

An Ordinance ESTABLISHING A PROHIBITION ON PEOPLE WHO HAVE BEEN CONVICTED OF, ARE CONVICTED OF, WHO HAVE PLEADED GUILTY TO, OR WHO PLEAD GUILTY TO EITHER (1) A SEXUALLY ORIENTED OFFENSE THAT IS NOT A REGISTRATION-EXEMPT SEXUALLY ORIENTED OFFENSE FOR A CRIME COMMITTED AGAINST A CHILD OR (2) A CHILD-VICTIM ORIENTED OFFENSE; AND WHO HAVE BEEN CLASSIFIED AS EITHER A SEXUAL PREDATOR OR AS A SEXUALLY ORIENTED OFFENDER AS TO EITHER (1) OR (2) ABOVE, FROM ESTABLISHING A RESIDENCE OR OCCUPYING RESIDENTIAL PREMISES WITHIN ONE THOUSAND five hundred (1,500) FEET OF ANY PUBLIC OR PRIVATE SCHOOL PREMISE, LICENSED DAY CARE FACILITY, PRE-SCHOOL, PUBLIC OR Private PARK OR PLAYGROUND, LIBRARY, OR PUBLIC SWIMMING POOL, AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Minerva Park considers the safety of its citizens, and especially the safety of its children, of paramount importance;

WHEREAS, the commission of crimes against children is particularly heinous and the Village Council believes that maximum protection for children against such crimes is warranted;

WHEREAS, because children are especially vulnerable to being victims of sexually abusive behavior, kidnapping and abduction, and are likely to spend time on or near public or private school premises, licensed daycare facilities, pre-schools, public or private parks or playgrounds, libraries or public swimming pools, the Council finds it necessary to limit people who have been convicted of, are convicted of, who have pleaded guilty to, or who plead guilty to either (1) a sexually oriented offense that is not a registration-exempt sexually oriented offense for a crime committed against a child or (2) a child-victim oriented offense; and who have been classified as a sexually oriented offender, as those terms are defined in the Ohio Revised Code, from establishing a residence or occupying residential premises within one thousand five hundred (1,500) feet of any public or private school premise, licensed day care facility, pre-school, public or private park or playground, library or public swimming pool; and

WHEREAS, passage of this Ordinance by emergency is necessary in order to protect the health, safety and welfare of the citizens of the Village.

NOW, THEREFORE, be it ordained by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

Section 1. No person who has been convicted of, is convicted of, who has pleaded guilty to, or who pleads guilty to either (1) a sexually oriented offense that is not a registration-exempt sexually oriented offense for a crime committed against a child or (2) a child-victim oriented offense; and who have been classified as a sexually oriented offender as to either (1) or (2) above, from establishing a residence or occupying residential premises within one thousand five hundred (1,500) feet of any public or private school premise, licensed day care facility, pre-school, public or private park or playground, library, or public swimming pool.

Section 2. If a person to whom Section 1 of this Ordinance applies violates the provisions of Section 1 by establishing a residence or occupying residential premises within 1,500 feet of any public or private school premise, licensed day care facility, pre-school, public or private park or playground, library, or public swimming pool located within the Village, the Village Solicitor has a cause of action for injunctive relieve against the person. The Village of Minerva Park shall not be required to prove irreparable harm in order to obtain the relief.

Section 3. The provisions of the Ohio Revised Code which are now or hereafter in effect concerning the definition, determination, registration, or classification of a person who has been convicted of, is convicted of, has plead guilty to, or pleads guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense and has been classified as a sexual predator, are hereby adopted.

Section 4. The determinations and intent articulated in the Ohio Revised Code §2950.02 are

hereby adopted. Further, definitions contained in Ohio Revised Code §2950.01 as are not inconsistent with the following are adopted: private park or playground shall include any private park or playground whether active or passive, whether owned or maintained by an individual or organization to which the public has access. The park or playground shall not include individual residences or lots which are not generally available to or used by the public.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety in this Village, such emergency arising from the need to provide for the safety of the children from sexual predators and sexually oriented offenders who have committed an offense against a child. Wherefore, this Ordinance shall take effect and be in force from and after its passage.

First Reading: Waived November 12, 2007
Second Reading: Waived November 12, 2007
Third Reading: Waived November 12, 2007
Passed: Passed November 12, 2007

Lynn Eisentrout, Mayor, Village of Minerva Park

Attest Suzanne Coulter, Clerk-Treasurer,
Village of Minerva Park

Reviewed by Counsel