

AMENDMENT TO
CITY OF OLD TOWN

Sex Offender Residency Restrictions Ordinance

Last amended: _____

A. Findings and Purpose

- (1) The City of Old Town promotes and strives to create a safe environment for its citizens to live and raise families and considers the promotion of the safety and welfare of children to be of paramount importance;
- (2) The City of Old Town recognizes that sex offenders who prey upon children have a high rate of recidivism;
- (3) Notwithstanding the fact that certain persons convicted of sex offenses or sexually violent offenses are required to register pursuant to Title 34-A, chapter 15, in order to protect the public from potentially dangerous registrants and offenders by enhancing access to information concerning those registrants and offenders, the City finds that further protective measures are necessary and warranted to safeguard places where children congregate; and
- (4) The purpose of this ordinance is to provide such further protective measures while balancing the interests and residential needs of sex offenders.

B. Authority. This ordinance is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3014.

C. Application. This ordinance applies to persons convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, regardless of whether the offense was committed in the State of Maine or another jurisdiction. A person to whom this section applies is referred to as a "sex offender."

D. Restricted Areas

- (1) No sex offender shall reside within 750 feet of the property line of any public or private elementary, middle or secondary school.
- (2) No sex offender shall reside within 750 feet of any publicly-owned property where children are the primary users including any licensed day care facilities. Without limiting the application of this subsection, any public park containing playground equipment or a municipal pool shall be deemed to be municipally owned property where children are the primary users. For the purpose of this section, if the area by children is concentrated onto a portion of a larger parcel, the boundary of the property shall be deemed to be 100 feet from the nearest piece of equipment or area used by children or the property line, whichever distance is less.

- (3) Except as provided in subsection (2), the distance between a restricted area and a sex offender's residence shall be measured from property line to property line, such that an entire parcel shall be deemed a restricted area if any portion of its property line is within 750 feet of any portion of the property line of the parcel on which the sex offender's residence is located.
 - (4) Restricted Areas Maps showing the parcels located wholly or partially within the above-described setbacks are incorporated herein by reference as part of this Ordinance. If there is any conflict between the boundaries depicted on a map and this section, this section shall control.
- E. Exemption. Any sex offender actually residing within a restricted area on the effective date of this ordinance is not subject to the restrictions contained in subsection (D) while that person continues to reside in that dwelling, upon moving from such dwelling, the sex offender shall comply with the restrictions contained in subsection (D).
- F. Violations and penalties. Any sex offender who, after written notice sent by regular mail or delivered by the City about the requirements of this section, remains in violation of this section for more than twenty-five (25) days, shall be subject to an action brought by the City in District Court to enforce the requirements of this ordinance.
- (1) The minimum penalty for a violation of this section is \$500 per violation. Each day shall be considered a separate violation.
 - (2) If the municipality is the prevailing party, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court find that special circumstances make the award of these fees and costs unjust.
 - (3) The City may seek injunctive relief to require compliance with this section.
- G. Severability. Should any section or provision of this ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.
- H. Effective Date. This ordinance shall take effect ten (10) days after the date of the final passage by the Old Town City Council.

City of Old Town Sex Offender Ordinance

Sex Offender Residency Restrictions

Section D. Restricted Areas (1)

Old Town High School – 203 Stillwater Avenue, Old Town, ME 04468

JA Leonard Middle School – 156 Oak Street, Old Town, ME 04468

Old Town Elementary School – 576 Stillwater Avenue, Old Town, ME 04468

Section D. Restricted Areas (2)

