

## CHAPTER 176: GENERAL OFFENSES

### Section

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### **GENERAL PROVISIONS**

#### **§ 176.01 CURFEW.**

It shall be unlawful for any minor under the age of 16 years to ride in or operate any vehicle in or upon any street, alley, or other public place, or to loiter, wander, stroll, loaf, or play in or upon any of the streets, alleys, or other public places between the hours of 12:00 a.m. of any day and 6:00 a.m. of the following day unless accompanied by a parent, guardian or other adult person having the care, custody or control of said minor, or the minor is engaged in lawful employment or is on an emergency errand; provided, when an activity of the kind normally attended by minors under 16 years terminates after, or less than one hour prior to 12:00 a.m., the curfew shall commence one hour after the termination of such activity.

(Prior Code, § 6-330)

***SEXUAL PREDATOR RESIDENCY RESTRICTIONS*****§ 176.10 FINDINGS AND INTENT.**

(A) The Nebraska Legislature has found that certain sexual predators present a high risk to commit repeat offenses.

(B) Sexual predators to whom the Sexual Predator Residency Restriction Act applies present an extreme threat to public safety and because of the high risk to commit repeat offenses, in addition, makes the cost of sexual predator victimization to society at large an unreasonable expense.

(C) It is the intent of this subchapter to serve the city's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the city by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.

(Ord. 463, passed 5-2-06) Penalty, see § 176.99

**§ 176.11 DEFINITIONS.**

The following words, terms, and phrases when used in this subchapter shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

***CHILD CARE FACILITY.*** A facility licensed under the Nebraska Child Care Licensing Act (Neb. RS 71-1908 - 71-1923, R.R.S. 2003), as currently existing or hereafter amended. It shall include licensed places both inside and outside of the corporate limits of the city.

***RESIDENCE.*** A place where the person regularly sleeps, where the person has established his or her home, where he or she is habitually present, and to which, when he or she departs, he or she intends to return. A residence may include more than one location and may be mobile or transitory. Residency may be shown by, among other evidence, receipt of mail at the premises or identification of the premises as a residence on a driver's license, vehicle registration, or other document.

***SCHOOL.*** A public, private, denominational, or parochial school which meets the requirements for accreditation or approval prescribed in Chapter 79 of the Nebraska Revised Statutes.

***SEXUAL PREDATOR.*** An individual who is required to register under the Sex Offender Registration Act, who has a high risk of recidivism as determined by the Nebraska State Patrol under Neb. RS 29-4013, Supp., 2004, and who has victimized a person 18 years of age or younger.

(Ord. 463, passed 5-2-06) Penalty, see § 176.99

**§ 176.12 RESIDENCE PROHIBITIONS; EXCEPTIONS.**

(A) *Prohibited location of residence.* It is unlawful for a sex offender, limited to sexual predators, as defined herein, or a person who meets similar requirements of any other state, to reside within 500 feet from a school or childcare facility, except such restrictions shall not apply to a sexual predator who:

(1) Resides within a prison or a correctional or a treatment facility operated by the state or one of its political subdivisions;

(2) Established a residence before July 1, 2006, and has not moved from that residence;  
or

(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.

(B) *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 permanent residence or temporary residence to the nearest outer boundary line of a public or non-public preschool or elementary or secondary school, or a child care facility.

(C) *Occurrence.* A person may be found in violation of this section 30 days after the effective date of this subchapter. A new violation shall be deemed to have been committed every 24 hours of failure to comply with this section.

(Ord. 463, passed 5-2-06) Penalty, see § 176.99

**§ 176.99 PENALTY.**

A person who violates §§ 176.10 *et seq.* shall be punished by a fine not to exceed \$500.  
(Ord. 463, passed 5-2-06)