

ORDINANCE NO.: 2008-104

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Provisions to add Article X, Sexual Offender Residency Restrictions

BE IT ORDAINED by the Mayor and Council this 4th day of February, 2009, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 14, Offenses and Provisions is amended to add Article X, Sexual Offender Residency Restrictions to read as follows:

ARTICLE X. Sexual Offender Residency Restrictions

Sec. 14-291. Restrictions on residency and loitering of sexual offenders.

(a) Any person required to register as a sexual offender pursuant to South Carolina Code §23-3-430 shall not maintain a residence, reside or loiter within 1,000 feet of any school, child care facility, church, playground, park, designated school bus stop, public pool, youth athletic facility or playing fields or courts or rinks, or neighborhood or youth center.

(b) The buffer distance described above shall be determined by measuring from the outer boundary of the property on which the person maintains a residence, resides or loiters to the outer boundary of the other property, at their closest points. The buffer distance shall be measured as the shortest straight line between the two points without regard to any intervening structures or objects.

(c) As used in this section, the word "loiter" shall mean remaining idle in essentially one location for no apparent lawful purpose, or without a lawful purpose for being present, or for the purpose of watching, gazing or looking upon the occupants of the other property in a clandestine manner or with unlawful intent, or under circumstances that warrant alarm for the safety of persons or property in the vicinity, or to establish control over identifiable areas, or to intimidate others from entering those areas, or to conceal illegal activities.

(d) The prohibition on maintaining a residence or residing shall not apply to a permanent residence established by the registered sex offender prior to the enactment of this Code section or prior to the commencement of the operation of the other buffered property for any of the purposes listed in subsection (a) above.

The prohibition on maintaining or residing shall not apply to the sex offender who resides in a homeless shelter for no more than one year, a group home for persons under the age of twenty-one licensed by the Department of Social Services, or a residential treatment facility for persons under the age of twenty-one licensed by the Department of Health and

ORIGINAL
STAMPED IN RED

ORIGINAL
STAMPED IN RED

Environmental Control, and the site was purchased by the organizer prior to the effective date of this ordinance.

If upon registration of a sex offender, or at any other time, it is determined that the sex offender is residing in an area or place in violation of this ordinance, the sex offender shall be notified, in writing, that the sex offender has thirty day to vacate the residence. It shall be unlawful for the sex offender to fail to vacate the residence within thirty days of the written notice.

If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this ordinance is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this ordinance, the Council hereby declaring that it would have passed this ordinance, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases or words hereof may be declared to be unconstitutional, invalid or otherwise ineffective.

This ordinance shall be effective as of final reading.

Requested by:



MAYOR

Approved by:

City Manager

Approved as to form:

City Attorney

ATTEST:



City Clerk

Introduced: 1/7/2009; deferred 1/28/09
Final Reading: 2/4/2009