

SEX OFFENDER RESIDENCY ORDINANCE

WHEREAS, the State of Delaware has established a system of registering persons convicted of sex offenses, and as part of the system have placed certain restrictions upon such persons; and

WHEREAS, the Town Council of the Town of Felton believe that the system of notification of the residence of sex offenders is not adequate to safeguard the safety and welfare of the residents of Felton; and

WHEREAS, sex offenders pose a high risk of engaging in further offenses; and

WHEREAS, preventing further offenses by sex offenders is difficult because of the nature of the crimes, as the victims are often incapable of protecting themselves; and

WHEREAS, the Town Council of the Town of Felton believe that placing limited restrictions on the places where sex offenders may reside with the Town of Felton will protect potential victims thereby promoting the health and safety of the residents of Felton.

BE IT HEREBY ENACTED by the Town Council of the Town of Felton, a majority there of concurring in Council duly met, that the following Ordinance be and hereby is adopted:

AN ORDINANCE TO RESTRICT RESIDENCY OF REGISTERED SEX OFFENDERS

Section 1. Definitions.

For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. He word "shall" is always mandatory and not merely directory.

CHILD CARE FACILITY – a licensed day care center, licensed child care facility or any other child care services facility exempt from licensing pursuant to the laws of the State of Delaware.

PARK- any land, or tract of land, or facility used to passive or active recreation, including but not limited to playgrounds, parks, skate parks, athletic fields, or any other facility owned or operated by the Town of Felton, Kent County, or the State of Delaware.

SCHOOL – any preschool, kindergarten, elementary school, secondary school, vocational technical school or any other institution which has as its primary purpose the education or instruction of children under 16 years of age.

SEXUAL OFFENDER – any person who is registered as a Risk Assessment Tier III or Risk Assessment Tier II sex offender pursuant to Title 11, Chapter 41, Subchapter III of the Code of Delaware.

Section 2. Residency Restrictions.

It shall be unlawful for any sex offender to reside, lodge, abide or live within 2,500 feet of any school, park, or child care facility located within the Town of Felton. The 2,500 foot distance shall be measured by following a straight line from the outer property line of the residence or lodging of the sex offender to the nearest outer property line of the school park, or child care facility.

Section 3. Penalties

The Town shall notify any person who is in violation of this ordinance and the person shall have sixty (60) days to comply with this ordinances. The person shall be deemed to have been notified of the violation when he or she has been personally delivered written notice by an agent designated by the Town Manager. If the person does not comply with this ordinance within the sixty (60) days, he or she will be in violation of this ordinance. The penalty for a violation shall be punishable by imprisonment for a term not exceeding ninety (90) days and a fine not exceeding \$1,000, or both. The Town may elect to pursue civil remedies, including injunctive relief.

Section 4. Exceptions.

This ordinance shall not apply to any sex offender who has established a residence prior to the date of adoption of this ordinance, and shall not apply if the school, park, or child care facility was established subsequent to the establishment of the sex offender's residence.

Section 5. Severability.

The provisions of this ordinance are severable. If any section, clause, sentence, part, or provision of this ordinance shall be determined to be illegal or invalid by any court of competent jurisdiction, such decision shall not impair or affect the remaining terms, sections, and clauses of this ordinances.

This ordinance shall become effective upon its adoption by a majority of all the Town Council of the Town of Felton.

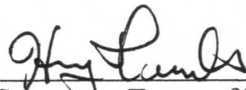
Synopsis

This ordinance prevents registered sex offenders from residing within 2,500 feet of any school, park, or child care facility within the Town of Felton.

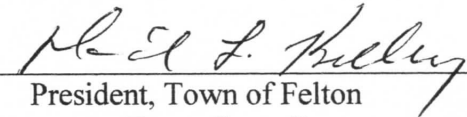
This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town of Felton Town Council at a duly-noticed and convened meeting at which a quorum was present on 11-13, 2006.

So Certifies:

Attest:



Secretary, Town of Felton
Town Council



President, Town of Felton
Town Council