

**CITY OF HUNTINGTON BEACH
LEGAL NOTICE**

**ORDINANCE NO. 4026
Adopted by the City Council on JUNE 2, 2014**

“An Ordinance of the City of Huntington Beach Repealing Chapter 9.22 of the Huntington Beach Municipal Code Relating to Sex Offender Prohibition from City Parks”

SYNOPSIS:

On November 7, 2011 an Ordinance to create a Child Safety Zone – Sex Offender Prohibition for City parks was introduced for a First Reading. On November 21, 2011 Ordinance No. 3926 was adopted by the City Council on a vote of 4-2-1 to add Chapter 9.22 to the City’s Municipal Code prohibiting a convicted sex offender from entering a City park without written permission from the Chief of Police. As defined by the Ordinance, a registered sex offender is any person required under the State Penal Code to register with the police department in the city in which he or she resides. At the time, the City of Huntington Beach joined many other cities in Orange County in addition to the County itself, which had or were in the process of adopting similar ordinances.

The validity of ordinances similar to Huntington Beach’s was placed at issue when the Orange County District Attorney prosecuted individuals violating the County and City of Irvine ordinances. In both cases, the Court of Appeal found the ordinances invalid and preempted under State law. (*People v. Nguyen* (2014) 222 Cal.App.4th 1168; *People v. Godinez* (2014) WL 99188.)

On April 23, 2014, the Supreme Court decided not to review the Court of Appeal decisions. Consequently, the Court of Appeal decisions are final, effectively invalidating the Huntington Beach Ordinance as well as those of other cities. Based on the Court decision, cities have begun to repeal their respective ordinances. It was recommended that the City follow suit and repeal Chapter 9.22 of the Municipal Code as codified by Ordinance No. 3926. This action will not prevent the City from re-adopting a similar Ordinance if circumstances are changed by future Court action.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held June 2, 2014 by the following roll call vote:

AYES: Katapodis, Hardy, Harper, Boardman
NOES: Sullivan, Carchio
ABSTAIN: None
ABSENT: Shaw

THE FULL TEXT OF THE ORDINANCE IS AVAILABLE IN THE CITY CLERK’S OFFICE.

This ordinance is effective 30 days after adoption.

**CITY OF HUNTINGTON BEACH
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HUNTINGTON BEACH, CA 92648
714-536-5227
JOAN L. FLYNN, CITY CLERK**