

Title XVII Chapter 134 Offenses Against Public Morals

170.134.50 Profane Language

It shall be unlawful for any person or persons to publicly use any profane, indecent, abusive or offensive language or gesture which is shocking to the public morals, on any street, sidewalk, or public place within the Municipality. Such use of profane language shall be deemed to be a misdemeanor.

170.134.51 Sexual Predator Residency; Findings and Intent

The Nebraska Legislature has found that certain sex offenders present a high risk to commit repeat offenses and has enabled municipalities to restrict such persons' place of residency as provided in the Sexual Predator Residency Restriction Act.

Sex offenders who prey on children and who are high risks to repeat such acts present an extreme threat to public safety. The cost of sex offender victimization to these children and to society at large, while incalculable, is exorbitant.

It is the intent of this ordinance 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.

Added by Ordinance 754 – August 1, 2006

170.134.52 Sexual Predator Residency; Definitions

For purposes of this ordinance:

- 1) Child care facility means a facility licensed pursuant to the Child Care Licensing Act;
- 2) School means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;
- 3) Reside means to sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory;
- 4) Residence means a place where an individual sleeps, lives or dwells, which may include more than one location, and may be mobile or transitory;
- 5) Sex offender means an individual who has been convicted of a crime listed in Nebr. Rev. Stat. section 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and
- 6) Sexual predator means an individual who is required to register under the Sex Offender Registration Act, who has been classified as Level 3 because of a high risk of recidivism as determined by the Nebraska State Patrol under Nebr. Rev. Stat. section 29-4013, and who has victimized a person eighteen years of age or younger.

Added by Ordinance 754 – August 1, 2006

170.134.53 Sexual Predator Residency; Restrictions; Penalties; Exceptions

- 1) PROHIBITED LOCATION OF RESIDENCE. It is unlawful for any sexual predator to reside within five hundred feet from a school or child care facility.
- 2) MEASURE OF DISTANCE. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.
- 3) PENALTIES. A person who violates this section shall be punished as provided generally in the code.
- 4) EXCEPTIONS. This ordinance shall not apply to a sexual predator who:
 - a. Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;
 - b. Established a residence before July 1, 2006, and has not moved from that residence; or
 - c. Established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sexual predator's residence at that location.

Added by Ordinance 754 – August 1, 2006