

1 Introduced by Council Member Cumber:
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3

4 **ORDINANCE 2023-247**

5 AN ORDINANCE AMENDING SECTION 685.104
6 (PROHIBITED ACTIVITIES FOR SEXUAL OFFENDERS AND
7 SEXUAL PREDATORS; EXCEPTIONS), CHAPTER 685
8 (SEXUAL OFFENDER AND SEXUAL PREDATOR
9 REGULATION), *ORDINANCE CODE*, TO PROHIBIT DISPLAY
10 OF HALLOWEEN DECORATIONS OR OTHER DISPLAYS OR
11 DECORATIONS AS DESCRIBED IN THIS ORDINANCE ON
12 THE EXTERIOR OF ANY SEXUAL OFFENDER OR SEXUAL
13 PREDATOR RESIDENCE, VEHICLE OR VESSEL, OR ON ANY
14 PROPERTY LEASED, RENTED, OWNED, OR OCCUPIED BY
15 A SEXUAL OFFENDER OR SEXUAL PREDATOR; PROVIDING
16 CODIFICATION INSTRUCTIONS; PROVIDING AN
17 EFFECTIVE DATE.
18

19 **WHEREAS**, the City of Jacksonville supports doing anything
20 within its power to protect its citizenry, particularly children,
21 from becoming victimized by sexual offenders or sexual predators;
22 and

23 **WHEREAS**, sexual offenders and predators have been known to use
24 certain holiday or seasonal events, decorations, and costumes to
25 attract, entice, or lure children to areas in which those children
26 are susceptible to attack by sexual offenders and predators; and

27 **WHEREAS**, the Council is concerned with the secondary effects
28 of any speech or expressive conduct that entices, attracts, or lures
29 children to vulnerable areas or circumstances as noted by, among
30 other courts, the court in Hobbs v. County of Westchester, 397 F.3d
31 133 (2d Cir. 2005); and

1 Sexual Offender's or Sexual Predator's residence,
2 including a vehicle or vessel, or an any property
3 which is leased, rented, owned, or occupied by such
4 person from 6:00 a.m. to 11:59 p.m. on October 31 (or
5 any other day on which Halloween is celebrated).~~From~~
6 ~~6:00 a.m. to 11:59 p.m., on October 31 (or any other~~
7 ~~day on which Halloween is celebrated) post a sign at~~
8 ~~his or her residence, including a vessel, or vehicle,~~
9 ~~stating, "No candy or treats here." Such signs shall~~
10 ~~be in letters at least two inches high and shall be~~
11 ~~legible on the property leased, rented, owned or~~
12 ~~occupied by the Sexual Offender or Sexual Predator,~~
13 ~~and clearly visible from the street, waterway, or any~~
14 ~~property that is open to public access. The signs may~~
15 ~~be removed after 11:59 p.m. on October 31, or the day~~
16 ~~on which Halloween is celebrated.~~

17 (iii) Except for lighting provided on a year-round basis by
18 the owner or manager of a multi-family residential
19 unit for the purpose of security or walkway or hallway
20 illumination, leave all outside residential lighting
21 off during the evening hours after 5:00 p.m. on
22 October 31 (or any other day on which Halloween is
23 celebrated).

24 (iv) Not place or allow the following displays or
25 decorations on the exterior of any Sexual Offender's
26 or Sexual Predator's residence, including a vehicle
27 or vessel, or on any property which is leased, rented,
28 owned, or occupied by such person: inflatables,
29 holograms, projections, displays over six feet in
30 height, interactive displays, decorations or displays
31 that include a fictitious character, decorations or

1 displays that line a walkway or path to a door of the
2 residence, or lights that are not affixed to the
3 residence, except there may be one lighted display
4 not affixed to the residence if it meets the
5 requirements listed here. Enforcement of this section
6 shall not be limited to the actual calendar date of
7 any given nationally or locally recognized holiday or
8 seasonal event or practice.~~Not place or allow any~~
9 ~~display, including but not limited to displays for~~
10 ~~any nationally or locally recognized holiday or~~
11 ~~seasonal event or practice, to be visible from the~~
12 ~~exterior of any Sexual Offender's or Sexual~~
13 ~~Predator's residence, including a vehicle or vessel,~~
14 ~~or on any property which is leased, rented, owned or~~
15 ~~occupied by such person, if such display is primarily~~
16 ~~targeted to entice, attract, or lure a child onto any~~
17 ~~residence or property, or onto or nearer to any~~
18 ~~vehicle or vessel rented, owned or occupied by such~~
19 ~~person. Enforcement of this section shall not be~~
20 ~~limited to the actual calendar date of any given~~
21 ~~nationally or locally recognized holiday or seasonal~~
22 ~~event or practice.~~

23 * * *

24 (b) *Definitions.* The following terms are defined as follows for
25 the purposes of this section:

26 * * *

27 ~~(4) Display is defined as any decoration including, but~~
28 ~~not be limited to, lighting, figurines, posters,~~
29 ~~artwork, crystals, bales of hay, scarecrows, etc.~~
30 ~~which is visible to the public in plain view and is~~
31 ~~primarily targeted toward children.~~

1 (45) *Practices* means to carry out or perform any particular
2 activity or method that may celebrate or recognize a
3 particular season, customs or beliefs.

4 (56) *Non-familial children* ~~are~~^{is} defined as those children
5 who are not related to the Sexual Offender or Sexual
6 Predator through biological means, marriage, or
7 adoption.

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9 **Section 2. Codification Instructions.** The Codifier and the
10 Office of General Counsel are authorized to make all chapter and
11 division "table of contents" consistent with the changes set forth
12 herein. Such editorial changes and any other necessary changes to
13 make the *Ordinance Code* consistent with the intent of this legislation
14 are approved and directed herein, and the changes to the *Ordinance*
15 *Code* shall be made forthwith and when inconsistencies are discovered.

16 **Section 3. Effective Date.** This Ordinance shall become
17 effective upon signature by the Mayor or upon becoming effective
18 without the Mayor's signature.

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20 Form Approved:

21
22 /s/ Mary E. Staffopoulos

23 Office of General Counsel

24 Legislation prepared by: Mary E. Staffopoulos

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