

TOWN OF MEXICO SEX OFFENDER ORDINANCE

SEC – 1-0 Title

This article shall be known as the “Town of Mexico Sex Offender Residency Restriction Ordinance.”

SEC 1-1 Findings and Purpose

The 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 paramount importance. The Town of Mexico recognizes that the sex offenders who prey upon children may have a high rate of recidivism. Notwithstanding the fact that certain persons convicted of sex offenses are sexually violent offenses are required to register pursuant to the Maine Sex Offender Registration and Notification Act of 1999, 34-A M.R.S.A. § 11201 et seq., as may be amended from time to time, the Town of Mexico finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of this ordinance is to provide such further protective measures while balance the interests and residential needs of sex offenders.

SEC 1-2 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, as may be amended from time to time.

SEC 1-3 Definitions

Setback – A 750 foot radius surrounding “Restricted Property.”

Designated sex offender(s) – Person(s) convicted of 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.

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.

Restricted Property – (i) The real property comprising a public or private elementary, middle or secondary school; and (ii) the real property comprising a municipally-owned property or state-owned property or state-owned property that is leased to a nonprofit organization for purpose of a park, athletic field or recreation facility that is open to the public where children are the primary users. The following properties are considered Restricted Properties and are subject to change:

Mexico Recreation Center
Mexico Recreation Park
Mountain Valley Middle School
Meroby Elementary School
Town of Mexico Public Library
Any Licensed and Registered Day Care Facilities

SEC 1-4 Restricted Property Map; Restrictions

A. The Town of Mexico Planning Board, with the assistance of the Mexico Police Department, shall prepare and file with the Mexico Town Clerk's Office and Mexico Police Department an official map showing Restricted Property as defined by this ordinance. Said map is hereby incorporated herein and made a part of this ordinance. The Mexico Planning Board, with the Assistance of the Mexico Police Department shall by July of each year recommended updates to the map to the Mexico Board of Selectmen to reflect any changes in the locations of any Restricted Properties and Setbacks. The Mexico Selectmens Board may amend the Restricted Property official map by a vote from the Board of Selectmen, and any amended official map shall be filed with the Mexico Town Clerk's office in the Mexico Police Department.

B. No Designated Sex Offender shall reside within the Setback of any Restricted Property.

SEC 1-5 Exceptions

A Designated Sex Offender maintaining a residence within the Setback of a Restricted Property is not in violation of this ordinance if the residence was established and consistently maintained as a residence prior to July 1, 2015, the date of adoption of this ordinance. A Designated Sex Offender is not in violation of this ordinance if the Restricted Property is created, moved or enlarged and such creation, movement or enlargement results in a Designated Sex Offender reside in within the Setback of a Restricted Property, as long as the residence was in place and consistently maintained prior to thereto.

SEC 1-6 Violations and Penalties

A. A designated Sex Offender who, thirty (30) days after actual receipt of written notice sent by regular mail or hand – delivered from the town, acted by and through its Police Department, is in violation of this ordinance shall be subject to an action brought by the town to enforce the requirements of this ordinance. The town may file a legal action against the violator seek in any and all remedies to which it is entitled pursuant to state and local laws, included, without limitation, declaratory and injunctive relief.

B. The town may also seek a penalty in the minimum amount of \$500.00 per day. Each day of violation shall constitute a separate violation. In the event the town is the prevailing party in any action under this ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees and incurred by the town. All civil penalties shall inure to the benefit of the Town of Mexico.

SEC 1-7 Severability

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion therefore.

SEC 1-8 Public Display of Pictures

Sex offender's pictures will be displayed in all public properties as stated in SEC 1-3 for all to view.

****Adopted June 9, 2015**

Attested: Penny S. Duguay
Penny S. Duguay, Town Clerk

