

SEX OFFENDER ORDINANCE

**Adopted July 3, 2007
Effective August 1, 2007**

TOWN OF GORHAM
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 Gorham 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. **Registered Sex Offender** – An individual convicted of a sex offense, as defined by 34-A M.R.S.A. §§11203 (6)-(7) against a person under the age of 18 and as a result, required to register for life pursuant to Title 34-A M.R.S.A., Chapter 15.
- 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 from the outer property lines.
- E. **Residence** – That place or those places, other than a domicile in which a person may spend time living, residing, or dwelling.

Section 4. Restrictions.

- A. 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 within a 1000-foot radius of the property line of a daycare center.
- B. 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.
- C. No person who is a convicted sex offender and is required to register for life shall loiter or remain within a 2500-foot radius of a school or within a 1000-foot radius of a licensed daycare center.

Section 5. Exceptions.

A registered sex offender residing within 2500-feet of a school or within 1000-feet of a licensed daycare center is not in violation if the residency was established prior to the date of passage of this ordinance and residency has been consistently maintained. A sex offender is not in violation of this ordinance if a school or daycare facility is built or moved into the 2500/1000-foot restricted area as long as the offender resided at this

location prior to the new establishment and residency 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 August 1, 2007.