



# Chelsea City Council

MADE BY THE SPEAKER IN  
*Conf.*

City Hall  
500 Broadway  
Chelsea, MA 02150  
(617) 466-4060  
(617) 466-4065 Fax

R/B 1st READING

January 11, 2010

Whereas the City Council of the city of Chelsea on December 19, 2005 adopted an ordinance limiting the residency of level three (3) sex offenders within the City of Chelsea;

Whereas, the City Council of Chelsea further recognizes it has a compelling interest in protecting children from the threat of sexual abuse and molestation;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHELSEA, AS FOLLOWS:

### AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 7 OF THE CHELSEA CODE OF ORDINANCES REGULATING PUBLIC SAFETY

That the Code of the City of Chelsea is hereby further amended and adopted with the following revisions:

Revise Section 7-12 (c) Prohibitions in its entirety as follows:

- i) <sup>750'</sup> It is unlawful for any person who is finally classified as a Level 3 or higher convicted sex offender pursuant to the guidelines of the sex offender registry, 803 CMR 1:00, to establish a permanent resident within one thousand (~~1000~~) feet of any elderly housing facility, school, daycare center, park, school bus stop, playground or other recreational facility where children regularly congregate.
- ii) <sup>750'</sup> It is unlawful to let or rent any place, structure, or part thereof or other conveyance, as a permanent resident by any person who is prohibited from establishing such permanent residence pursuant to Section (c) (i) above, if such place, structure, or part thereof or other conveyance is located within one thousand (~~1000~~) feet of any elderly housing facility, school, day care center, park, school bus stop, playground or other recreational facility where children congregate.
- iii) For the determination of the minimum distance separations, the requirement shall be measured by following a straight line from the outer property line of the permanent resident to the nearest outer property line of

R/B well fall  
JAN 25 2010 passed 11-0-0  
2nd READING  
strike out 1000 FT 2112c  
and make 750 FT (1)  
(1)

an elderly housing facility, a school, a school bus stop, daycare center, park, playground, or other recreational facility where children congregate.

- iv) A registered level 3 sex offender shall not enter a park or any other private or public recreational facility when children are present and approach, contact or communicate with any child present, unless the Registered Sex Offender is a parent or guardian of a child present in such park or any other private or public recreational facility.
- v) A registered Sex Offender is prohibited from entering upon the premises of a School unless previously authorized specifically in writing by the school administration.

Revise Section 7-12 (d) Prohibitions in its entirety as follows

A Level 3 or higher convicted sex offender residing within one thousand (1000)<sup>750'</sup> feet of any elderly housing facility, a school, school bus stop, daycare center, park, playground or other recreational facility where children regularly congregate does not violate this Article if any of the following apply:

- 1) The person established the permanent resident prior to the effective date of this Article.
- 2) The elderly housing facility, school, daycare center, park, playground, school bus stop, or other recreational facility where children regularly congregate was opened after the person established the permanent residence.
- 3) The prohibition in section c above, shall not be construed or enforced so as to prohibit a registered sex offender from exercising his or her right to vote in any federal, state or municipal election, or from attending any religious service.

Replace Section 7-12(f) as follows:


This Article shall be effective immediately upon publication. Statutory reference(s) – Mass.Gen.L. c.123A, §14 and c.6 §178D.

Add a new section (g) entitled "Enforcement" as follows:

