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SCTF - CIVIL 8.20
CRIMINAL 9.06

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON RELATING TO RESTRICTIONS ON SEX OFFENDER RESIDENCES; ADDING A NEW CHAPTER 8.20 TO THE ISSAQUAH MUNICIPAL CODE; AMENDING SECTION 1.36.030A OF THE ISSAQUAH MUNICIPAL CODE; ADDING NEW SECTIONS TO CHAPTER 9.06 OF THE ISSAQUAH MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council finds that Level II and Level III sex offenders have a strong likelihood of reoffending after release from state supervision; and

WHEREAS, data exist which indicate that more than half of child molesters reoffend after being released; and

WHEREAS, several states and cities have enacted laws and ordinances which restrict where certain higher risk sex offenders may reside; and

WHEREAS, the City Council has considered the studies and data now on file in the City Clerk's office and further takes notice of and specifically relies upon the data and studies that were considered by the states mentioned above; and

WHEREAS, RCW 72.09.345 requires that the Washington State Department of Corrections, through its end-of-sentence review committee, assign a level for risk of reoffense for sex offenders, which levels are defined in RCW 72.09.345(5); and

WHEREAS, under RCW 72.09.345(5), Level II includes “those offenders whose risk assessments indicate a moderate risk of reoffense within the community at large,” and Level III includes “those offenders whose risk assessments indicate a high risk of reoffense within the community at large;” and

WHEREAS, restrictions on the proximity of sex offenders to schools or other facilities that might create temptation to reoffend are one way to minimize the risk of reoffense; and

WHEREAS, in 2002 the City Council adopted provisions for the zoning and siting of Secured Community Transition Facilities for the housing of persons conditionally released from the State’s Special Commitment Center for sexual predators; and

WHEREAS, the City Council has determined that this ordinance is necessary and appropriate to protect the health, safety and welfare of the community; and

WHEREAS, the City Council does not intend by adopting this ordinance to create any duty or liability to any individual resulting from the implementation or enforcement of this ordinance; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. New Chapter. A new chapter 8.20 is hereby added to the Issaquah Municipal Code to read as follows:

Chapter 8.20 SEX OFFENDER RESIDENCY RESTRICTIONS

8.20.010. Purpose.

The purpose of this chapter is to promote the safety of children and other members of the community.

8.20.020. Prohibited Residences.

Any person who is required to register under the Community Protection Act, RCW 9A.44.130, *et seq.*, and who is assessed as a Level II or Level III offender, shall reside only within a zoning district which permits both residential uses and siting of Secure Community Transition Facilities, as shown in IMC 18.06.130, excluding those areas within said zoning districts within 1000 feet of any public or private school or day care operation. For purposes of this chapter, public or private school includes all public and private elementary schools and secondary schools including but not limited to middle schools and high schools. (Elementary #14 on Park Drive, as now named or as hereafter may be renamed, shall be considered an established school as of the effective date of this ordinance.) Day care operation shall have the same meaning as set forth in IMC 18.02.060, and shall include only such operations located within the City limits.

8.20.030. Exceptions.

A. The prohibition in IMC 8.20.020 shall not apply to the following:

1. A resident of a Secure Community Transition Facility as defined in IMC 18.02.080.

2. A legal resident of a premises which otherwise becomes a restricted premises in the event a public or private school or day care operation is established after the effective date of this ordinance; provided, however, that such exception shall not apply in the event the subject person either ceases to reside at the premises after the establishment of the public or private school or day care operation or pleads guilty or *nolo contendere* to or is found guilty of any sex offense or kidnapping offense after establishment of the public or private school or day care operation.

B. As used in this section, the terms “sex offense” and “kidnapping offense” shall have the same meaning as those terms are defined in RCW 9A.44.130(9).

8.20.040. Violation.

Any person who violates any provision of this chapter shall have committed a civil infraction and shall be subject to the enforcement provisions in chapter 1.36 IMC. In addition to any remedy set forth in chapter 1.36 IMC, the City may initiate injunction or abatement proceedings to prevent, enjoin, abate or terminate any violation under this chapter.

Section 2. Amendment. Section 1.36.030A of the Issaquah Municipal Code is hereby amended to include the following civil offense and monetary penalty under Title 8 Health and Safety:

8.20.020 Prohibited Sex Offender Residence \$250 per day

Section 3. New Sections 9.06.030, 9.06.040 and 9.06.050 are hereby added to the Issaquah Municipal Code to read as follows:

9.06.030. Rent or lease to sex offender in restricted area.

No owner or lessee of real property that is located (i) outside a zoning district permitting both residential uses and siting of a Secure Community Transition Facility as shown in IMC 18.06.130 or (ii) within said zoning districts and within 1000 feet of a public or private school or day care operation, shall knowingly rent, lease to, or otherwise allow to reside on said real property a person who is required to register under the Community Protection Act, RCW 9A.44.130, *et seq.*, and who is assessed as a Level II or Level III offender. For purposes of this chapter, public or private school includes all public and private elementary schools and secondary schools including but not limited to middle schools and high schools. (Elementary #14 on Park Drive, as now named or as hereafter may be renamed, shall be considered an established school as of the effective date of this ordinance.) Day care operation shall have the same meaning as set forth in IMC 18.02.060, and shall include only such operations located within the City limits.

