

Town of Skowhegan

Sex Offender Residency Restriction Ordinance

Adopted at Town Meeting June 11, 2018

ARTICLE I - TITLE

This Ordinance shall be known as the "Town of Skowhegan Sex Offender Residency Restriction Ordinance."

ARTICLE II - FINDINGS AND PURPOSE

The Town promotes and strives to create a safe environment for its citizens to live and raise families and considers the promotion of the safety and welfare of children to be of paramount importance. The Town recognizes that sex offenders who prey upon children may have a high rate of recidivism. Notwithstanding the fact that certain persons convicted of sex offenses or sexually violent offenses are required to register pursuant to the Maine Sex Offender Registration and Notification Act of 1999, 34-A M.R.S.A. § 11201 et seq., as may be amended in the future, the Town finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of this ordinance is to provide such further protective measures while balancing the interests and residential needs of sex offenders.

ARTICLE III - AUTHORITY

This ordinance is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3014, as may be amended in the future.

ARTICLE IV - DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

DESIGNATED SEX OFFENDERS - Persons convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, regardless of whether the offense was committed in the State of Maine or another jurisdiction.

RESIDENCE - The temporary or permanent occupation or use of a place, including, but not limited to, a domicile, for the purpose of living, residing or dwelling. The residence shall be deemed to include all the land or property within the limits of the property parcel on which the residence is situated.

RESTRICTED PROPERTY - The real property consisting of the entire property parcel on which a public or private elementary, middle or secondary school is located or any safe zone as designated by the Town of Skowhegan in accordance with state law, 30-A MRSA, section 3253.

Also the real property comprising a municipally owned or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users.

Current “safe zones” that apply are: Bucky Quinn Ball Field on South Factory Street, Pat Quinn Ball Field on East Maple Street, Memorial Field on East Maple Street, Carl Wright Ball Fields at the Community Center, the Community Center, and Lake George Regional Park.

SETBACK - A seven-hundred-fifty-foot (750ft) buffer surrounding restricted property.

ARTICLE V - RESTRICTED PROPERTY MAP; RESTRICTIONS:

The Planning Department, with the assistance of the Police Department, shall prepare and file with the Town Clerk and Police Department an official map showing restricted property, as defined by this ordinance. The map is hereby incorporated herein and made a part of this ordinance. [1]

The Planning Department, with the assistance of the Police Department, shall by July 1 of each year recommend updates to the map to the Town Selectboard to reflect any changes in the locations of any restricted property and setbacks. The Town Selectboard may amend the restricted property official map by Town Selectboard order, and any amended official map shall be filed with the Town Clerk and the Police Department. In the event of any conflict between the map and the text of this ordinance, the ordinance text shall control.

[1] Note: Said map is on file in the Town Clerk’s office.

No designated sex offender shall reside within the setback of any restricted property. Licensed nursing homes or other licensed medical facilities are excluded from this ordinance so necessary medical care can be provided.

ARTICLE VI - EXCEPTIONS

A designated sex offender maintaining a residence within the setback of a restricted property is not in violation of this ordinance if the residence was established and consistently maintained as a residence prior to the date of adoption of this ordinance. A designated sex offender is not in violation of this ordinance if the restricted property is created, moved or enlarged and such creation, movement or enlargement results in a designated sex offender residing within the setback of a restricted property, as long as the residence was in place and consistently maintained prior thereto.

ARTICLE VII - VIOLATIONS AND PENALTIES

A designated sex offender who, 30 days after actual receipt of written notice sent by regular mail or hand delivered from the Town acting by and through its Police Department, is in violation of this ordinance shall be subject to an action brought by the Town to enforce the requirements of this ordinance. The Town may file a legal action against the violator seeking any and all remedies to which it is entitled pursuant to state and local laws, including, without limitation, declaratory and injunctive relief.

The Town also may seek a penalty in the minimum amount of \$500 per day. Each day of violation shall constitute a separate violation. In the event the Town is the prevailing party in any action under this ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town. All civil penalties shall inure to the benefit of the Town of Skowhegan.

ARTICLE VII - SEVERABILITY

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.