

ORDINANCE NO. 2010-3

AN ORDINANCE REVISING THE CITY OF WAYNE ORDINANCES SECTION 58-203, ENTITLED DEFINITIONS. FOR PURPOSES OF THIS ORDINANCE.

BE IT ORDAINED by the Mayor and the Council of the City of Wayne, Nebraska:

Section 1. Chapter 58, Article VIII, Section 58-203 of Wayne Municipal Code is amended as follows:

OFFENSES AND MISCELLANEOUS PROVISIONS § 58-203

Sec. 58-203. Definitions. For purposes of this ordinance.

- a. **Aggravated offense means any registerable offense under Neb. Rev. Stat. Section 29-4003 which involved the penetration of, direct genital touching of, oral to anal contact with, or oral to genital contact with (a) a victim age thirteen years or older without the consent of the victim, (b) a victim under the age of thirteen years, or (c) a victim who the sex offender knew or should have known was mentally or physically incapable of resisting or appraising the nature of his or her conduct;**
- b. *Child care facility* means a facility pursuant to the Child Care Licensing Act;
- c. *School* means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;
- d. *Reside* means to sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory;
- e. *Residence* means a place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory.
- f. *Sex offender* means an individual who has been convicted of a crime listed in Neb. Rev. Stat. Section 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and
- g. *Sexual predator* means an individual who is required to register under the Sex Offender Registration Act, ~~who has been classified as a Level 3 because of a high risk of recidivism as determined by the Nebraska State Patrol under Neb. Rev. Stat. Section 29-4013 and~~ **who has committed an aggravated offense as defined in Neb. Rev. Stat. Section 29-4001.01**, and who has victimized a person eighteen years of age or younger.

State law reference – The Sexual Predator Residency Restriction Act, Laws 2006, LB 1199, §28; Laws 2009, LB 285, § 12.

Section 2. Any other ordinance or parts of ordinance in conflict herewith are repealed.

Section 3. This ordinance shall take effect and be in full force after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 2nd day of March, 2010.

THE CITY OF WAYNE, NEBRASKA

By _____
Lois M. Shelton, Mayor

ATTEST:

City Clerk