Baseball Field (Knights of Columbus) – 5 Gilman Falls Avenue, Old Town, ME 04468

Binette Park – 434 Main Street, Old Town, ME 04468

Coombs Park – 840 Stillwater Avenue, Old Town, ME 04468

Old Town Orono YMCA - 472 Stillwater Avenue, Old Town, ME 04468

Old Town Park – 170 Main Street, Old Town, ME 04468

Old Town Recreation Center – 342 Bennoch Road, Old Town, ME 04468

Peace Pole Park – 296 Main Street, Old Town, ME 04468

Perkins Avenue Park – 151 Perkins Avenue, Old Town, ME 04468

Sewall Park – Poplar Street, Old Town, ME 04468

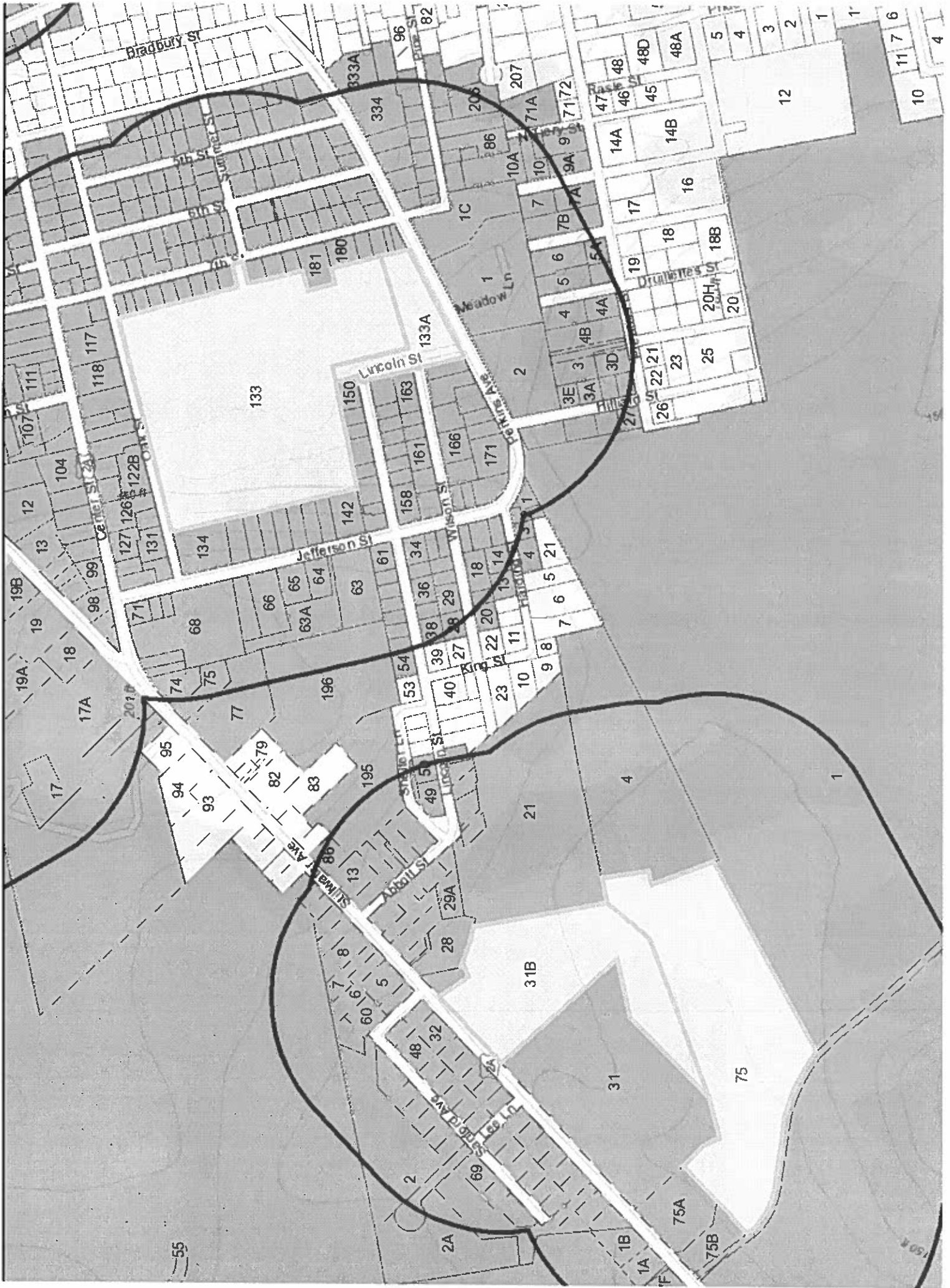
Treat Webster Park – 61 Bosworth Street, Old Town, ME 04468

