

**LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO
RESOLUTION # 8-0407-02**

**IN THE MATTER OF A RESOLUTION ENACTED PURSUANT TO O.R.C.
503.60 TO REGULATE THE RESIDENCY OF PERSONS CONVICTED OF A
SEXUALLY ORIENTED OFFENSE AND PERSONS CONVICTED OF A CHILD
VICTIM ORIENTED OFFENSE.**

WHEREAS, there is a compelling community concern regarding the need to secure the safety of children from convicted sex offenders and convicted child-victim offenders; and

WHEREAS, the current State law which prohibits convicted sexual offenders from residing or living within one thousand feet of any school premises or preschool or child day-care center premises do not adequately protect the children of this community; and

WHEREAS, the Board of Township Trustees believes that to further protect the welfare of children it is necessary to further restrict offender residency near places where children normally gather or congregate and to increase the distance restriction where convicted offenders may reside; and

WHEREAS, O.R.C. § 503.60 authorizes a township to adopt and enforce within their limits any local police, sanitary, and similar regulations regarding the residency of a person who has been convicted of or pleaded guilty to either a sexually oriented offense or a child-victim oriented offense, provided that such regulations are not in conflict with general laws;

WHEREAS, O.R.C. § 715.29, as applicable to townships by O.R.C. § 503.60, authorizes a township to regulate by resolution the use, control, repair, and maintenance of buildings used for human occupancy or habitation, the number of occupants, and the mode and manner of occupancy, for the purpose of insuring the healthful, safe and sanitary environment of the occupants thereof;

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees for Liberty Township, Delaware County, Ohio as follows:

Section 1 Prohibitions

A. Definitions

(1) "Sexually oriented offense" and "child victim oriented offense" shall have the same meanings as set forth in O.R.C. § 2950.01.

(2) "Offender" and "Sexual Offender" shall mean a person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child victim oriented offense as defined by Section 1(A)(1) of this resolution, regardless

of when the sexually oriented offense or child-victim oriented offense was committed and regardless of when the conviction or plea was entered.

(2) "Residence" means the place where a convicted sex offender sleeps, which may include more than one location, and may be mobile or transitory.

(3) "Reside" means to occupy a place for an extended period of time.

(4) "Location where children regularly congregate" means schools, libraries, parks, child-care facilities, playgrounds, child day care centers, recreation areas, community centers, arcades, movie theaters, athletic fields, bowling alleys, swimming pools, all as defined in the Ohio Revised Code, or if not defined therein, as commonly used and defined, and the following specifically enumerated locations:

In addition to these areas, the Liberty Township Board of Trustees can enumerate additional locations to be "locations where children regularly congregate" by adopting a resolution stating the address and general description of the location. Any resolution passed under this subsection will be posted in a public area in the township hall to provide notice to the public.

B. Offender residency prohibition: 1,500 feet.

(1) Any person over the age of 18 who is convicted of or pleads guilty to or has been convicted of or has pleaded guilty to a sexually oriented offense or a child victim oriented offense shall be prohibited from establishing a residence within the unincorporated portion of Liberty Township or residing within the unincorporated portion of Liberty Township within 1,500 feet of a location where children regularly congregate.

(2) A person who violates Section 1(B)(1) of this Resolution shall have thirty (30) days from receipt of written notice of the prohibition set forth herein to move. Failure to move to a location which is in compliance with this section within that time period shall constitute a violation of this subsection.

(3) Notice under Section 1(B)(2) shall be given by or at the direction of the Liberty Township Trustees.

(4) If a police officer reasonably believes that a person is violating Section 1(B)(1) or 1(B)(2) of this Resolution, the officer may require that person to provide his or her name in order to determine whether that person has been convicted of a sexually oriented offense or a child victim oriented offense. Failure or refusal to provide accurate

information as required under this subsection to the requesting officer shall constitute a violation of this subsection.

C. Offender residency prohibition: occupancy of structure with children under eighteen (18) years of age

(1) Within the unincorporated portion of Liberty Township, any person over the age of 18 who has been convicted of a sexually oriented offense or a child victim oriented offense shall be prohibited from establishing a residence or residing in a location wherein a child under the age of 18 resides who is not the natural or legally adopted child or who is not the court appointed ward, or who is not the natural or legally adopted sibling of the Offender.

(2) A person who violates Section 1(C)(1) of this resolution shall have thirty (30) days from receipt of written notice of the prohibition set forth herein to move. Failure to move to a location which is in compliance with this section within that time period shall constitute a violation of this section.

(3) Notice under Section 1(C)(2) shall be given by or at the direction of the Township Trustees.

(4) If a police officer reasonably believes that a person is violating 1(C)(1) or 1(C)(2) of this ordinance, the officer may require that person to provide his or her name in order to determine whether that person has been convicted of a sexually oriented offense or a child victim oriented offense. Failure or refusal to provide accurate information as required under this subsection to the requesting officer shall constitute a violation of this subsection.

Section 2. Penalties

A. Ejectment and Other Injunctive Relief

The Liberty Township Board of Trustees shall be entitled to initiate an action for ejectment or other injunctive relief against any person who violates Sections 1(B)(1), 1(B)(2), 1(C)(1), or 1(C)(2) of this Resolution. The Liberty Township Board of Trustees shall not be required to prove irreparable harm in order to obtain the relief.

B. Fines

Any person who violates Sections 1(B)(4) or 1(C)(4) of this Resolution shall be subject to a fine in an amount not to exceed five hundred dollars (\$500).

C. Attorneys Fees and Court Costs

The Liberty Township Board of Trustees shall be entitled to recover from a person who violates any section of this resolution the court costs and attorneys fees for any action brought under this resolution.

Section 3. Severability

If a court of competent jurisdiction declares any section, paragraph, subsection, clause or provision of this Resolution invalid, such declaration shall not affect the validity of the remainder of this Resolution that was not declared invalid.

Section 4. Repeal of Prior Inconsistent Resolutions

All resolutions or parts of resolutions of the Township of Liberty heretofore adopted that are inconsistent with any of the terms and provisions of this Resolution are hereby repealed to the extent of such inconsistency.

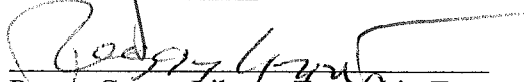
Section 5. Effective Date


This Resolution shall take effect immediately upon adoption. Notice of adoption shall be published as provided by law.

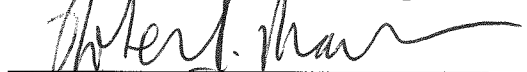
Section 6. Retroactive Application

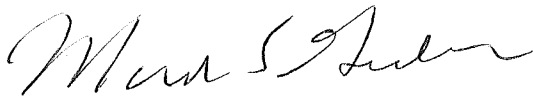
This Resolution shall apply to all Sexual Offenders and Offenders as defined in Section 1(A)(2), regardless of whether the conviction, plea or offense occurred prior to or after the adoption of this Resolution. This Resolution shall apply to any residence which violates the restrictions contained herein, regardless of whether the residence was established prior to or after the adoption of this Resolution. This Resolution shall not be construed to limit or restrict the actual ownership of property, so long as residency of that property does not violate the terms of this Resolution.

APPROVED THIS 21 DAY OF July, 2008 BY:


Peggy Guzzo-Liberty Township Trustee


Curtis Sybert-Liberty Township Trustee


Robert Mann-Liberty Township Trustee


Maria S. Anderson
Recal Officer