

Section 1: Purpose

Acknowledging that sex offenders who prey upon children are at a higher risk of re-offending, the Town of Lyman has a compelling interest to protect the health, safety, and welfare of its children by restricting access to areas where concentration of children exists to the extent permitted by Maine law.

Section 2: Definitions

~~1.~~ A. Convicted Registered Sex Offender – An individual convicted of a sex offense as defined in the applicable Maine statute, 30-A M.R.S.A. Sec. 3014, crime against a person under the age of 16 and as a result, required to register for life pursuant to Title 34-A MRSA, Chapter 15 School/Daycare

B. Any public or private elementary, middle or secondary school or publicly owned real property comprising a municipally-owned property where children are the primary users, educational facility that provides services to those 16 years and younger or a licensed daycare facility that is clearly marked.

~~3.~~ C. Premises – Shall mean the building structure or surrounding the building, playground area, playing field, or courts.

~~4.1.~~ D. Radius – Distance shall be measured from the outer property lines.

Section 3: Restrictions

~~1.~~ A. Any person who is a convicted sex offender involving a minor, as defined in the applicable Maine statute, 30-A MRSA Sec. 3014, and is required to register for life, shall not reside within a 750 foot 2500-foot radius of the property line of a public or private elementary, middle or secondary school, school or daycare center.

~~2.1.~~ B. Any person who is a convicted sex offender involving a minor, as defined in the applicable Maine statute, 30-A MRSA Sec. 3014, and is required to register for life, is prohibited from entering upon the premises of a school or daycare center, unless specifically authorized by the school administration or daycare center owner, shall not reside within a 750 foot radius of publicly owned real property comprising a municipally-owned property where children are the primary users.

Section 4: Exceptions

2. A convicted registered sex offender residing within 750 2500-feet of such a school or other publicly owned property where children are the primary users

daycare is not in violation if the residency was established prior to the date of passage and residency has been consistently maintained. A convicted sex offender is not in violation of this ordinance if a new school or daycare is built or moved within 750 2500-feet of his/her residence as long as the offender resided at this

location prior to the new establishment and residency had been consistently maintained.

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 shall be subject to an action brought by the Town in the District Court or the 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, costs and any expert witness fees.

Section 6: Takes Effect

This ordinance shall take effect upon passage.

[Explanatory Note: additions are underlined and deletions are ~~struck out.~~]

Sex Offender Ordinance

610

Section 1: Purpose

Acknowledging that sex offenders who prey upon children are at a higher risk of re-offending, the town of Lyman has a compelling interest to protect the health, safety, and welfare of its children by restricting access to areas where concentration of children exists.

Section 2: Definitions

1. **Registered Sex Offender** – An individual convicted of a crime against a person under the age of 16 and as a result, required to register for life pursuant to Title 34-A MRSA, Chapter 15
2. **School/Daycare** – Any public or private educational facility that provides services to those 16 years and younger or a licensed daycare facility that is clearly marked.
3. **Premises** – Shall mean the building structure or surrounding the building, playground area, playing field, or courts.
4. **Radius** – Distance shall be measured from the outer property lines.

Section 3: Restrictions

1. Any person who is a convicted sex offender involving a minor, and is required to register for life, shall not reside within a 2500-foot radius of the property line of a school or daycare center.
2. Any person who is a convicted sex offender involving a minor, and is required to register for life, is prohibited from entering upon the premises of a school or daycare center, unless specifically authorized by the school administration or daycare center owner.

Section 4: Exceptions

A registered sex offender residing within 2500-feet of a school or daycare is not in violation if the residency was established prior to the date of passage and residency has been consistently maintained. A sex offender is not in violation of this ordinance if a new school or daycare is built or moved within 2500-feet of his/her residence as long as the offender resided at this location prior to the new establishment and residency had been consistently maintained.

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 shall be subject to an action brought by the Town in the District Court or the 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, costs and any expert witness fees.

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