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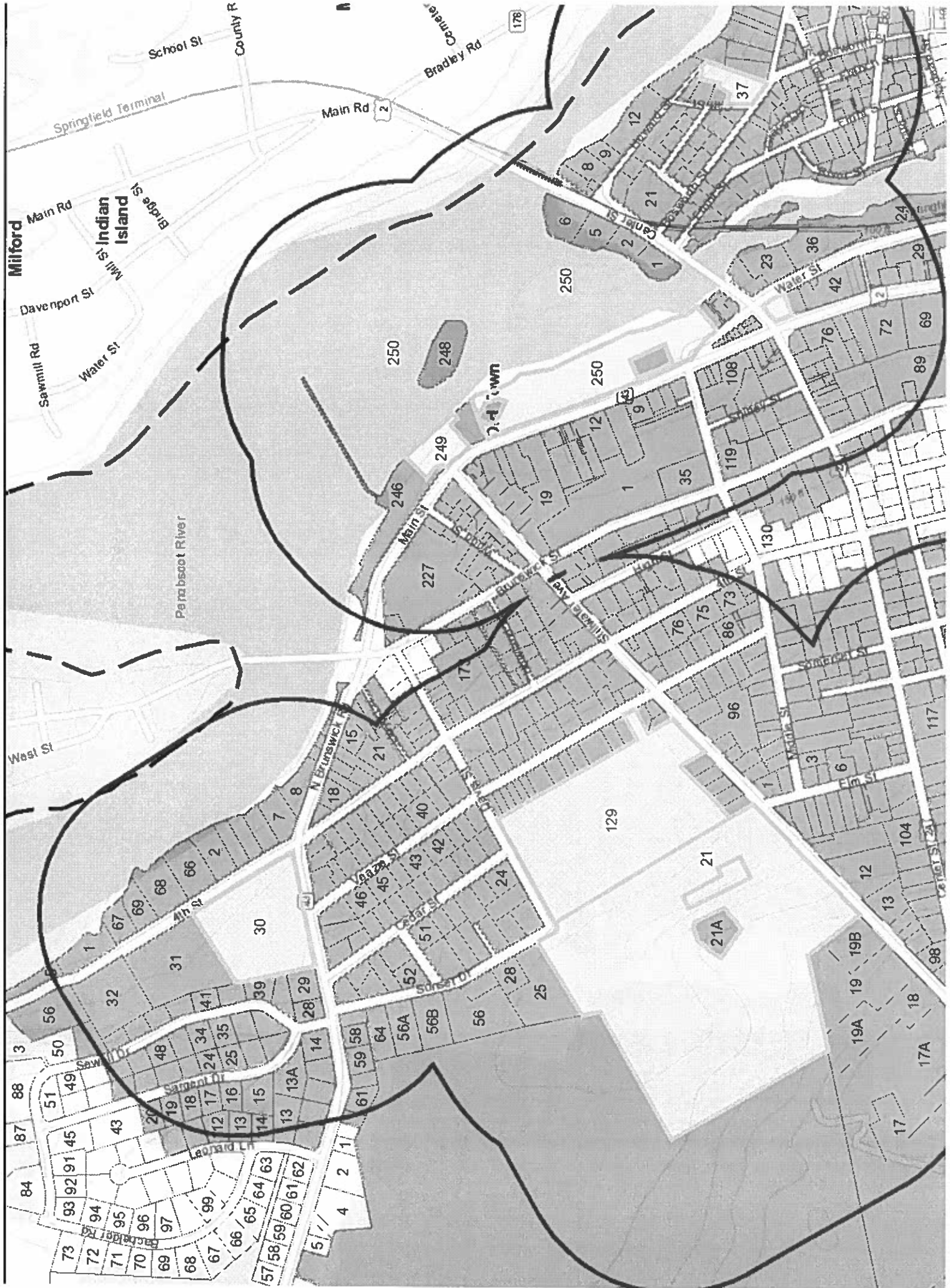
