

**Town of Montville Town Council
Public Hearing Meeting Minutes for Monday, December 10, 2012
6:15 p.m. – Town Council Chambers**

1. Call to Order

Chairperson Buebendorf called the meeting to order at 6:15 p.m. after establishing a quorum.

2. Pledge of Allegiance followed by a moment of silence in honor of our military.

3. Roll Call

Present were Councilors Caron, Longton, Tanner, and Buebendorf. Councilors Jones, McFee, and, due to illness, Murphy, were absent. Also present was Mayor Ronald McDaniel.

4. Public Hearing

Chairperson Buebendorf opened the public hearing and read the following into the record:

The following Ordinance, copies of which may be obtained at the office of the Town Clerk during office hours, was introduced at a regular meeting of the Town Council held November 14, 2012 and a public hearing thereon and for its consideration by the Town Council will be held at Town Hall Council Chambers, December 10, 2012 at 6:15 P.M.

AN ORDINANCE TO AMEND ORDINANCE NO. 2010-003 “ORDINANCE TO ESTABLISH CHILD SAFETY ZONES” ADOPTED OCTOBER 14, 2010

THE TOWN OF MONTVILLE HEREBY ORDAINS that the ordinance entitled “Ordinance to Establish Child Safety Zones” adopted October 14, 2010 and more specifically designated as Ordinance No. 2010-003 is hereby amended as follows:

Purpose: Administration.

Since the Town of Montville has a compelling interest in protecting children from the threat of sexual abuse from [child] sex offenders, it is hereby resolved that, to preserve and promote the health, safety and general welfare of the children of the Town, it is in the common interest to enact reasonable regulations restricting [child] sex offenders from entering Child Safety Zones.

Definitions:

When used in this Ordinance, the terms, phrases, words, and derivations shall have the meanings set forth thereafter. When not inconsistent with the context, words in the plural number include the singular and words in the singular number include the plural. The word “shall” is always mandatory and not merely directory. Terms not defined below shall have the meanings set forth in Section 54-250 of the Connecticut General Statutes, as amended.

Child.

Any natural person who has not reached the age of eighteen (18) years.

Child Safety Zone.

Any park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field or sports facility, wherein children congregate, which is: 1) under the jurisdiction of any department, agency or authority of the Town including, but not limited to, the Board of Education of the Town of Montville, or 2) [is] leased by the Town to another person for the purpose of operating a [park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field or sports facility;] like facility; to include[s] any and all buildings, land, parking areas or other improvements located on the same parcel on which [each] any of the aforementioned facilities [is] are located, but does not include any public street or public sidewalk located on the outside boundary of Child Safety Zones.

[Child] Sex offender.

(a) A person who:

- 1) Has been convicted or found not guilty by reason of mental disease or defect of a “criminal offense against a victim who is a minor”; [“a” “nonviolent sexual offense”; [a] “sexually violent offense”; or any felony that the Court finds was committed for a “sexual purpose” as those terms are defined in Subdivisions (2), (5), (11) and (12) of Section [54-240] 54-250 of the Connecticut General Statutes as amended and who is required to register with the Commissioner of Public Safety pursuant to Sections 54-251, 54-252, 54-253 or 54-254 of the Connecticut General Statutes, as amended.
- 2) [a person who] Has been convicted or found not guilty by reason of mental disease or defect in any other State, in a Federal or Military Court or in any foreign jurisdiction of any crime the essential elements of which are substantially the same as any of the crimes specified in Subdivisions (2), (5), (11) of Section [54-251] 54-250 of the Connecticut General Statutes, as amended, and which requires registration as a Sexual Offender in such other State or in the Federal or Military system, and who resides in this State on and after October 1, 1998.

Prohibition.

It shall be unlawful for a [Child] Sex Offender to be present in a Child Safety Zone.

Exclusions.

