

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.

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.

(d) **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.
- (e) This Article shall be effective sixty (60) days from the date of adoption of this Article. Statutory reference(s) - Mass.Gen.L. c. 123A, § 14 and c 6 § 178D.