

Town of Searsport Sex Offender Ordinance

Section 1. Authority.

This ordinance is enacted pursuant to Title 30-A M.R.S.A., Section 3001.

Section 2. Purpose.

In acknowledgement that sex offenders who prey upon children are at a higher risk of re-offending, the Town of Searsport 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.

- A. Lifetime Registrant: a person, as defined in 34-A M.R.S.A. § 11203(8), who is an adult convicted and sentenced or a juvenile convicted and sentenced as an adult of a sexually violent offense as defined in 34-A M.R.S.A. § 11203(7).
- B. School / Daycare: Any public or private educational facility that provides services to those 18 years or younger or a licensed daycare facility that is clearly marked.
- C. Premises: The building structure or surrounding the building, playground area, playing fields, or courts.
- D. Radius: Distance shall be measured as a straight line “as the crow flies” from the outer property lines.
- E. Loiter: To congregate, linger, wander, stand, delay, walk or stroll about aimlessly, or to remain idle in essentially one (1) location in a manner and under circumstances manifesting an unnecessary or aimless purpose.

Section 4. Restrictions.

- A. Any Lifetime registrant is prohibited from entering upon the premises of a school or daycare center unless specifically authorized by the school administration or daycare center owner.
- B. No Lifetime registrant shall loiter within a 500-foot radius of a school, licensed daycare center, public parks or playgrounds unless their own child(ren) is present or unless otherwise permitted by section 4 A.

Section 5. 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 6. 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 7. Effective Date.

Notwithstanding any law to the contrary, this ordinance shall take effect as of March 7, 2009.

I, Deborah Plourde, the duly appointed Town Clerk for the Town of Searsport, hereby certify pursuant to 30-A M.R.S.A. § 3006 that the above is the true and accurate Searsport Sex Offender Ordinance as enacted by the voters of the Town of Searsport at a duly called Town Meeting held on March 7, 2009.

Date

3/9/2009

Deborah Plourde, Town Clerk

Deborah Plourde