Turtle Creek Road
009-781-051	Royal Oak Meadows Park	Park	Turtle Creek Road
009-783-067	Royal Oak Meadows Park	Park	Turtle Creek Road
009-792-054	Turtle Creek Park (undeveloped ptn)	Park	Brookhill Road
009-815-006	Pat Butler Elem School	Public School	700 Nicklaus Drive
009-860-028	Virginia Peterson Elem School	Public School	2501 Beechwood Drive
025-366-001	Kingdom Hall of JW's	Church	2901 Gilead Lane
025-366-012	New Covenant Church, Preschool	Church, Child Care	1450 Golden Hill Road
025-366-016	STARS day care center	Child Care Center	1402 Golden Hill Road
025-371-018	Barney Schwartz Park	Park	2990 Union Road
025-391-064	Cuesta College	Child Care Center	2800 Buena Vista Road
025-391-065	Cuesta College	Child Care Center	2800 Buena Vista Road
025-391-071	Kermit King Elem School	Public School	700 Schoolhouse Circle
025-392-013	Park Site	Park	1916 Kleck Road
025-392-014	Elementary School Site	Public School	1900 Kleck Road
025-392-015	Elementary School Site	Public School	1900 Kleck Road
025-392-016	Elementary School Site	Public School	1900 Kleck Road
025-403-042	School Dist. Culinary Arts Facility	Public School	1900 Golden Hill Road
025-403-068	Paso Robles Bible Church	Church	2206 Golden Hill Road

Exhibit B
Sex Offender Ordinance: Protected Properties and Restricted Residency Areas
2006



Protected Property



1/4 mile radius from Protected Areas

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES ADDING A NEW CHAPTER 9.46 TO TITLE 9 OF THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES PERTAINING TO RESIDENCY RESTRICTIONS FOR CERTAIN SEX OFFENDERS

WHEREAS, the City of El Paso de Robles (the "City") places a high priority on maintaining public safety; and

WHEREAS, the City is concerned about recent occurrences in California and elsewhere, whereby convicted sex offenders who have been released from custody repeat the unlawful acts for which they had originally been convicted; and

WHEREAS, sex offenders have recidivism rates as high as 45%. According to a 1998 report by the U.S. Department of Justice, sex offenders are the least likely to be cured and the most likely to reoffend, and tend to prey upon the most innocent members of our society. More than two-thirds of the victims of rape and sexual assault are under 18 years of age. Sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon; and

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

WHEREAS, the City is adjacent to the City of Atascadero, in which the Atascadero State Hospital is located, and at which many sex offenders are housed. City believes that upon their release, some sex offenders may decide to remain in the area; and

WHEREAS, California courts have consistently upheld ordinances of various California municipalities which reasonably restrict the establishment or operation of adult businesses within certain distances from sensitive locations, such as schools, within their jurisdictions; and

WHEREAS, it is as important to protect children from sexual offenders as it is to protect children from adult businesses; and

WHEREAS, Section 3003(g) of the California Penal Code prohibits a person who has been convicted of certain sex offenses from being placed or residing within certain specified distances from any public or private school attended by children within specified grade levels during the period of parole; and

WHEREAS, section 290 of the California Penal Code requires that any person determined to have committed certain offenses must register with the city chief of police or county sheriff of the community in which he or she resides; and

WHEREAS, in an effort to provide greater protection for persons in the City, especially the City's younger and more vulnerable residents, the City desires to increase (a) the range of sexual offenders subject to residency restrictions; (b) the protected locations within the community; (c) the minimum distance of residency restrictions imposed on qualifying sex offenders; and (d) the duration of the residency restrictions; and

WHEREAS, it is the intent of the City in enacting this Ordinance to help City residents protect themselves, their children, and the community; it is not the intent of the City to embarrass or harass persons convicted of sex offenses; and

WHEREAS, Article XI, Section 7 of the California Constitution and California Government Code Section 37100 provide the City with authority to enact local ordinances to protect the health, safety, and welfare of its residents so long as the state legislature has not preempted the field; and

WHEREAS, the City has the authority to protect its young citizens from the dangers presented by the presence of sexual offenders by enacting stricter residency restrictions for sexual offenders for the purpose of providing protection and not for the purpose of additional punishment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Chapter 9.46 is hereby added to Title 9 of the Municipal Code of the City of El Paso de Robles to read as follows:

Chapter 9.46 Residency Restrictions for Registered Sex Offenders

Section 9.46.010. Findings and Intent.

1. Based on the evidence available, sex offenders have recidivism rates as high as 45%. According to a 1998 report by the U.S. Department of Justice, sex offenders are the least likely to be cured and the most likely to reoffend, and tend to prey on the most innocent members of society. More than two-thirds of the victims of rape and sexual assault are under 18 years of age. Sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon.

2. It is the intent of this Chapter to serve the City's interest in promoting, protecting, and improving the health, safety, and welfare of the citizens of the City by establishing areas around locations where children regularly congregate wherein certain sexual offenders shall be prohibited from establishing temporary or permanent residence.

Section 9.46.020. Definitions.