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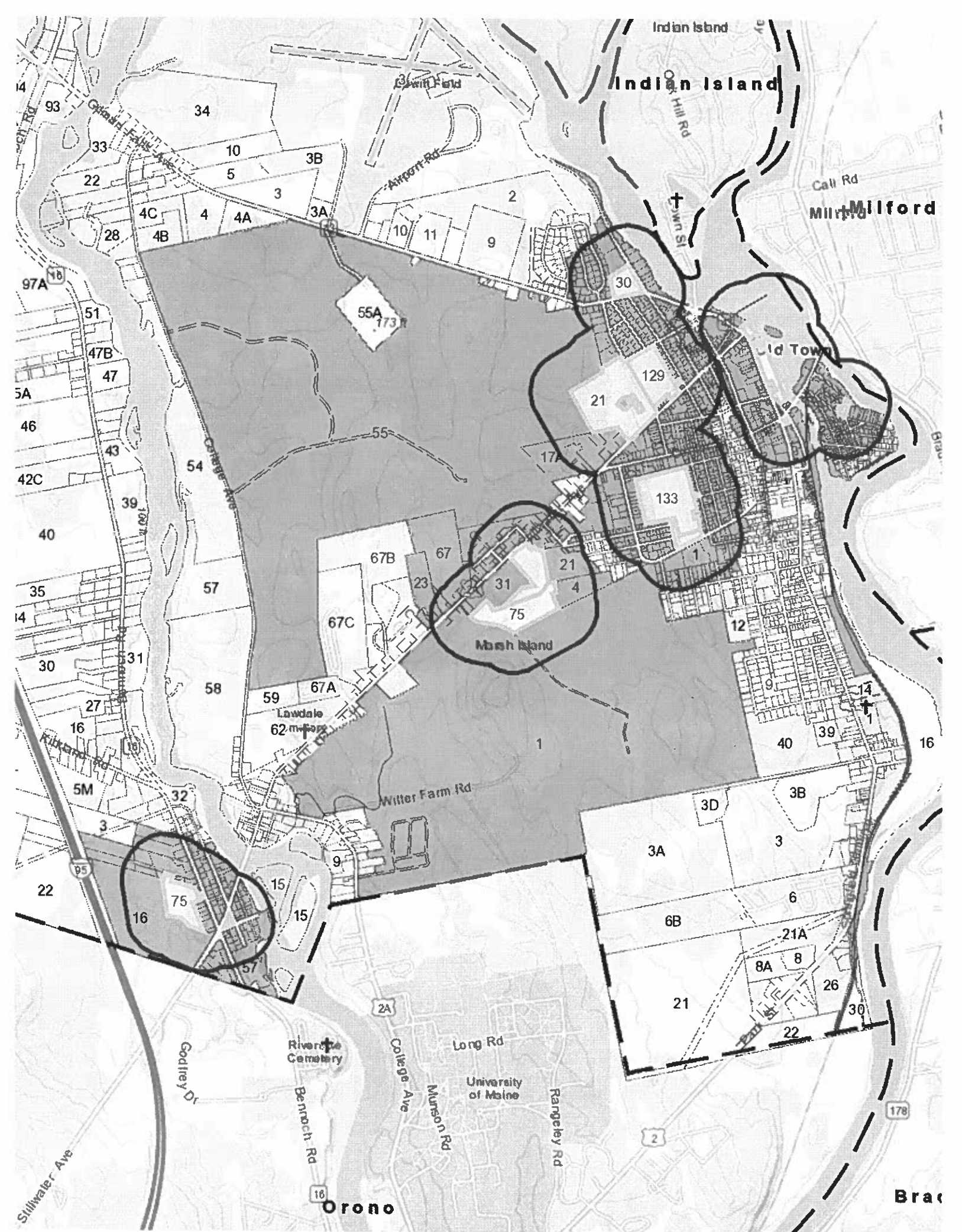