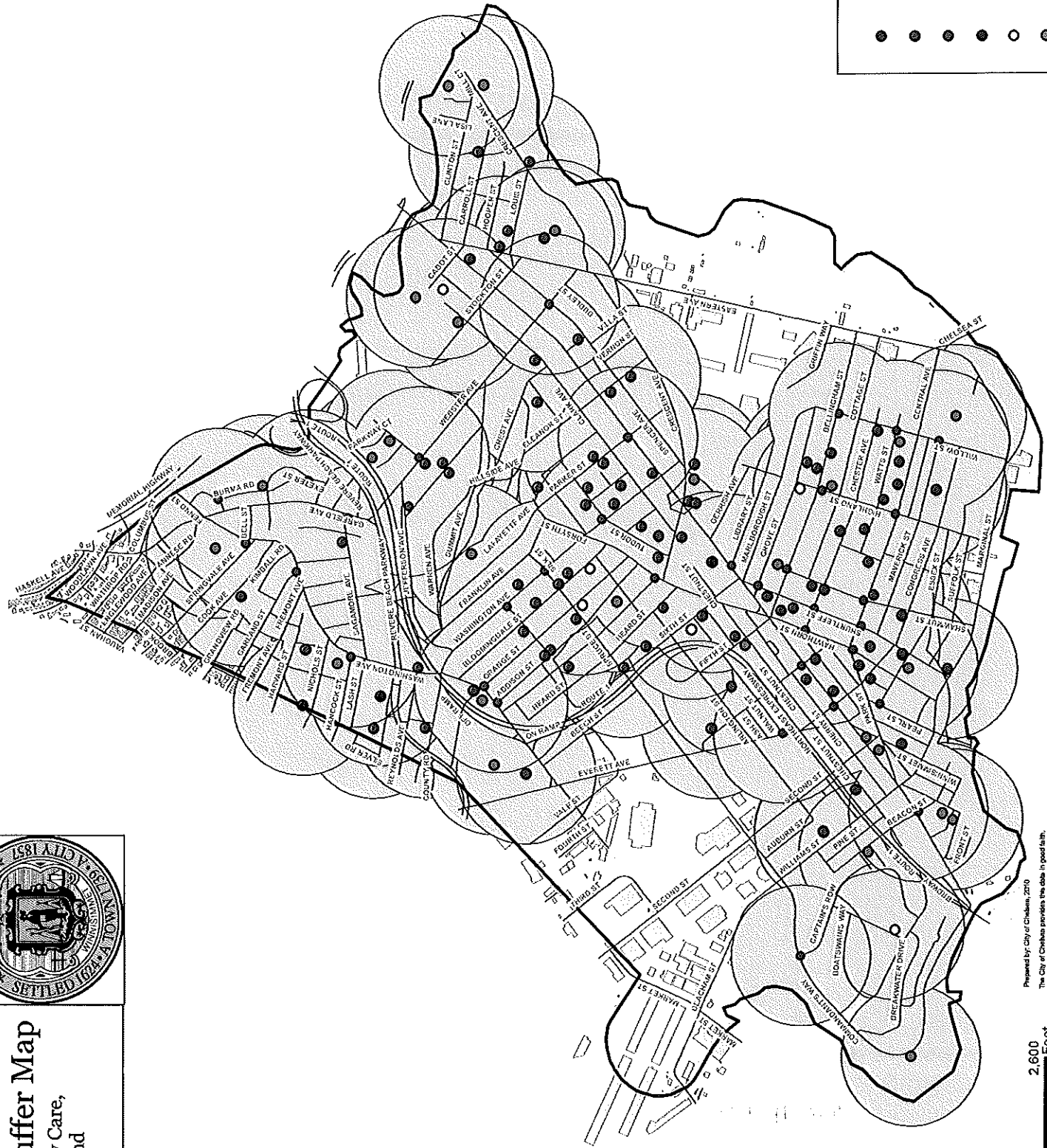
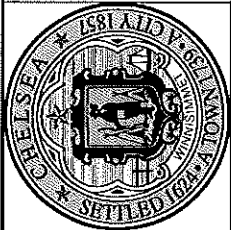
- i) The Chelsea Police Department shall be charged with the enforcement of this section.
- ii) A map depicting the prohibited areas shall be created by the City and maintained by the Chelsea Police Department. The Police Department shall update the map yearly if necessary.

Add a new section (h) entitled "Severability" as follows:

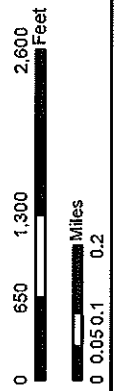
If any provision(s) of this ordinance or the application of such provision(s) to any person or circumstance shall be held invalid, the validity of the remainder of this ordinance and the applicability of such provision to other persons or circumstances shall not be affected thereby.

  
Councillor Roseanna Bongiovanni

# City of Chelsea 750 Foot Buffer Map Schools, Parks, Day Care, Elderly Facilities and School Bus Stops.



- School Bus Stops
- Day Care
- Schools
- Private Schools
- Elderly Facilities
- Parks
- 750 Foot Buffer



Prepared by City of Chelsea, 2010  
The City of Chelsea provides the data in good faith. The data are accurate and reliable, errors and omissions are possible. The City, its agents, or employees shall not be liable for any damages, including but not limited to profits, business interruption, loss of business information or any other loss.

