

Ordinance No. 1671(19)

**An Ordinance of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Repealing Chapter 9.44 of the Lompoc Municipal Code
Relating to Registered Sex Offender Residency Restrictions**

WHEREAS, Lompoc Municipal Code (LMC), chapter 9.44 establishes residency restrictions and prohibitions affecting registered sex offenders while they are on parole;

WHEREAS, recent California case law has called into question the ability of a city to impose the residency restrictions set forth in LMC chapter 9.44;

WHEREAS, the California Penal Code, in all material aspects, preempts a city from being able to impose the residency restrictions set forth in LMC chapter 9.44;

WHEREAS, the City of Lompoc has been the subject of multiple lawsuits and threatened litigation over the constitutionality and likely preemption of provisions of LMC chapter 9.44;

WHEREAS, the California Penal Code currently provides the protections that the City sought to provide to its citizens through LMC chapter 9.44; and

WHEREAS, based on the foregoing, it best serves the City to discontinue imposing the residency restrictions for registered sex offenders contained in LMC chapter 9.44, and to instead rely on imposing the provisions of the California Penal Code.

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

SECTION 1. Chapter 9.44 of the LMC is hereby repealed.

SECTION 2. This ordinance shall take effect 30 days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this ordinance and shall cause this ordinance to be posted in the manner required by law.

This Ordinance was introduced on August 6, 2019, duly adopted by the City Council of the City of Lompoc at its duly noticed regular meeting on _____, 2019 by the following electronic vote:

PASSED AND ADOPTED this ___ day of ___ 2019 by the following electronic vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):

Attest:

Jenelle Osborne, Mayor
City of Lompoc

Stacey Haddon, City Clerk
City of Lompoc