

Mary Ann Jacob, Chair
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TOWN OF NEWTOWN

Legislative Council Ordinance Committee Minutes June 1, 2011 Draft-Draft-Draft

Mrs. Jacob called the meeting to order at 6:39 pm.

Mr. Belden, Mr. Woycik, Ms. Jacob, and Mr. Merola were present.

No voter participation

Mr. Merola made a motion to accept the minutes of 3/16/11 as presented and Mr. Belden seconded. All present were in favor.

Mr. Belden made a motion to send the Child Protection Ordinance to the full council for final review, Mr. Merola seconded and all were in favor.

Mr. Merola made a motion to send the Fairfield Hills Ordinance as amended to the full council for final review, Mr. Woycik seconded and all were in favor.

Mrs. Jacob reported she was still waiting for input from legal council regarding the Feline Ordinance. Hopefully we will have that information for our next meeting and we will invite Chief Kehoe to comment as part of the discussion.

Mr. Merola reported that in his research on the Ordinance 79 Tax Abatement for Volunteer Fire and Rescue Personnel he discovered that state law currently would not permit adding NUSAR. However, Mr. Lyddy has proposed making a change to a pending bill that would allow this to happen. So, we'll wait for that to become law and then take this ordinance up again.

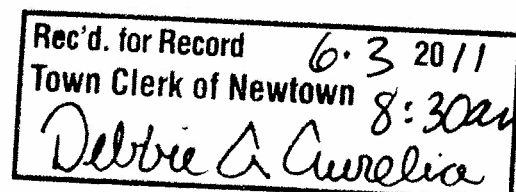
Mr. Woycik volunteered to take the lead getting started on the Anti Blight Ordinance. Mrs. Jacob reported that this type of ordinance was proposed before when Mr. Rogers was chair for the committee and it was met with steep public resistance and was dropped as a result. Mr. Woycik will get the information he can from Mr. Rogers and we will invite Mr. Gaston, Borough Warden to our next meeting as The Borough is interested in having a Blight Ordinance as well.

Our next meeting was scheduled for 7/13/11 at 6:00PM.

Other Business: Mr. Belden expressed interest in trying to bring a Water Restriction Ordinance forward. He will need to speak with the First Selectman to see if she is interested in bringing this issue forward to the Board of Selectman.

No voter participation.

Ms. Jacob called for a motion to adjourn at 7:01 pm. Mr. Merola made the motion to adjourn and Mr. Woycik seconded.



FAIRFIELD HILLS AUTHORITY ORDINANCE AMENDMENT

523-5(4) Negotiate leases for all or any part of the land and buildings of the Premises, in the name of the Town of Newtown, in accordance with the provisions of the master plan, provided that any lease shall be subject to approval of the Board of Selectmen; and where the lease requires expenditures by the Town as a condition of the lease, the lease shall be subject to the provisions of Section 6-30 (Special and Emergency Appropriations) of the Newtown Charter relative to the required expenditures.

Chapter 283

Ordinance to Protect Children

- § 283-1. Purpose: Administration.
- § 283-2. Definitions.
- § 283-3. Prohibition.
- § 283-4. Exclusions.
- § 283-5. Notice.
- § 283-6. Enforcement.
- § 283-7. Severability.
- § 283-8. Effective date.
- § 283-9. Child Safety Zones.
- § 283-10. Miscellaneous.

§ 283-1. Purpose: Administration.

Since the Town of Newtown 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.

§ 283-2. Definitions

Child Safety Zone.

Any park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, trail, passive recreation area, open space parcel, or sports facility, which:

- A. is 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 Newtown;
 - . 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, trail, passive recreation area, open space parcel, or sports facility;
- A. includes any and all buildings, land, parking area or other improvements located on the same parcel on which each of the aforementioned facilities is

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 has been convicted or found not guilty by reason of mental disease or defect of:
 - 1. a "criminal offense against a victim who is a minor";
 - 2. "a nonviolent sexual offense";
 - 3. a "sexually violent offense";
 - 0. 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 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.
- A. 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 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.

§ 283-3. Prohibition.

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

§ 283-4. Exclusions.

This ordinance will not apply to the following:

- A. 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.
- B. To any person entering into a facility in a Child Safety Zone for the sole purpose of voting in any Municipal, State or Federal election or referendum, provided that the person leaves the facility immediately after voting.
- C. 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.
- D. 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
- E. 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, provided that the person leaves the Child Safety Zone immediately after completing the meeting or discussion.

§ 283-5. Notice

The Chief of Police 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 on 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 as otherwise known to the Chief of Police. The failure of any person to receive such actual written notice shall not be a defense to a violation of this Ordinance.

§ 283-6. Child protection Enforcement

If a Police Officer reasonably believes 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. 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.

Any person in violation of this Ordinance shall be fined in the amount of two hundred fifty dollars (\$250.00) for each violation or the maximum imposed by State Statute.

§ 283-7. 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:

§ 283-8. Effective Date

The Ordinance shall become effective fifteen (15) days after approval by Town Meeting and published in a newspaper having general circulation in the Town of Newtown.

§ 283-9. Child Safety Zones.

Each Child Safety Zone shall 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 Newtown will make available a map outlining each Child Safety Zone in Newtown and a document listing each Child Safety Zone at the First Selectman's Office and the Newtown Police Department. All Child Safety Zones similar to the map mentioned above and the document listing each Child Safety Zone in Newtown will be placed on the Town of Newtown's web site for viewing.

§ 283-10. Miscellaneous.

- A. The Newtown Police Department will maintain a Sexual Offender Registration book of Newtown Sexual Offender registrants. It should be known as the Newtown Sexual Offender Registry (Registry).
- B. The Newtown Sexual Offender Registry will be available for public view and shall be kept in the Records area. Upon request by an individual present at

the Newtown Police Department, the Registry shall be made available for their viewing. The Town will not make copies of any part of the Registry; specific Registry information shall not be given out over the phone

- C. Although the Connecticut Department of Public Safety by Connecticut General Statute is responsible for maintaining the Sex Offender Registry, the Newtown Police Department will still be required to maintain a copy of the registration information for all registrants residing within its jurisdiction in the Newtown Sexual Offender Registry.
- D. When a local registrant is released from the obligation to register, the Connecticut Department of Public Safety shall notify the Newtown Police Department that the person is no longer a registrant. The Newtown Police Department shall then remove and destroy all Registry information pertaining to the person and shall make no further disclosure of such information.