City of Chelsea, Massachusetts

DEC 19 2005

, 2005

Roll Call Vote in connection with

*P/N to adopt by roll call  
Order on Det. Offender.  
passed 9-0-1-1 vacancy*

CHELSEA CITY COUNCIL

	YES	NO	ABSENT
Councillor David Cleveland District Three	✓		
Councillor Paul R. Nowicki At-Large	✓		
Councillor Stanley Troisi District One	✓		
Councillor Calvin T. Brown District Seven	✓		
Councillor Mike MeKonnen District Four	✓		
Councillor Paula S. Barton District Five	✓		
Councillor Ron D. Morgese District Eight	✓		
Councillor Leo Robinson At-Large	✓		
Councillor Roy A. Avellaneda At-Large	✓		
Councillor <del>Dora E. Santaniello</del> District Six			
Councillor Roseann T. Bongiovanni District Two	✓		
Totals			

Comments

*9-0-1-1 vac.*



# City of Chelsea Law Department

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## FAX TRANSMISSION COVER SHEET

DATE: 2-12-2010

TO: OFFICER Stephen Hill

FAX NO.: 617 343-4964

TEL. NO.: \_\_\_\_\_

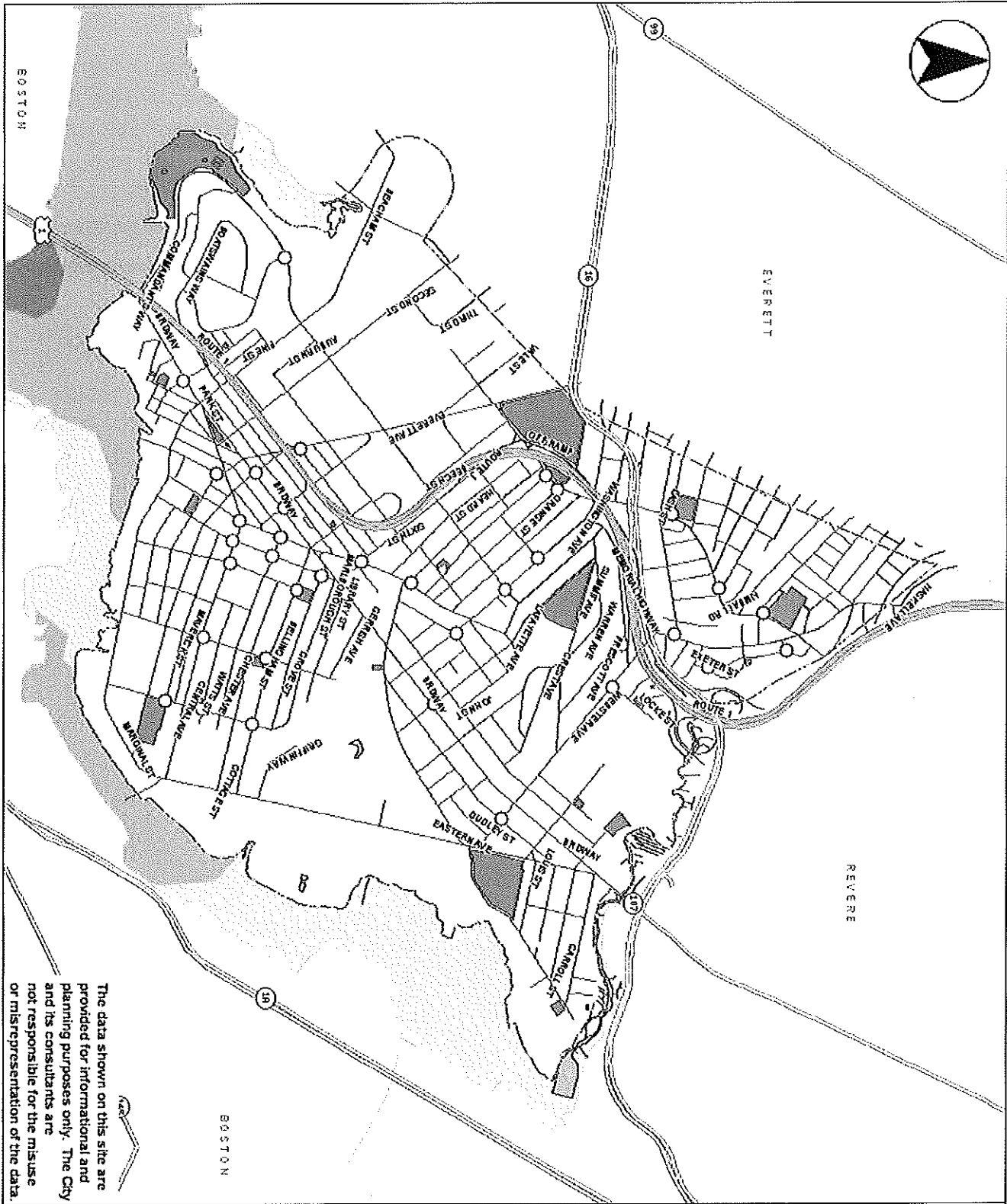
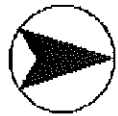
FROM: Cheryl Watson

REGARDING: Sex Offender Residency Prohibition

NO. OF PAGES: 8 (including this cover sheet)

COMMENTS: \_\_\_\_\_  
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The data shown on this site are provided for informational and planning purposes only. The City and its consultants are not responsible for the misuse or misrepresentation of the data.



