

ORDINANCE NO. 309

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAND TERRACE, CALIFORNIA, FINDING THAT THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND REPEALING CHAPTER 9.32 (REGULATION OF REGISTERED SEX OFFENDERS) OF TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE), RELATING TO SEX OFFENDERS

WHEREAS, on August 28, 2007, the City Council of the City of Grand Terrace adopted Ordinance No. 229, adding Chapter 9.32 (Regulation of Registered Sex Offenders) to Title 9 (Public Peace, Morals and Welfare), which prohibited sex offenders registered pursuant to Section 290 of the California Penal Code based on convictions of crimes against children, imposing certain restrictions on sex offenders; and

WHEREAS, on January 10, 2014, the Fourth Appellate District of the California Court of Appeal, in *People v. Nguyen*, 222 Cal. App. 4th 1168 (2014), held that a local ordinance making it a misdemeanor for registered sex offenders to enter a park where children regularly gather without permission from law enforcement is preempted by state law; and

WHEREAS, on March 2, 2015, the California Supreme Court in *In re Taylor*, 60 Cal. 4th 1019 (2015) held that blanket enforcement of residency restrictions under Pen. Code, § 3003.5(b) hampers efforts to supervise and rehabilitate sex offenders in the interests of public safety, such enforcement was arbitrary and oppressive, violating due process under the Fourteenth Amendment of the U.S. Constitution, as such enforcement caused many registered sex offenders on parole in San Diego County to be homeless, and that such blanket restrictions bear no rational relationship to advancing the state's legitimate goal of protecting children from sexual predators; and

WHEREAS, Section 9.32.020 of the Grand Terrace Municipal Code prohibits registered sex offenders from entering or being within 300 feet of a school or a park where children are present, and this provision is most likely preempted by state law; and

WHEREAS, Section 9.32.020 of the Grand Terrace Municipal Code further prohibits registered sex offenders from residing within 2640 feet of a school, or within 2000 feet of a park or a day care center, and these provisions are most likely inapplicable on a blanket basis; and

WHEREAS, the City of Grand Terrace, pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) has determined that the Ordinance is exempt pursuant to Section 15061(b)(3) of Title 14 the California Code of Regulations because there is no possibility that this Ordinance may have a significant effect on the environment; and

WHEREAS, on August 22, 2017, the City Council re-introduced the herein ordinance for first reading.

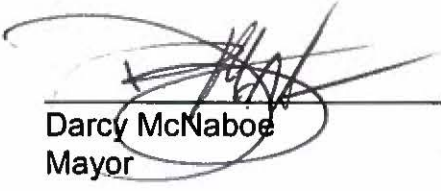
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GRAND TERRACE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that all the aforementioned facts, findings, and conclusions set forth in this Ordinance are correct.

SECTION 1. Chapter 9.32 (Regulation of Registered Sex Offenders) of Title 9 (Public Peace, Morals and Welfare) is hereby repealed in its entirety.

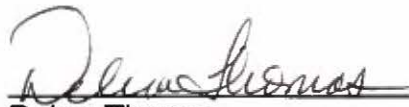
SECTION 2. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Upland, pursuant to all legal requirements.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Grand Terrace at a regular meeting held on the 12th day of September, 2017.




Darcy McNaboe
Mayor

ATTEST:



Debra Thomas
City Clerk

Approved as to form:



Richard L. Adams, II
City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF GRAND TERRACE)

I Debra L. Thomas, City Clerk of the CITY OF GRAND TERRACE, CALIFORNIA, DO HERBY CERTIFY that the foregoing Ordinance, being Ordinance No. 309 was duly passed, approved and adopted by the City Council, approved and signed by the Mayor, and attested by the City Clerk, at the regular meeting of said City Council held on the 12th day of September, 2017, and that the same was passed and adopted by the following vote:

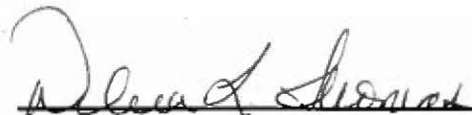
AYES: Council Member Reinarz; Mayor Pro Tem Robles; Mayor McNaboe

NOES: Council Members Wilson, Hussey

ABSENT: None.

ABSTAIN: None.

Executed this 13th day of September, 2017, at Grand Terrace, California.



Debra L. Thomas, City Clerk

[SEAL]