

**Town of Anson
Sex Offender Ordinance**

Section 1. Authority

This ordinance is enacted pursuant to Title 30-A M.R.S.A. Section 3001 and Title 30-A M.R.S.A. Section 3014.

Section 2. Purpose

The Town of Anson recognizes that sex offenders who prey upon children have a high rate of recidivism. The Town of Anson has an obligation to protect the health, safety, and welfare of its children by prohibiting access by convicted sex offenders to areas where a concentration of children exists.

Section 3. Definitions

The following definitions have the literal meaning as they pertain to this Ordinance only:

- A. **Sex Offender** – A person convicted of a Class A, B, or C sex offense committed against a person or persons who has not attained 14 years of age at the time of the offense; this term is coextensive with 30-A M.R.S.A. Section 3014 (2).
- B. **School** – Any public or private elementary, middle, or secondary school as those terms are intended by 30-A M.R.S.A. Section 3014 (2) B.
- C. **Municipal Restricted Property** – Any municipally-owned athletic field, park, playground, recreational facility or other municipally-owned property where children are the primary users.
- D. **Radius** – Distance shall be measured from the outer property lines.
- E. **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 sex offender shall not reside within a 750-foot radius of the property line of a school or a municipal restricted property.

Section 5. Exceptions

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

Section 6. Violation, injunctive relief and penalties

Any person who, after written notice from the Town of Anson 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 Superior Court to enforce the requirements of this Ordinance. The Town of Anson may seek injunctive relief to require compliance with the provisions of this 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 of Anson 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 upon adoption at a town meeting of the Town of Anson.

To the Town Clerk of the Town of Anson:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled “Town of Anson Sex Offender Ordinance”, which is to be presented to the voters for their consideration on March 1, 2014.

Pursuant to 30-A M.R.S.A. §3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting on the day of the vote.

Dated: January 14, 2014

Anson Board of Selectmen:

Arnold Luce

Brenda L. Garland

John H. Bryant

Philip W. Turner

Inez Moody