- Bus Stops
- Highways
- Interstate
- US Highway
- State Highway
- Road Centerlines
- Parks
- Streams
- Rivers & Ponds
- Town Boundary

# School Bus Stops



# Chelsea City Council

City Hall  
500 Broadway  
Chelsea, MA 02150  
(617) 889-8210  
(617) 889-8349 Fax

*P/N*  
**1st Reading**  
*moved to Sec. R.*

November 21, 2005

WHEREAS, the City Council of the City of Chelsea adopts ordinances to protect the health, safety and welfare of all residents of Chelsea; and

WHEREAS, the Chelsea City Council's Sub-Committee on Public Safety has determined that the existence of Level 3 and higher Sex Offenders poses a threat to the health, safety and welfare of the residents of Chelsea; and

WHEREAS, the City Council of the City of Chelsea and the Sub-Committee on Public Safety have determined that limiting the frequency of contact between sex offenders and areas where children are located and elderly housing facilities are, is likely to reduce the risk of an offense against children by sexual offenders and predators;

NOW, THEREFORE be it Ordained that the Revised Code of the Ordinances of the City of Chelsea as amended, be it further amended and adopted as follows:

That a new Article be adopted as 7-12 and entitled "Sexual Offender Residency Prohibition" to read as follows:

- (a) **Intent.** The public purpose of this Article is to protect the City of Chelsea's interest in promoting, protecting and improving the health, safety and welfare of the residents of Chelsea by creating safe areas around elderly housing locations and where children regularly congregate wherein certain sexual offenders are prohibited from residing.
- (b) **Definitions.** The following definitions shall apply to this Article unless the context clearly indicates a different meaning:

Sex Offender is a person who resides, works or attends an institution of higher learning in Massachusetts who has been convicted of a sex offense or who has been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication or a person who has been adjudicated a sexually dangerous person under M.G.L. c. 123A § 14.

*P/N roll call* DEC 19 2005

**2nd**

*Done*

Sex Offender Registry is the Commonwealth's registry of sex offenders established and maintained pursuant to Mass. Gen. Laws c. 6 § 178D.

Permanent Residence means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.

(c) **Prohibition:**

- i) It is unlawful for any person who is finally classified as a Level 3 or higher convicted sex offender pursuant to the guidelines of the sex offender registry, 803 CMR 1:00, to establish a permanent resident within five hundred (500) feet of any elderly housing facility, school, daycare center, park, playground or other recreational facility where children regularly congregate.
- ii) It is unlawful to let or rent any place structure, or part thereof or other conveyance, as a permanent resident by any person who is prohibited from establishing such permanent residence pursuant to Section (c) (i) above, if such place, structure, or part thereof or other conveyance is located within five hundred (500) feet of any elderly housing facility, school, day care center, park, playground or other recreational facility where children congregate.
- iii) For the determination of the minimum distance separations, the requirement shall be measured by following a straight line from the outer property line of the permanent resident to the nearest outer property line of an elderly housing facility, a school, daycare center, park, playground, or other recreational facility where children congregate.

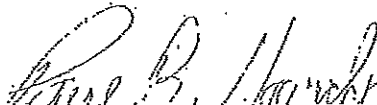
(d) **Exceptions:** A Level 3 or higher convicted sex offender residing within five hundred (500) feet of any elderly housing facility, a school, daycare center, park, playground or other recreational facility where children regularly congregate does not violate this Article if any of the following apply:

- 1) The person established the permanent resident prior to the effective date of this Article.
- 2) The elderly housing facility, school, daycare center, park, playground, or other recreational facility where children regularly congregate was opened after the person established the permanent residence.

(e) **Penalty:**

- 1) **First Offense:** Non-criminal fine of \$100.00 and notification to person that he/she has 30 days to move.

- 2) Second Offense: Non-criminal fine of \$300.00 and notification to person's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that person has violated a municipal ordinance.
  - 3) A property owner's failure to comply with provisions of this Article shall subject the property owner to a non-criminal fine of \$100.00 for each offense.
  - 4) Each separate violation shall constitute a separate offense.
- (f) This Article shall be effective sixty (60) days from the date of adoption of this Article. Statuary reference(s) - Mass.Gen.L. c. 123A, § 14 and c 6 § 178D.

  
\_\_\_\_\_  
Councillor Paul R. Nowicki