

TOWN OF WEATHERSFIELD, VERMONT
CHILD SAFETY ORDINANCE

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I: AUTHORITY

This Ordinance is adopted by the Select Board of the Town of Weathersfield pursuant to the authority granted in Title 24, Chapter 59, of the Vermont Statutes Annotated.

II: PURPOSE

The purpose of this Ordinance is to promote the safety children and the public within the Town of Weathersfield.

III: DEFINITIONS

For purposes of this Ordinance, the following words and/or phrases shall be defined as follows:

- (A) "Licensed daycare" means any licensed daycare facility registered with the Town of Weathersfield or the appropriate State agency;
- (B) "Recreation facilities" shall mean a park, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, or sports facility, including the parking area and land surrounding any of the aforementioned facilities, which is owned by or under the jurisdiction of any department, agency, or authority of the Town of Weathersfield, the State of Vermont, or Federal government;
- (C) "Sex offender" shall mean sex offender as defined in Title 13, Section 5401 (10), of the Vermont Statutes Annotated;

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- (D) "School" shall mean a licensed or accredited public or private school or church school that offers instruction in pre-school, including other businesses permitted as a school by the State of Vermont, or any of kindergarten through Grade 12. This definition shall not include private residences in which students are taught by parents or tutors.
- (E) "Third Party" means any landlord, homeowner, lessee, or government agency.

IV: RESIDENCY PROHIBITIONS

- (A) It shall be unlawful for any sex offender to establish a residence or any other living accommodations, permanent or temporary, whose property lines fall within one thousand feet (1,000') of a school, library, or recreation facility in the Town of Weathersfield. The one thousand feet (1,000') restriction shall be measured from the nearest property line of the school or recreation facility to the nearest property line upon which the house, apartment complex, condominium complex, motel, hotel, or other residence is located.
- (B) A sex offender residing within one thousand feet (1,000') of a school, library, or recreation facility is not in violation if the residency was established prior to the date of adoption of this Ordinance and residency has been consistently maintained. Changes to property within one thousand feet (1,000') of a sex offender's registered address which moves a school, library, or recreation facility into the prohibited proximity to the residence of the sex offender which occur after a sex offender establishes residency shall not form the basis for finding a sex offender in violation of this Ordinance if the residency has been consistently maintained.
- (C) Those residents of Weathersfield already having established residency within one thousand feet (1,000') feet of a school, library, or recreation facility who are subsequently convicted of a violation making them a sex offender as defined by Section II (C) of this Ordinance shall be determined to be in violation of this Ordinance.

V: "NOTICE TO MOVE"

- (A) Sex offenders in violation of Article IV of this Ordinance shall, within fifteen (15) days of receipt of written notice of the sex offender's noncompliance with Article IV, move from said location to a new location, but said new location may not be within one thousand feet (1,000') feet of any school, library, or recreation facility.
 - (B) The first day following the fifteen (15) days written notice shall be considered the first violation.
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- (C) Following the first violation, every day that the sex offender continues to reside within one thousand feet (1,000') of any school, library, or recreation facility shall be considered a separate violation.

VI: THIRD PARTY VIOLATIONS

- (A) It shall be unlawful for a third-party to knowingly allow or aid a sex offender in violating this Ordinance. Third-party violations are subject to the same fines and penalties as outlined in Article IX.

VII: SEX OFFENDER PRESENCE

- (A) It shall be unlawful for a sex offender to be present on the property of any school, recreation facility, or licensed daycare.
- (B) If a law enforcement officer reasonably believes that a sex offender is on the property of any school, recreation facility, or licensed daycare in violation of this section, the officer shall require the suspected sex offender to provide his/her name, address, and telephone number. If it is established that the individual is a sex offender, then the officer shall issue a written warning that he/she is in violation of this Ordinance and require the person to leave the school, recreation facility, or licensed daycare. Subsequently, if the person refuses to leave or is found at any school, recreation facility, or licensed daycare in the Town of Weathersfield in violation of this subsection, the penalties set forth in Article IX of this Ordinance shall apply.

VIII: EXCEPTIONS

A sex offender who enters upon school, library, recreation facility, or licensed daycare property does not commit a violation of this Ordinance if any of the following apply:

- (A) The property also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to BOTH of the following conditions:
- (1) The sex offender's entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
 - (2) The sex offender shall not participate in any religious education programs that include individuals under the age of eighteen (18).

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- (B) The property also supports a use lawfully attended by a sex offender's natural or adopted child(ren), which child's use reasonably requires the attendance of the sex offender as the child's parent upon the property, subject to the condition that the sex offender's entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public.

- (C) The property also supports a polling location in a local, State, or Federal election subject to all of the following conditions:
 - (1) The sex offender is eligible to vote;
 - (2) The property is the designated polling place for the sex offender; and
 - (3) The sex offender enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and vacates the property immediately after voting.

- (D) The property also supports a school lawfully attended by the sex offender as a student under which circumstances the sex offender may enter upon the property supporting the school at which the sex offender is enrolled, for such purposes and at such times as are reasonably required for the educational purposes of the school.

- (E) The property also supports a court, government office, or room for public governmental meetings, subject to all of the following conditions:
 - (1) The sex offender is on the property only to transact business at the government office or place of business or attend an official meeting of a government body; and
 - (2) The sex offender leaves the property immediately upon completion of the business or meeting.

IX: PENALTIES

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of Title 24, Section 1974a and Section 1977, et seq, of the Vermont Statutes Annotated.

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- (A) A civil penalty of not more than Five Hundred Dollars (\$500.00) may be imposed for a violation of this Ordinance.

The waiver fee shall be set at:

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| (1) | First offense: | \$150.00 waiver fee. |
| (2) | Second and subsequent offenses: | \$300.00 waiver fee and notification to offender's parole officer and/or probation officer, and the Vermont Department of Corrections. |

- (B) This Ordinance may be enforced by any properly qualified Vermont law enforcement officer.

X: INCONSISTENT ORDINANCES REPEALED

Any provisions of any Ordinance of the Town of Weathersfield in effect at the time of enactment of this Ordinance governing any activity included in this Ordinance is hereby revoked.

XI: SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof.

The Select Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

XII: EFFECT

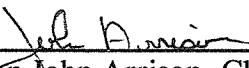
No section of this Ordinance shall be construed to supersede or replace any Vermont statute.

This Ordinance shall be entered in the minutes of the Select Board's meeting, and posted in at least five (5) conspicuous places with the Town of Weathersfield and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the Ordinance is adopted.

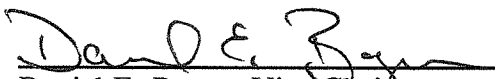
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This Ordinance will become effective on the nineteenth day of January, 2009, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed with the Town Clerk by the third day of January, 2009, forty-four (44) days after the date of its adoption. The petition should be addressed to the Select Board, should be signed by at least five per cent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the Ordinance. Questions about the Ordinance may be directed to the Municipal Offices, Weathersfield, Vermont, or by calling telephone number [802] 674-2626.

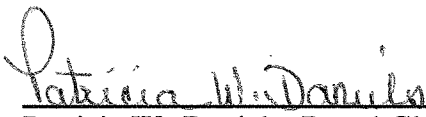
The foregoing Ordinance is hereby adopted by the Select Board of the Town of Weathersfield, Vermont, this twentieth day of November, 2008.




Norman John Arrison, Chairperson




Daniel E. Boyer, Vice Chairperson



Patricia W. Daniels, Board Clerk



Henry C. Cobb, Jr., Selector



Glenn S. Fisher, Selector