

Ordinance No. 58-10

Passed July 12, 2010

7/7/10-gmk  
(Ordinance, Rules & Claims)

Ordinance No. 58-10

An ordinance amending Chapter 533, Obscenity and Sex Offenses, of the Codified Ordinances of the City of North Canton, specifically Section 533.14 RESIDENTIAL RESTRICTIONS FOR SEXUAL PREDATORS, to include the classification of Tier III sex offender/child victim offender ("Tier III") as defined in Revised Code 2950.01(G), and declaring the same to be an emergency.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That Chapter 533, Obscenity and Sex Offenses, of the Codified Ordinance of the City of North Canton, specifically Section 533.14 RESIDENTIAL RESTRICTIONS FOR SEXUAL PREDATORS, be, and the same is hereby amended to read as follows:

**"533.14 RESIDENTIAL RESTRICTIONS FOR SEXUAL PREDATORS**

- a. That no person who has been convicted of, is convicted of, has pleaded 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 and/or Tier III sex offender/child victim offender ("Tier III") shall establish a residence or occupy residential premises within two thousand five hundred feet (2,500), of any school premises, preschool, daycare, public park, library, or public pool that is located within the City of North Canton.
- b. That if a person to whom subsection (a) hereof applies violates subsection (a) hereof by establishing a residence of or occupying residential premises within two thousand five hundred feet (2,500), of any school premises, preschool, daycare, public park, library, or public pool, that is located within the City of North Canton, the Director of Law has a cause of action for injunctive relief against the person. The City of North Canton shall not be required to prove irreparable harm in order to obtain the relief.
- c. The City of North Canton adopts the provisions of the law of Ohio 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 and/or Tier III.
- d. The City Council of the City of North Canton finds that because children are especially vulnerable to being victims of sexually abusive behavior, kidnapping, and abduction, and are likely to be present a significant amount of time on or near school premises, preschools, daycares, public parks, libraries, and public pools that certain persons who have been convicted of, or have plead guilty to, a sexually oriented offense or child victim oriented offense and classified as a sexual predator and/or Tier III must not establish a

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residence or occupy residential premises within two thousand five hundred feet (2,500) of any school premises, preschool, daycare, public park, library, or public pool.

- e. The Council of the City of North Canton adopts the determinations and intent of the Ohio General Assembly as articulated in Ohio Revised Code Section 2950.02.
- f. The City of North Canton adopts the definitions now and hereafter in effect for school premises, preschool, daycare, public park, library, or public pool as defined by the law of Ohio.
- g. That it is hereby declared to be the intention of the Council of the City of North Canton that the sections, paragraphs, sentences, clauses, and words of this ordinance are severable and if any word, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment of decree of any court of competent jurisdiction, such unconstitutionally or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of this ordinance, because the same would have been enacted by the Council of the City of North Canton without the incorporation in this ordinance of any such unconstitutional or invalid word, clause, sentence, paragraph, or section."

Section 2. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and necessary to comply with the federally mandated sex offender tier system established by the Adam Walsh Act; wherefore, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

North Canton, OH  
Passed: 7/12/10

  
MAYOR

SIGNED: 7/12, 2010

ATTEST:  
  
CLERK OF COUNCIL