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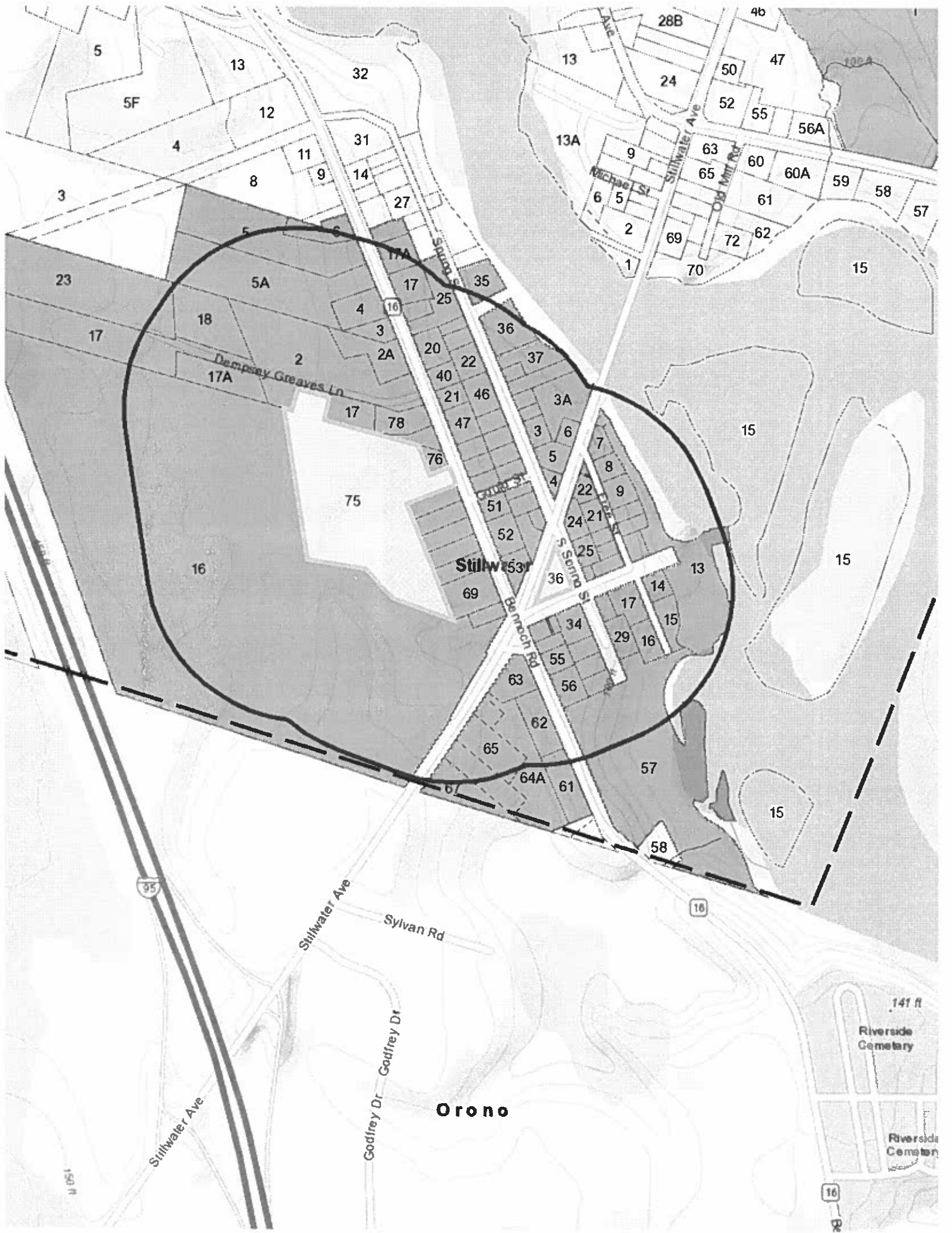