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Church or place of worship means, consistent with the definitions therefor of the Internal Revenue Service, a location with the following characteristics (all of which need not be present to result in a determination of existence), (1) a distinct legal existence; (2) a recognized creed and form of worship; (3) a definite and distinct ecclesiastical government; (4) a formal code of doctrine or discipline; (5) a distinct religious history; (6) a membership not associated with any other church or denomination; (7) an organization of ordained ministers; (8) ordained ministers selected after completing prescribed studies; (9) a body of literature of its own; (10) established places of worship; (11) regular congregations; (12) regular religious services; (13) sessions for religious instruction of the young; or (14) schools for the preparation of its ministers.

Day care center means any child day care facility other than a family day care home, and includes infant centers, preschools, extended-day care facilities and schoolage child care centers, as defined in Section 1596.76 of the California Health and Safety Code and licensed pursuant to the provisions of the California Child Day Care Facilities Act (Health & Safety Code §§ 1596.70 *et seq.*).

Permanent residence means a place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.

Temporary residence means a place where a person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, lodges, or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Youth-oriented facilities means properties on which facilities that are primarily dedicated to providing programs for children under the age of 18 are located. Such facilities may include, but are not limited to, the Paso Robles Children's Museum, the Paso Robles Youth Arts Center, the Boys and Girls Club of San Luis Obispo County, the (Boy) Scout Hut, and the Camp Fire Cabin.

Section 9.46.030. Sexual Offender Residence Prohibition; Penalties; Exceptions.

1. It is unlawful for any person who is subject to the registration requirements under Section 290 of the California Penal Code for a crime in which the victim was less than eighteen (18) years of age, to establish a permanent residence or temporary residence within 1,320 feet (1/4 mile) of any (i) public or private school serving pre-kindergarten through grade 12, (ii) Day Care Center, (iii) park or playground, (iv) youth-oriented facilities, (v) public library, or (vi) church or place of worship (collectively, the "protected locations").

The City Council shall, by resolution, adopt a list of the facilities described in the preceding paragraph as well as a map showing the protected locations and those properties within one-quarter(1/4) mile of said protected locations. Said list and map shall be updated on an annual

basis, but may be updated more frequently should new protected locations be established or where uses in existing protected locations have changed. Distance from protected locations shall be measured from the outer boundaries of the properties on which the facilities described in the first paragraph of this Section 9.46.030 are situated. Any parcels that are partially included within a protected area, as shown on the map, shall be considered to be wholly included within the protected area.

Penal Code Section 290(a)(2)(D) requires certain persons convicted in other courts, including other state courts, and federal and military courts, to register in California. This Section 9.46.030 shall apply, without limitation, if (1) the person would be required to register as a sex offender, under the laws of, and while residing within, the state of conviction for a sex offense committed in that state; or (2) the offense, had it been committed in California, would have been punishable as one or more of the offenses described in section 290(a)(2)(A). Nothing in this paragraph shall alter or limit the registration requirements set forth in Penal Code Section 290 nor the applicability of this Municipal Code Section 9.46.030 to all persons subject to the registration requirements under Section 290 of the California Penal Code for a crime in which the victim was less than eighteen (18) years of age.

2. For purposes of this Section 9.46.030, the distance of 1,320 feet (1/4 mile) shall be measured in a straight line from the closest property line of the residence of a person for whom registration is required pursuant to Section 290 of the California Penal Code to the closest property line of any protected location.

3. A person who violates this Section 9.46.030 may be charged with a misdemeanor or infraction, pursuant to the provisions of Chapter 1.02 of the Paso Robles Municipal Code.

4. Notwithstanding the foregoing, a person residing within 1,320 feet (1/4 mile) of any protected location does not violate this Section if any of the following apply:

a. Such person established the temporary residence or permanent residence and was registered in accordance with California Penal Code Section 290 prior to the effective date of the Ordinance adding this Chapter 9.46.

b. Such person was a minor when he or she committed the offense and was not convicted as an adult.

c. Such person is a minor.

d. The protected location was established after such person established the temporary residence or permanent residence and registered in accordance with California Penal Code Section 290.

Section 9.46.040. Disclosure of Ordinance in Residential Transactions

1. All owners or their agents of residential property for sale, lease, or rental, shall be required to provide a copy of Chapter 9.46 of the Municipal Code of the City of El Paso de Robles, as well as a map prepared by the City showing the affected areas, to the parties in a sale, lease or rental transaction. For a sales transaction, the documents shall be provided before or during the disclosure period. For a lease or rental of residential property, the documents shall be provided prior to execution of the lease or rental agreement. All buyers, lessees or renters shall be required to sign and date a form acknowledging that the information described above has been provided to them. The City shall be responsible for preparing and periodically updating the map to be provided by owners and agents, as well as for making the map available on the City's website.

2. The City may pursue any enforcement action or legal remedy available under controlling State law for violation of this Section 9.46.040.

Section 9.46.050 No Supersedure of State Law

1. Nothing in this Chapter 9.46 is intended to supersede or replace any provision of state law regarding residency restrictions or registration requirements for registered sex offenders.

Section 2. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of El Paso de Robles hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared invalid.

INTRODUCED on February 7, 2006 and PASSED AND ADOPTED on February 21, 2006 by the following vote:

AYES:

NOES:

ABSENT:

Frank Mecham, Mayor

ATTEST:

Cathy M. David, Deputy City Clerk