CITY OF LINDEN

Ordinance No. 2026-19

AN ORDINANCE ESTABLISHING RESIDENCY RESTRICTIONS FOR SEX OFFENDERS WITHIN THE CITY LIMITS OF LINDEN, IOWA AND ENACTING A NEW CHAPTER 48 ("SEX OFFENDER RESIDENCY RESTRICTIONS") TO THE CODE OF ORDINANCES OF THE CITY OF LINDEN, IOWA.

Be it enacted by the city council of the City of Linden, Iowa:

Section 1. Chapter 48 of the Code of Ordinances of the City of Linden, Iowa, is hereby enacted to the City Code of Ordinances as follows:

SEX OFFENDER RESIDENCY RESTRICTIONS

48.01 PURPOSE

The purpose of this chapter is to provide for the safety and well-being of all citizens of Linden, Iowa, by prohibiting sex offenders and sexual predators from residing within two thousand feet (2000') of a public library, bus stop, public park, playground, child care facility, or other public area intended primarily for the use of minors.

48.02 DEFINITIONS

For the purpose of this chapter, the following terms shall be defined as follows:

CHILD CARE FACILITY: Means the same as defined in section 237A.1 of the Iowa Code

PUBLIC LIBRARY: A room or building in the city of Linden designated as a public library, where a collection of books, periodicals, musical scores, and similar materials are kept for reading or reference.

PUBLIC PARK: Any areas of land owned by the city of Linden, Iowa, or any other governmental entity set apart for the recreation of the public.

PUBLIC PLAYGROUND: Any area of land owned by the city of Linden, Iowa, or any other governmental entity used for outdoor games and recreation.

SCHOOL BUS STOP: A site designated and approved by the local school board, or the city of linden for the purpose of loading and unloading school children.

SEX OFFENDER: A person required to be registered under Iowa Code Chapter 692A and who has been convicted of an aggravated offense against a minor.

48.03 RESIDENCY RESTRICTED

A sex offender shall not reside or loiter within two thousand feet (2000') of the real property comprising a public library, bus stop, public park, playground, child care facility, or other public area intended primarily for the use of minors.

48.04: EXCEPTIONS

A sex offender residing within two thousand feet (2000') of the real property comprising a public library, bus stop, public park, playground, child care facility, or other public area intended primarily for the use of minors, does not commit a violation of this chapter if any of the following apply:

A. Established Residency: The sex offender established and continuously maintained a residence at the location prior to the effective date of this chapter, or prior to the establishment or construction of a public library, bus stop, public park, playground, child care facility, or other public area intended primarily for the use of minors that caused the residence to fall within the restricted area.

B. Civil Commitment: The sex offender is subject to an order of commitment under chapter 229A of the Code of Iowa.

C. Minor or Ward: The sex offender is a minor or a ward under guardianship.

48.05: MUNICIPAL INFRACTION

A sex offender who resides within two thousand feet (2000') of the real property comprising a public library, bus stop, public park, playground, child care facility, or other public area intended primarily for the use of minors commits a municipal infraction and is subject to all available penalties under Iowa Code Section 364.22.

48.06 SEVERABILITY CLAUSE

If any section, provision, or part of this chapter shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this chapter as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

PASSED AND APPROVED this 8th day of August, 2025.

Tom Ackerson

Mayor

ATTEST:

Shannon Barber

City Clerk