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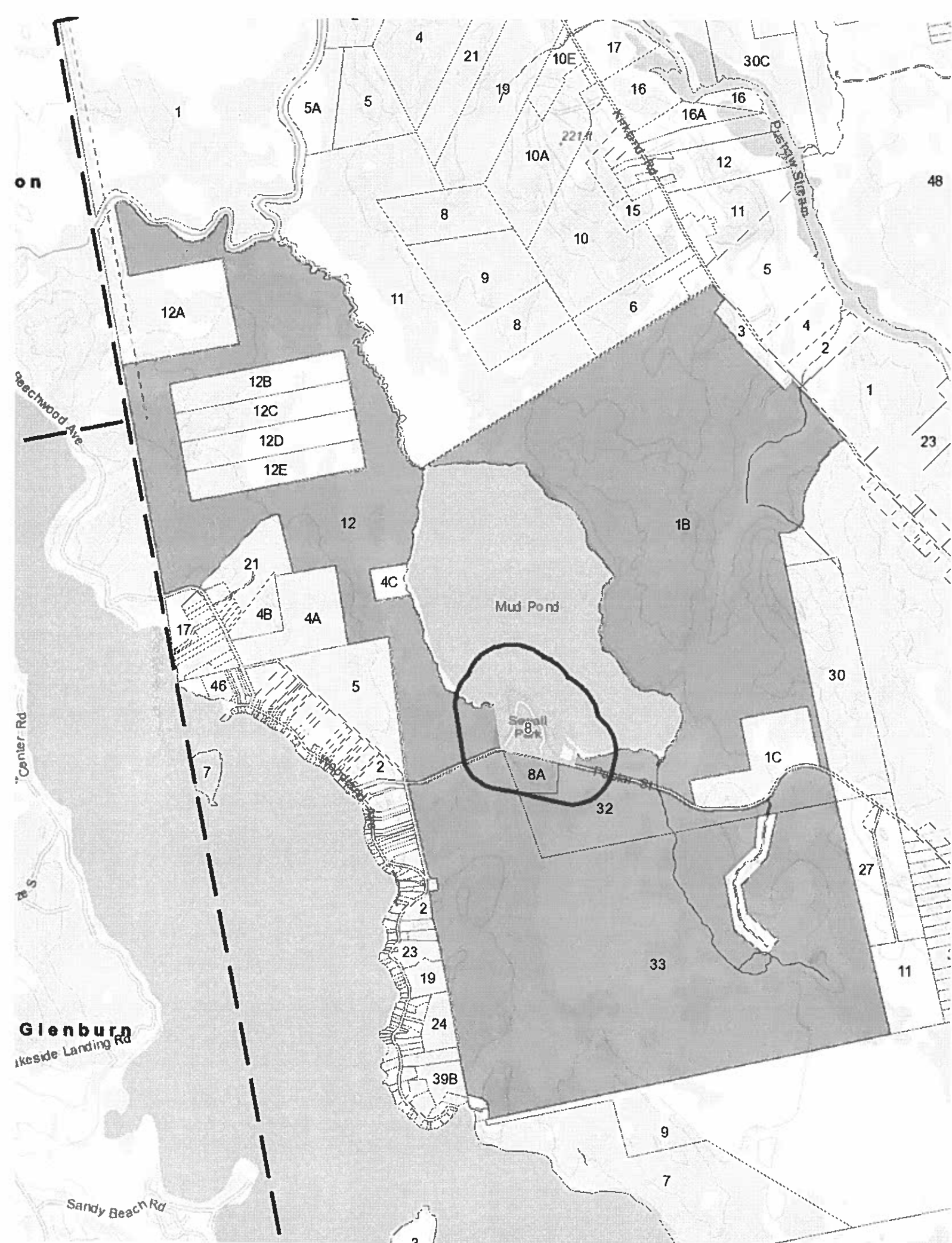


