

Town of Madawaska Sex Offender Ordinance

SEX OFFENDER ORDINANCE

Section 1. Authority:

This ordinance is enacted pursuant to Title 30-A M.R.S.A., Section 3001. This ordinance is intended to be coextensive with the maximum residency restrictions permitted by 30-A M.R.S.A. §3013(2).

Section 2. Purpose:

In acknowledgement that sex offenders who prey upon children are at a higher risk of re-offending, the Town of Madawaska has a compelling interest to protect the health, safety, and welfare of its children by restricting access to areas where concentrations of children exist.

Section 3. Definitions:

Sex Offender: A person convicted of a Class A, B, or C sex offense committed against a person or persons who had not attained 14 years of age at the time of the offense; this term is coextensive with 30-A M.R.S.A. §3013(2).

School: Any public or private elementary, middle, or secondary school as those terms are intended by 30-A M.R.S.A. §3013(2)(B).

Municipal Restricted Property: Any municipally-owned athletic field, park, playground, recreational facility or other municipally-owned property where children are the primary users.

Family Child Care (formerly Home Day Care): Any person who provides child care in that person's home on a regular basis, for consideration, for three (3) to twelve (12) children under thirteen (13) years of age who are not the children of the provider and have a certificate from the Department of Health and Human Services.

Radius: Distance shall be measured from the outer property lines.

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.

Section 4. Restrictions:

A covered sex offender shall not establish or maintain a residence within a 750-foot radius of the property line of a school, a municipal restricted property or a Family Child Care residence.

Section 5. Exceptions:

A covered sex offender maintaining a residence within a 750-foot radius of a school or a municipal restricted property is not in violation if the residence was established prior to the date of passage of this ordinance and the residence has been consistently maintained. A covered sex offender is not in violation of this ordinance if a school or a municipal restricted property is created or moved to within a 750-foot radius of an existing residence as long as the offender established a residence at this location prior to the date of creation or relocation of the school or municipal restricted property and the residence has been consistently maintained.

Section 6. Violation; Injunctive Relief and Penalties:

Any person who, after written notice from the Town about the requirements of this ordinance, is in violation of the provisions of this ordinance and shall be subject to an action brought by the Town in the District Court or Superior Court to enforce the requirements of this ordinance. The Town may seek injunctive relief to require compliance with the provisions of the ordinance. The Town may also seek a penalty in the minimum amount of \$500, which may be imposed on a daily basis for each day that a violation continues after notice from the Town. In the event that the Town is the prevailing party in an action under this ordinance, it shall be entitled to an award of its reasonable attorney's fees, expert witness fees, or any other associated costs.

Section 7. Severability:

In the event that any section or any portion of this ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be effected to affect the validity of any other section or portion of this ordinance. The provisions of this ordinance are hereby declared to be severable.

Section 8. Effective Date:

Notwithstanding any law to the contrary, this ordinance shall take effect as of November 13, 2014.