City of Minden
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The Christmas City
Minden NEBRASKA

ORDINANCE NO. 1278

AN ORDINANCE TO ADD CHAPTER 50, ARTICLE V TO THE MUNICIPAL CODE OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA FOR RESIDENCY RESTRICTIONS FOR SEX OFFENDERS; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

Section 1. That Article V, Residency Restrictions for Sex Offenders be added to Chapter 50 of the Municipal Code of the City of Minden, Kearney County, Nebraska, the same to read as follows:

Chapter 50, Article V. – Residency Restrictions for Sex Offenders

Sec. 50-92. – Purpose
It is the intent of this ordinance to serve the City's compelling interest to protect the health, safety and welfare of the children of the City of Minden, Nebraska from the risk that sex offenders may reoffend where children congregate on a regular concentrated basis by prohibiting certain sex offenders from establishing a residence around schools and/or licensed day cares.

Sec. 50-93. – Definitions
The following words, terms and phrases, when used in this ordinance, shall have the meanings prescribed to them in this section, except where the context clearly indicates a different meaning:

SEX OFFENDER shall mean a person who has been convicted of a crime listed in Neb. Rev. Stat. §§29-4003 and subject to registration for 25 years or more under the Sex Offenders Registration Act, Neb. Rev. Stat. §§29-4001 to 29-4014, (2004 Cum. Supp. and 2005 Supp.).

RESIDE or *RESIDENCE* shall mean a place where the sex offender abides, lodges, lives or sleeps for five (5) or more aggregate working days.

SCHOOL shall mean any public or non-public school accredited or approved by the State of Nebraska which has or includes any or all grade kindergarten through 12th grade.

Sec. 50-94. – Residency Restrictions.
It shall be unlawful for a sex offenders to reside within five hundred (500) feet of the real property comprising a school or licensed day care.

Sec. 50-95. – 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 residence to the nearest outer property line of the school or licensed day care.

Sec. 50-96. – Penalty for Violation.
Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed

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six (6) months or by a fine of not less than two hundred fifty dollars ($250.00) nor more than five hundred dollars ($500.00) or both such fine and imprisonment.

Sec. 50-97. – Exceptions.
A sex offender residing within five hundred (500) feet of the real property comprising a school or licensed day care does not commit a violation of this section if any of the following apply:

1. The sex offender is committed to, being evaluated at, or required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
2. The sex offender has established a residence prior to the effective date of this ordinance.
3. The sex offender has established a residence prior to the dedication of location or start of construction, whichever is earlier, of the school or licensed day care.
4. The sex offender is, or was at the time of conviction, a minor not subject to the Sex Offenders Registration Act because they were not convicted as an adult.
5. The sex offender is a ward under guardianship.
6. The sex offender is residing at an in-patient or residential treatment center for sex offenders.

Sec. 50-98. – Fair Housing Act, Rehabilitation Act, and Americans with Disabilities Act.
This section does not preclude a sex offenders deemed to be handicapped or disabled under the Fair Housing Act, Rehabilitation Act, or Americans with Disabilities Act from pursuing requests for reasonable accommodations.

(C.O. Ord No. 1278, 02/21/2023)

Section 2. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 3. This ordinance shall be known as Ordinance No. 1278 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 21st day of February, 2023.

/s/Larry Evans
Larry Evans, Mayor

ATTEST:

/s/ Abbey Jordan
Abbey Jordan, City Clerk
(SEAL)