

ORDINANCE NO. 2007- 03

ORDINANCE PERTAINING TO SEX OFFENDER RESIDENCY RESTRICTIONS

WHEREAS, the Town Council of the Town of Brookwood wishes to add an ordinance pertaining to sex offender residency restrictions, as it is in the best interests of the health, safety and welfare of the residents of the Town of Brookwood to have such restrictions.

NOW, THEREFORE, BE IT ORDAINED by the Town of Brookwood as follows:

SEX OFFENDER RESIDENCY RESTRICTIONS

Definitions. For the purpose of this ordinance, the following terms shall have the respective meanings ascribed to them:

Adult Criminal Sex Offender. A person convicted of a criminal sex offense as defined by § 15-20-21(4) Code of Alabama (1975), including a person that has pleaded *nolo contendere* to a criminal sex offense, regardless of whether adjudication was withheld.

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 Town of Brookwood, or any of grades K through 12. This definition shall not include private residences in which students are taught by parents or tutors.

Park/Recreation Facility. Any business, property, municipal, county or state facility, park, playground, ball field, arcade, amusement park, theatre, or recreational area that has as its primary purpose the education, training, athletic competition, drama, amusement or entertainment of children under the age of 18 years of age, or any recreation facilities that are publicly owned or are otherwise open to the public.

Residency Restrictions. It shall be unlawful for any Adult Criminal Sex Offender to establish a residence or any other living accommodations or accept employment within 3,000 feet of the property of which any school, park or recreational facility is located. The 3,000 feet restriction shall be measured from the nearest property line upon which the house, apartment complex, motel, hotel, manufactured housing, motor home, or other residence of said adult criminal sex offender is located to the property line of the nearest school or recreation facility.

Established Residents. Changes to the use of property within 3,000 feet of an Adult Criminal Sex Offender's registered address which occur after an Adult Criminal Sex Offender establishes residency shall not form the basis for finding that a criminal sex offender is in violation of this ordinance.

This Ordinance expressly does not repeal or otherwise affect any other Ordinances of the Town of Brookwood.

This Ordinance shall become effective immediately upon its passage or otherwise becoming law.

A violation of this ordinance shall be a misdemeanor offense punishable with a jail term of not more than 6 months, and a fine not to exceed \$500 as determined by the Court, together with costs.

DONE this the 2nd day of October, 2007.

BROOKWOOD TOWN COUNCIL

BY: Alton C. Hyde
Mayor

ATTEST:

Linda Barger
Town Clerk

CERTIFICATE OF POSTING

I hereby certify that the above and foregoing Ordinance was posted on the 3th day of October, 2007 at the following locations:

1. Brookwood Town Hall
2. Ken's (C) Store
3. Mary's Travel Center
4. Subway

Linda Barger
Town Clerk