9.06.040. Exceptions.

A. The prohibition in IMC 9.06.030 shall not apply to the following:

1. An owner or lessee of real property that is located (i) outside a zoning district permitting both residential uses and siting of a Secure Community Transition Facility as shown in IMC 18.06.130 or (ii) within said zoning districts and within 1000 feet of a public or private school or day care operation that is established after the effective date of this ordinance and who has rented, leased, or otherwise legally allowed to reside on said real property a person who is required to register under the Community Protection Act, RCW 9A.44.130, *et seq.*, and who is assessed as a Level II or Level III offender; provided, however, that such exception shall not apply in the event said resident ceases to reside at the premises after the establishment of the public or private school or day care operation.

2. An owner or operator of a Secure Community Transition Facility as defined in IMC 18.02.080.

9.06.050. Violation.

Any person who violates any provision of Sections 9.06.030 or 9.06.040 shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished by a maximum penalty of a fine not to exceed \$5,000 and/or by imprisonment in jail for a period not to exceed 1 year.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

Passed by the City Council of the City of Issaquah, the _____ day of _____, 2005.

Approved by the Mayor of the City of Issaquah the _____ day of _____, 2005.

APPROVED:

AVA FRISINGER, MAYOR

ATTEST/AUTHENTICATED:




CHRISTINE EGGERS, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

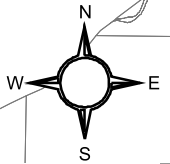
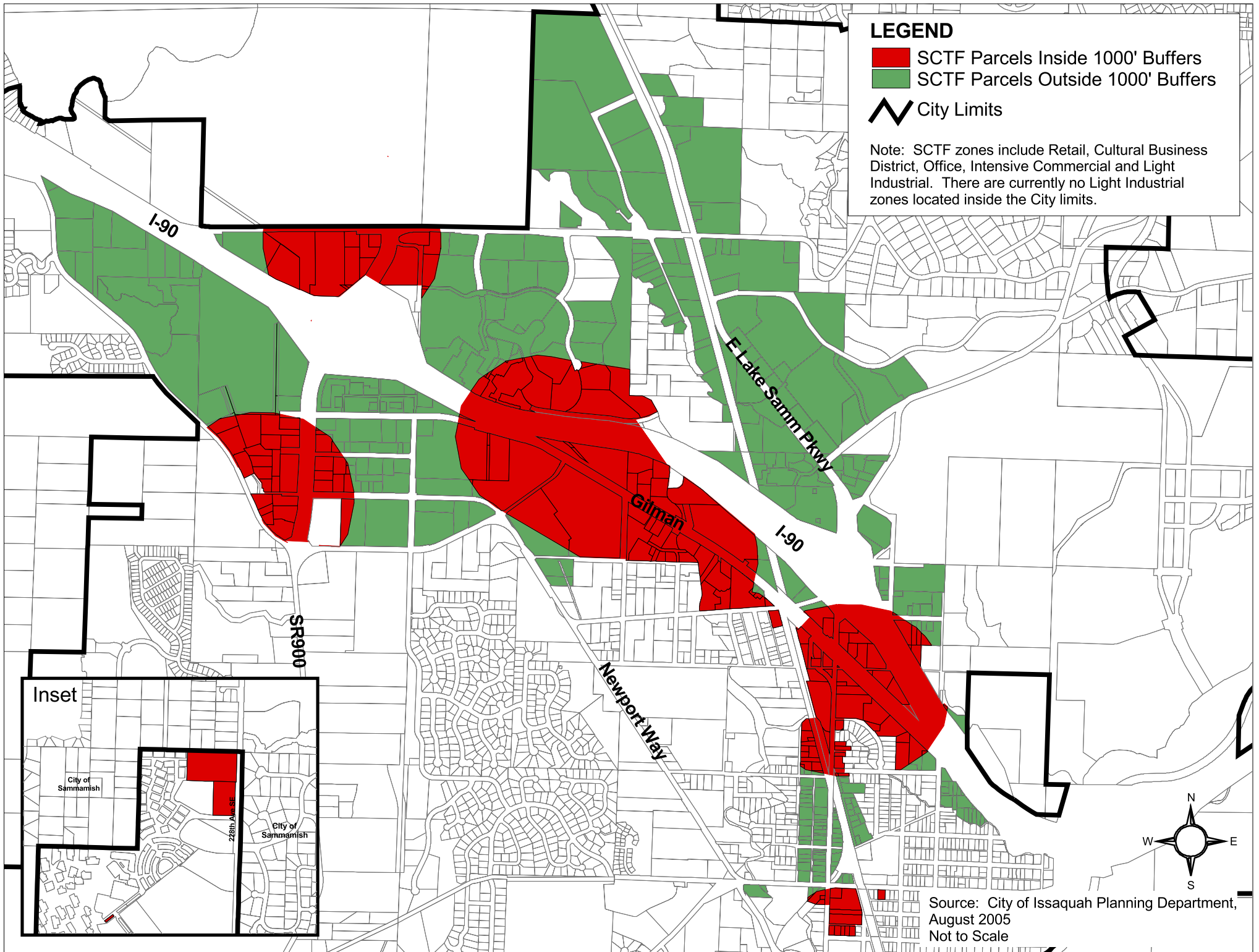
BY _____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____

LEGEND

-  SCTF Parcels Inside 1000' Buffers
-  SCTF Parcels Outside 1000' Buffers
-  City Limits

Note: SCTF zones include Retail, Cultural Business District, Office, Intensive Commercial and Light Industrial. There are currently no Light Industrial zones located inside the City limits.



Source: City of Issaquah Planning Department,
August 2005
Not to Scale