

THE TOWN OF HOLDERNESS, NH

Sex Offender Ordinance

Purpose:

Acknowledging that sex offenders who prey on children are at a higher risk of re-offending, the Town of Holderness has a compelling interest and responsibility to protect the health, safety and welfare of its children by restricting access to areas where there are high concentrations of children.

A. Definitions:

1. Registered Sex Offender: Any person required to register under RSA 651-B.
2. Offenders Against Children: Any Registered Sex Offenders who have been convicted of the crime against a person under the age of 18, as defined in RSA 651-B:1 and qualify to appear on the state maintained "Registered Offenders Against Children List".
3. School/Daycare: Any public or private educational facility that provides services for children in grades K-12 or any day care facility.
4. Protected Area: Any school, day care, playground area, athletic field or court, public beach, or any other recreational location or facility where minors regularly congregate completely or partially.
5. Radius: The distance shall be measured from the outer boundary lines of the properties in question within the boundaries of the Town of Holderness.
6. Premises: Shall mean the building structure and/or curtilage surrounding the building, playground area, playing fields, courts, and beaches.
7. Sex Offender Registration Form: Shall mean the form provided to law enforcement for specific purpose of registering Sex Offenders, currently designated DSSP311 or any other form as required by the Department of Safety to comply with RSA 651-B.

B. Restrictions:

1. An Offender Against Children shall not reside within a 2,500 foot radius of the property line of a protected area.
2. An Offender Against Children as defined above is prohibited from entering a protected area, unless specifically authorized by the appropriate facility / location management or the Chief of Police or his designee.

C. Exceptions:

1. An Offender Against Children residing within 2,500 feet of a Protected Area will be exempt from section B:1, if residency was established prior to the date of passage of this ordinance, or if a new Protected Area is proposed or built at a location that would otherwise be restricted under this ordinance after the date of residency.

D. Protected Areas:

Protected Areas under this ordinance include:

1. The Holderness Central School, 19 School Road.
2. The Holderness Private School, 33 Chapel Lane.
3. Livermore Beach, 36 Dirt Road.
4. Livermore Falls Beach, Livermore Road.
5. PSU Athletic Club, (Field House and Athletic Fields), 25 Field House Road.
6. Any licensed day care center that has been licensed by the State of New Hampshire.
7. Holderness Library, 866 U.S. Route 3.

E. Penalties:

1. Any person violating the provisions of B: 1, shall be subject to a fine of not less than \$500.00 for the first offense and shall relocate within 30 days. Any subsequent violations of this chapter by the same person shall be subject to a fine of not more than \$1000.00 and must vacate the premises within 24 hours.
2. Any person who fails to relocate within the 30 days will also be subjected to a \$50.00 per day fine for failing to comply with this ordinance. That fine will start 30 days after the subject has been notified by the Board of Selectmen to relocate, such notice may be given in the same manner as service of process in any district court action.
3. Any person violating the provisions B: 2 or B:3 shall be subject to a fine of not less than \$500.00 for the first offense. Any subsequent violations of this chapter by the same person shall be subject to a fine of not more that \$1000.00.

This ordinance shall take effect upon passage and shall remain in full force and effect until amended or repealed by appropriate authority. This Ordinance supersedes all prior ordinances on similar subject matter.

Passed and approved by the voters of the Town of Holderness, New Hampshire, this _____ day of March, 2009

Signed this _____ day of _____, 2009

By _____, Town Clerk
Ellen King

Holderness, New Hampshire

Received and Recorded _____, 2009 at _____ AM/PM.

Town Clerk