

ORDINANCE NO. 05-2020

INTRODUCED BY: MAYOR JAMES P. GRAVEN

AN ORDINANCE AMENDING SECTION 666.17 ENTITLED, “PERSONS PROHIBITED IN PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES” OF CHAPTER 666 ENTITLED “SEX RELATED OFFENSES” OF THE CODIFIED ORDINANCES OF THE CITY OF OLMSTED FALLS, TO EXPAND THE AREAS AND CIRCUMSTANCES IN WHICH A SEXUALLY ORIENTED OFFENDER IS PROHIBITED FROM RESIDING OR LOITERING AND REPEALING ALL OTHER LEGISLATION INCONSISTENT HEREIN AND DECLARING AN EMERGENCY

WHEREAS, this Council has previously found that and specifically finds again that sexually oriented crimes are particularly offensive to the safety and dignity of the citizens of Olmsted Falls and that victims of sexually oriented crimes are often children, who are among the most innocent and vulnerable in society; and

WHEREAS, this Council has previously found that and specifically finds again that sexually oriented criminals have a high rate of recidivism and that the trauma experienced by the victims of sexually oriented crimes, especially children, is extraordinarily high; and

WHEREAS, this Council finds it is a compelling need to prohibit and frustrate the occurrence of sexually oriented crimes against children through this legislation. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, COUNTY OF CUYAHOGA, OHIO, THAT:

SECTION 1. That Section 666.17, Persons Prohibited in Parks, Playgrounds and Recreational Facilities, of Chapter 666, Sex Related Offenses, of the Codified Ordinances of the City of Olmsted Falls which has heretofore read as follows:

(a) As used in this section:

(1) “Registered Offender” shall mean any person who is required to register pursuant to the terms of Section 2950.04 through 2950.06 of the Ohio Revised Code, as the same may be amended from time to time.

(2) “Park Facilities” shall mean all land and buildings owned or controlled by the City of Olmsted Falls and used for park or recreational purposes, including, but not limited to, the Community Center, the skate park, all playgrounds, ball fields, and park pavilions.

(3) “School Bus Stops” shall mean all student pick-up and drop-off points as designated and/or serviced by the Transportation Department of the Olmsted Falls City School System.

(4) “Public Body” shall have the same meaning as found in Section 121.22 of the Ohio Revised Code.

(b) No registered offender shall enter or remain upon any park facilities except, and only to the extent necessary, to attend meetings of public bodies or to place a vote at an assigned polling location.

(c) No registered offender shall enter or remain upon any school bus stop when school children are present.

(d) Whoever violates this section shall be guilty of a misdemeanor of the first degree in accordance with Chapter 666 of the City of Olmsted Falls Codified Ordinances.

SECTION 2. That Section 666.17, is hereby amended to be captioned “Persons Prohibited from Residing and/or Loitering within 1,000 feet of Certain Child Related Locations,” of Chapter 666, Sex Related Offenses, of the Codified Ordinances of the City of Olmsted Falls is hereby amended in its entirety to read as follows:

(A) No person who, after the passage of this ordinance, is convicted of, is found guilty or pleads guilty to a sexually oriented offense, as defined in Revised Code 2950.01(A) or a child-victim oriented offense, as defined in Revised Code 2950.01(C) shall establish residency, shall occupy residential premises, or shall loiter within one thousand feet of any school premises, public playground, public park, child recreation facility, preschool or child day-care center premises.

(B) Each day the sexually oriented offender violates section (A) shall be considered a separate offense.

(a) (C) As used in this section:

(1) “Registered Offender” shall mean any person who is required to register pursuant to the terms of Section 2950.04 through 2950.06 of the Ohio Revised Code, as the same may be amended from time to time.

(2) “Park Facilities” shall mean all land and buildings owned or controlled by the City of Olmsted Falls and used for park or recreational purposes, including, but not limited to, the Community Center, the skate park, all playgrounds, ball fields, and park pavilions.

(3) “Public Park” means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

(4) “School Bus Stops” shall mean all student pick-up and drop-off points as designated and/or serviced by the Transportation Department of the Olmsted Falls City School System.

(5) “Public Body” shall have the same meaning as found in Section 121.22 of the Ohio Revised Code.

(6) “Child day-care center” has the same meaning as in Section 5104.01 of the Revised Code.

(7) “Preschool” means any public or private institution or center that provides early childhood instructional or educational services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child day-care setting. “Preschool” does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children described in this division.

(8) “Preschool or child day-care center premises” means all the following:

- (a) Any building in which any preschool or child day-care center activities are conducted if the building has signage that indicates that the building houses a preschool or child day-care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply.
- (b) The parcel of real property on which a preschool or child day-care center is situated if the parcel of real property has signage that indicates that a preschool or child day-care center is situated on the parcel, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply.
- (c) Any grounds, play areas, and other facilities of a preschool or child day-care center that are regularly used by the children served by the preschool or child day-care center if the grounds, play areas, or other facilities have signage that indicates that they are regularly used by children served by the preschool or child day-care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinance which may apply.

(9) “Loiter” means to remain idle in essentially one place and include the concepts of spending time idly, loafing or walking about aimlessly.

(10) “Child Recreation Facility” means any grounds, play areas, or other recreation facilities established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district that is regularly used by children if the grounds, play areas, or other recreation facilities have signage that indicates that they are regularly used by children and is clearly visible and discernable without obstruction, and meets any local zoning ordinance which may apply.

(D) This section does not prohibit a sexually oriented offender from, to the extent necessary, attending meetings of public bodies as defined in R.C. 121.22.

(E) Nothing provided in this section shall be constituted to limit, abrogate or diminish any other lawful remedy or action as set forth in Ohio R.C. 2950.034 or any other remedies provided by law.

~~(b)~~ (F) No registered offender shall enter or remain upon any park facilities except, and only to the extent necessary, to attend meetings of public bodies or to place a vote at an assigned polling location.

—(e) (G) No registered offender shall enter or remain upon any school bus stop when school children are present.

—(d) (H) Whoever violates this section shall be guilty of a misdemeanor of the first degree in accordance with Chapter 666 of the City of Olmsted Falls Codified Ordinances.

SECTION 3. That nothing in this Ordinance shall be interpreted to conflict with, preempt, or preclude any remedies or causes of actions set forth in Section 2950.034 of the Ohio Revised Code.

SECTION 4. That should any part or sub-part of this ordinance be declared unlawful for any reason, the balance of the ordinance shall continue in full effect. Any prior prohibitions included in Section 666.17 prior to amendment shall remain in full force and effect as if not disturbed.

SECTION 5. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of the City of Olmsted Falls for the reason that it is necessary that the aforesaid be adopted without delay in order to provide for the orderly and efficient operation of the city government. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council and signature by the Mayor or otherwise at the earliest time allowed by law.

Paul Stibich, President of Council

PASSED: _____

APPROVED: _____

James P. Graven, Mayor

Date

APPROVED AS TO FORM: _____

Andrew D. Bemer, Director of Law

ATTEST: _____

Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____