This [Ordinance] Prohibition shall not apply to the following:

- (1) To any person whose name has been removed from the Connecticut Department of Public Safety’s Sex Offender Registry or from the registry of any other State or in the Federal or Military system by act of a Court or by expiration of the term [, such person is required to remain on such registry].
- (2) To any person entering into a facility in a Child Safety Zone for the sole purpose of voting in any Municipal, State [of] or Federal election or referendum, provided that the person leaves the facility immediately after voting.
- (3) To the extent that the conduct prohibited by this Ordinance is in conflict with any sentence or order of probation or parole imposed upon a sex offender.
- (4) To any person who enters a Child Safety Zone for the purposes of dropping off or picking up his or her own child, provided that the person leaves the Child Safety Zone immediately after dropping off or picking up his or her child.

(5) To any person who enters a Child Safety Zone for the purpose of meeting with an adult, such as a teacher, administrator or nurse, to discuss his or her own child's medical [or educational issues], educational or general welfare, provided that the person leaves the Child Safety Zone immediately after completing the meeting or discussion.

(6) To any person who is lawfully employed in a position that might require providing services within such Child Safety Zone, as defined herein, for the purpose of providing such employment services. Said person may provide services in the scope of employment only at the discretion of such person's probation or parole officer, or if such person is not on probation or parole, at the discretion of the Chief of Police of the Town or its Resident State Trooper.

Notice.

The Mayor acting as Chief of Police or Resident State Trooper or his/her designee shall make reasonable efforts to provide prompt, actual written notice of the enactment of this Ordinance (which notice shall contain a copy of the Ordinance) [] to all persons who are listed on the Sex Offender Registry as of the effective date of this Ordinance as well as those persons who are added to the Sex Offender Registry thereafter, which persons' addresses (as shown of the Sex Offender Registry)_ are within the Town. Such notice requirement may be satisfied by the mailing of such notice by Registered or Certified Mail, Return Receipt Requested to the last known address of such person as listed on the Sex Offender Registry or has otherwise known to the Mayor acting as Chief of Police or Resident State Trooper or his/her designee. The failure of any person to receive such actual written notice shall not be a defense to a violation of this Ordinance.

Enforcement.

(a) If a Police Officer [reasonably believes] has a reasonable suspicion that a [child] sex offender is in a Child Safety Zone in violation of this Ordinance, the Officer shall require the suspected child sex offender to provide [his/her name, address and telephone number] proper identification. If it is established that the individual is a [child] sex offender, then the Officer may issue an Infraction ticket to the offender and require the offender to leave the Child Safety Zone.

(b) Any person in violation of this Ordinance shall be fined in the amount of ninety-nine dollars (\$99.00) for each violation or the maximum imposed by State Statute.

Severability.

Any provision of this Ordinance held to be unconstitutional or superseded by State law or regulation shall not serve to invalidate the remaining unaffected provisions hereof. No provision of this Ordinance shall serve to validate any activity otherwise prohibited by State or local law or lawfully enacted zoning regulations.

Child Safety Zones.

Each Child Safety Zone may be identified by a sign conspicuously posted at the primary entrance to the Child Safety Zone and any building within the Child Safety Zone. In addition, the Town of Montville will make available a map outlining each Child Safety Zone in Montville and a document listing each Child Safety Zone at the Mayor's Office and the Montville Town Police Department. All Child Safety Zones similar to the map mentioned above and the document listing each Child Safety Zone in Montville will be placed on the Town of Montville's web site for viewing.

This ordinance shall become effective thirty (30) days from the date of its adoption.

Dated at Montville Connecticut this 15th day of November 2012.

Lisa Terry, Town Clerk

Chairperson Buebendorf asked if there was anyone present who would like to speak regarding the proposed ordinance.

Mr. Joseph Socha, 3 Ventura Drive, Oakdale, spoke in favor of the ordinance, stating that he is at a loss why the ordinance would not be supported as it is the right thing to do. He congratulated all who are in favor of the ordinance and commended those who were involved in the creation of the ordinance.

Chariperson Buebendorf asked three times if there were any additional persons from the public who would like to speak regarding the proposed ordinance.

5. Adjournment

There being no additional questions or comments, the Public Hearing was closed at 6:18 p.m.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town of Montville

AN AUDIO RECORD OF THE MEETING IS ON FILE IN THE MONTVILLE TOWN CLERK'S OFFICE