

# Town of Cushing Sex Offender Ordinance

## **Section 1. Authority.**

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

## **Section 2. Purpose.**

The Town of Cushing has a compelling interest to protect the health, safety, and welfare of its children from sex offenders by restricting their access to areas where the primary users are children, to the extent permitted by Title 30-A M.R.S.A., Section 3014.

## **Section 3. Definitions.**

**Sex Offender** – A person convicted of a Class A, B, or C sex offense committed against a person under the age of 14, in Maine or elsewhere.

**School**– Any public or private elementary, middle, or secondary school.

**Restricted Municipal Property** - Any municipally-owned property where children are the primary users, including athletic fields, parks, playgrounds, or recreational facilities.

**Residence** – A place and property used as a primary dwelling or lodging.

## **Section 4. Restrictions.**

A sex offender shall not establish a residence within 750 feet of the property line of a School or a Restricted Municipal Property.

## **Section 5. Exceptions.**

A sex offender maintaining a residence within 750 feet of a school or a Restricted Municipal Property is not in violation if the residence was established prior to the date of passage of this ordinance and the residence has been consistently maintained. A sex offender is not in violation of this ordinance if a school or a Restricted Municipal Property is created or moved to within 750 feet of a sex offender's residence as long as the residence was established and has been consistently maintained at this location prior to the decision to relocate the school or Restricted Municipal Property.

## **Section 6. Violation.**

A person who is in violation of the provisions of this ordinance shall be subject to action 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, and other associated costs.

## **Section 7. Enforcement.**

This ordinance shall be enforced by the Knox County Sherriff's Office, Knox County, Maine.

**Section 8. Severability.**

The provisions of this ordinance are hereby declared to be severable. 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 invalidate any other section or portion of this ordinance.

**Section 9. Effective Date.**

This ordinance shall take effect as of the date of its approval by vote of the legislative body of the Town.

Adopted March 18, 2013

Lisa M. Young  
Town Clerk