

Section 13-22. SEX OFFENDER RESIDENCY RESTRICTIONS

(a) Definitions. For the purpose of this Section, the following terms shall have the respective meanings ascribed to them:

1. Adult Criminal Level 3 Sex Offender. A person convicted of a criminal sex offense and designated as a Level 3 sex offenders by the Massachusetts Sex Offender Registry Board. The Board has determined that these individuals have a high risk to reoffend and that the degree of dangerousness posed to the public is such that a substantial public safety interest is served by active community notification.
2. School. A licensed or accredited public or private school or church school that offers instruction in pre-school, including a licensed daycare or other business permitted as a school by the City of Everett, or any of grades K through 12. This definition shall not include private residences in which students are taught by parents or tutors.
3. GIS. Geographic information system.

(b) Residency Restrictions. It shall be unlawful for any Adult Criminal Level 3 Sex Offender to establish a residence or any other living accommodations within one thousand five hundred (1,500) feet of the property on which any school, day care center, park, or recreational facility open to the public is located. The one thousand five hundred (1,500) feet restriction shall be measured in a straight line from the nearest property line upon which the house, apartment complex, condominium complex, motel, hotel or other residence is located to the property line of the nearest school, day care center, park, or recreational facility. Distances will be taken from the City's GIS system and GIS services to the City shall be presumed accurate and shall be evidence of a violation.

(c) Established Residents. Changes to property resulting in a school, day care center, park, or recreational facility within one thousand five hundred (1,500) feet of an Adult Criminal Level 3 Sex Offender's registered address which occur after an Adult Criminal Level 3 Sex Offender establishes residency shall not form the basis for finding that a criminal sex offender is in violation of Chapter 13-22.

(d) Notice to Move. Level 3 Registered Sex Offenders who resides on a permanent or temporary basis within one thousand five hundred (1,500) feet of any school, day care center, park, or recreational facility following passage of this ordinance, shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the Registered Sex Offender's noncompliance with this chapter, move from said location to a new location, but said new location may not be within one thousand five hundred (1,500) feet of any school, day care center, park, or recreational facility. The first day following the thirty day (30) written notice shall be considered the first violation. Following the first violation, every day that the Registered Sex Offender continues to reside within one thousand five hundred (1,500) feet of any School, day care center, park, or recreational facility shall be considered a violation each day.

(e) Penalties. The following penalties will be imposed by the City of Everett:

1. First Offense by Registered Sex Offender: Non-criminal fine of \$150.00

2. Subsequent Offense by Registered Sex Offender: Non-criminal fine of \$300.00 and notification to offender's parole officer and/or probation officer, and the Commonwealth's Sex Offender Registry Board that the Sex Offender has violated a municipal ordinance.

This Ordinance expressly does not repeal or otherwise affect any other provisions of the Revised Ordinances of the City of Everett, Massachusetts. This Ordinance shall become effective immediately upon its passage or otherwise becoming law.