

ORDINANCE NO. 4750

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 18-148 AND REPEAL SECTION 18-149 OF THE OFFICIAL HASTINGS CITY CODE PERTAINING TO RESIDENCY RESTRICTIONS FOR SEXUAL PREDATORS; AND TO REPEAL ANY ORDINANCES OR OTHER PREVISIONS IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HASTINGS, NEBRASKA:

SECTION 1. That Section 18-148 of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby amended to read as follows:

18-148.- RESIDENCY RESTRICTIONS FOR SEXUAL PREDATORS

A. Purpose. It is the intent of this ordinance to serve the City's compelling interest to protect the health, safety and welfare of the children of the City of Hastings, Nebraska from the risk that sexual predators may reoffend where children congregate on a regular concentrated basis by prohibiting certain sex offenders from establishing a residence around schools and/or licensed day cares.

B. Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings prescribed to them in this section, except where the context clearly indicates a different meaning:

1. SEXUAL PREDATOR shall mean an individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in section 29-4001.01, and who has victimized a person eighteen years of age or younger.
2. RESIDE or RESIDENCE shall mean a place where the sex offender abides, lodges, lives or sleeps for five (5) or more aggregate working days.
3. SCHOOL shall mean any public or non-public school accredited or approved by the State of Nebraska which has or includes any or all grade kindergarten through 12th grade.
4. CHILDCARE FACILITY shall mean a facility licensed pursuant to the Nebraska Child Care Licensing Act.

C. Residency Restrictions. It shall be unlawful for a sexual predator to reside within five hundred (500) feet of the real property comprising a school or childcare facility.

D. Measurement of Distance. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the residence to the nearest outer property line of the school or childcare facility.

E. Penalty for Violation. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).

F. Exceptions. A sexual predator residing within five hundred (500) feet of the real property comprising a school or childcare facility does not commit a violation of this section if any of the following apply:

1. Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;
2. Established a residence before July 1, 2006, and has not moved from that residence;
3. Established a residence after July 1, 2006, and the school or childcare facility triggering the restriction was established after the initial date of the sexual predator's residence at that location; or
4. The sexual predator is a ward under guardianship.

G. This section does not preclude a sex offender deemed to be handicapped or disabled under the Fair Housing Act, Rehabilitation Act, or Americans with Disabilities Act from pursuing requests for reasonable accommodations.

[State Law Reference- The Sexual Predator Residency Restriction Act, Neb. Rev. St. §29-4015 to §29-4017]

SECTION 2. That Section 18-149 of the Official City Code of the City of Hastings, Nebraska, be and the same is hereby repealed.

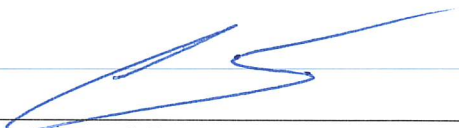
SECTION 3. Any ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is repealed.

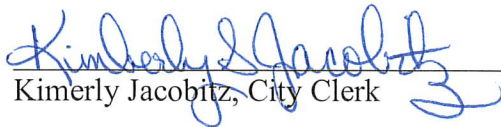
SECTION 4. This ordinance shall take effect and be in full force from and after its passage, approval and publication in electronic form.

SECTION 5. The provisions of this ordinance are separable, and the invalidity of any phrase, clause or part of this ordinance shall be affect the validity or effectiveness of the remainder of the ordinance.

PASSED AND APPROVED this 11th day of December, 2023.

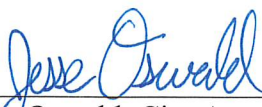
ATTEST:


Corey Stutte, Mayor


Kimerly Jacobitz, City Clerk

(S E A L)

APPROVED AS TO FORM:


Jesse Oswald, City Attorney

