

TOWN OF ROCKLAND

Sex Offender Residency By-Law

ARTICLE 57

May 5th, 2009

Implemented - September 15th, 2009

The Town unanimously voted to amend the General Bylaws to add the following Bylaw, entitled "Sex Offender Residency Bylaw":

Section 1. Definitions

1. "Town Library" means the structure in which the Rockland Memorial Library is located.
2. "Park" means public land designated for active or passive recreational or athletic use by the Town of Rockland, the Commonwealth of Massachusetts or other governmental subdivision, and located within the Town of Rockland.
3. "School" means any public or private education facility that provides services to children in grades kindergarten — 12.
4. "Day care center" means an establishment, whether public or private, which provides care for children and is registered with and licensed pursuant to the laws of the Commonwealth of Massachusetts by the Office of Child Care Services.
5. "Elderly housing facility" means a building or buildings on the same lot containing four or more dwelling units restricted to occupancy by households having one or more members fifty-five years of age or older.
6. "Place of worship" means a structure used for religious worship or religious education purposes on land owned by, or held in trust for the use of, any religious organization.
7. "Sex offender," as defined in G.L. c. 6, § 178C, means a person who resides, works or attends an institution of higher learning in the commonwealth and 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 G.L. c. 123A, §14, as in force at the time of adjudication, or a person released from civil commitment pursuant to section 9 of said chapter 123A, whichever last occurs, on or after

August 1, 1981.

8. "Sex offender registry" means the collected information and data that is received by the criminal history systems board pursuant to G.L. c. 6, §§ 178C to 178P, inclusive, as such information and data is modified or amended by the sex offender registry board or a court of competent jurisdiction pursuant to said Sections 178C to 178P, inclusive.
9. "Permanent residence" means a place where a person lives, abides, lodges, or resides for five (5) or more consecutive days or fourteen (14) or more days in the aggregate during any calendar year.
10. "Establishing a residence" means to set up or bring into being a dwelling place or an abode where a person sleeps, which may include more than one location, and may be mobile or transitory, or by means of purchasing real property or entering into a lease or rental agreement for real property (including a renewal or extension of a prior agreement whether through written execution or automatic renewal).

Section 2. Sexual Offender Residence Prohibition; Penalties; Exceptions

1. It is unlawful for any sex offender who is so long as classified as a level 2 or level 3 sex offender, pursuant to the guidelines of the Sex Offender Registry Board, to establish a permanent residence within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship within the Town of Rockland.
2. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence to the nearest outer property line of the Town Library or any school, day care center, park, elderly housing facility or place of worship.
3. Notice to move. Any classified registered level 2 or 3 sex offender who establishes a permanent residence within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship shall be in violation of this section and shall, within thirty (30) days of receipt of written notice of the sex offender's noncompliance with this chapter, move from said location to a new location, but said location may not be within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship. It shall constitute a separate violation for each day beyond the thirty (30) days the sex offender continues to reside within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship. Furthermore it shall be a separate violation each day that a sex offender shall move from one location in the Town of Rockland to another that is within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or

place of worship.

4. Penalties. Violations of this bylaw may be enforced through any lawful means in law or in equity by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer of the Town of Rockland including, but not limited to, enforcement by non-criminal disposition pursuant to G.L. c. 40, §21D. Each day a violation exists shall constitute a separate violation. The penalties shall be as follows;
 - a. First Offense: Notification to sex offender that he/she has thirty (30) days to move.
 - b. Subsequent Offense: Non-criminal fine of \$300.00 and notification to the sex offender's landlord, parole officer and/or probation officer and the Commonwealth's Sex Offender Registry Board that the person has violated a municipal bylaw.
1. Exceptions. A person residing within one thousand (1,000) feet of the Town Library or any school, day care center, park, elderly housing facility or place of worship does not commit a violation of this section if any of the following apply:
 - a. The person established the permanent residence and reported and registered the resident pursuant to G.L. c. 6, §§178C to 178P, inclusive, prior to the date of the Town Meeting at which this bylaw was approved.
 - b. The person was a minor when he/she committed the offense and was not convicted as an adult.
 - c. The person is a minor.
 - d. The Town Library or school, day care center, park elderly housing facility or place of worship within one thousand (1,000) feet of the personal permanent residence was established after the person established the permanent residence and reported and registered the residence pursuant to G.L. c. 6, §§178C to 178P, inclusive.
 - e. The person is admitted to and/or subject to an order of commitment at a public or private facility for the case and treatment of mentally ill persons pursuant to G.L. c. 123.
 - f. The person is a mentally ill person subject to guardianship pursuant to G.L. c. 201, §6 or a mentally retarded person subject to guardianship pursuant to G.L. c. 201, §6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised 24 hours a day.