

Sex Offender Ordinance

Section 1: Purpose

The Town of Oakland recognizes that sex offenders who prey upon children have a high rate of recidivism. The Town of Oakland has an obligation to protect the health, safety, and welfare of its children by prohibiting access by convicted sex offenders of Class A, B or C sex offenses **from** areas where a concentration of children under the age of 14 years exists.

Section 2: Definitions

The following definitions have the literal meaning as they pertain to this ordinance only.

1. **Registered Sex Offender** – An individual convicted of a crime against a person under the age of 14 years and as a result, is required to register pursuant to Title 34-A MRSA, Chapter 15.
2. **School/Daycare** – Any public or private educational facility that provides services to 25 or more students under the age of 14 years or any licensed daycare facility that is clearly marked with at least one sign.
3. **Premises** – Shall mean the building structure, and any accessory buildings attached to or detached from the primary structure, playground area, playing field, or courts.
4. **Radius** – Distance shall be measured from the property line of the school or daycare center, as defined above, closest to a registered sex offender's residence.

Section 3: Restrictions

1. Any person, who is a registered sex offender, as defined above, shall not reside within a 750-foot radius of the property line of a school, daycare center, as defined above.

Section 4: Exceptions

A registered sex offender residing within a 750-foot radius of a school or daycare, as defined above, is not in violation if the residency was established prior to the date of adoption of this ordinance and the registered sex offender's residency has been continuously maintained. A registered sex offender is not in violation of this ordinance if a school or daycare, as defined above, is located or expanded to within a 750-foot radius of their residence after the adoption of this ordinance, and the registered sex offender's residency has been continuously maintained.

Section 5: Violation; injunctive relief and penalties

Any person who, 30 days after written notice from the Town of Oakland, is in violation of Section 3.1 of this Ordinance shall be subject to an action brought by the Town of Oakland in the District Court or the Superior Court to enforce the requirements of this Ordinance. Any person who, after verbal notice from a police officer employed by the Town of Oakland is in violation of Section 3.2 of this Ordinance shall be subject to an action brought by the Town of Oakland in the District Court or Superior Court to enforce the requirements of this Ordinance. The Town of Oakland may seek injunctive relief to require compliance with the provisions of the Ordinance.

The Town of Oakland may also seek a penalty in the minimum amount of \$500 per day, for each day that a violation of Section 3.1 of this Ordinance continues and a minimum amount of \$ 100 per day, for each day that a violation of Section 3.2 of this Ordinance continues after notice of violation from the Town of Oakland. In the event that the Town of Oakland 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 of Oakland.

Section 6: Effective Date (Adopted October 25, 2006, amended December 27, 2006, and September 9, 2009) This ordinance shall take effect upon adoption in accordance with the Town of Oakland Charter.