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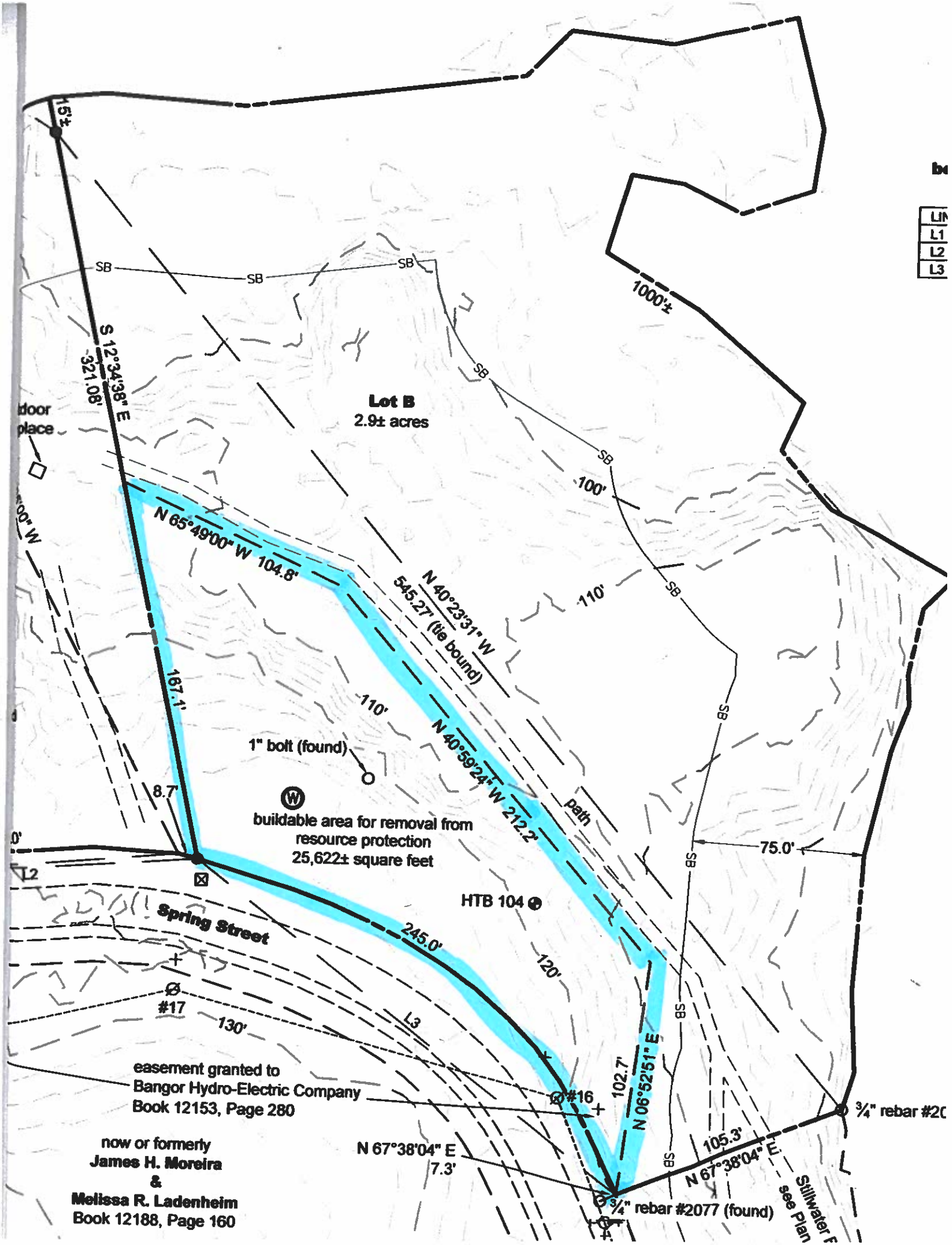








L1
 L2
 L3



Lot B
2.9± acres

1" bolt (found)
 (W)
 buildable area for removal from
 resource protection
 25,622± square feet

Spring Street

easement granted to
 Bangor Hydro-Electric Company
 Book 12153, Page 280

now or formerly
James H. Moreira
 &
Melissa R. Ladenheim
 Book 12188, Page 160

1000±

100'

110'

75.0'

HTB 104

#17

120'

#16

3/4" rebar #2C

3/4" rebar #2077 (found)

Stillwater F
see Plan

N 67°38'04" E
 7.3'

N 06°52'51" E
 102.7'

N 67°38'04" E
 105.3'

N 40°23'31" W
 545.27' (tie bound)

N 40°59'24" W
 212.2'

N 65°49'00" W
 104.8'

S 12°34'38" E
 321.08'

door place

L2

L3

15±

15±