



SOMERSET COUNTY SHERIFF'S OFFICE

DALE P. LANCASTER, SHERIFF

James F. Ross, Chief Deputy

Memorandum of Understanding

between the

Somerset County Sheriff's Office

and the

Town of Canaan

regarding the

Enforcement of the Town of Canaan's

Sex Offender Ordinance

This Memorandum of Understanding (hereinafter referred to as the MOU) is made on this day, March 27, 2017 and shall remain in effect through March 27, 2022 unless mutually agreed to by the Somerset County Sheriff's Office and the Town of Canaan.

The Somerset County Sheriff's Office agrees to enforce violations of the Town of Canaan's Sex Offender Ordinance (Appendix 1) as adopted by the Town of Canaan on March 27, 2017, considered to be criminal violations as described in Maine Revised Statute Title 17-A. The Town of Canaan authorizes (Maine Revised Statute Title 30A §3009-A) the Somerset County Sheriff's Office to enforce violations of the ordinance that fall under the Maine Revised Statute 17-A. Enforcing violations of the Town of Canaan's Sex Offender Ordinance considered to be civil in nature (e.g. civil fines and fees) will be the responsibility of the Town of Canaan's Board of Selectmen.

Selectman

Selectman

Selectman

Dale P. Lancaster, Sheriff



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Appendix 1

Town of Canaan, Maine

Residency Restrictions for Sex Offenders.

Section 1: Authority

This ordinance is enacted pursuant to Title 30-A M.R.S.A, section 3014. This ordinance is intended to be coextensive with the maximum residency restrictions permitted by Title 30-A M.R.S.A, section 3014.

The Planning Board with the assistance of the Somerset County Sheriff's Office shall prepare, maintain and file with the Town Clerk an official map showing prohibited locations as defined by this ordinance. The Planning Board will update the map at least annually to reflect any changes in the locations of any Restricted Property and Setbacks and file the updated map with the Town Clerk.

Section 2: Definitions

- A. Setback - A 750 foot radius surrounding the "Restricted Property."
- B. Designated Sex Offender (s) - Person(s) convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense
- C. Property Owner – Property owner means the person owning real estate affected by this ordinance as shown by the current tax maps on file in the office of the Town Assessor or the records at the Somerset County Registry of Deeds.
- D. Residence – The temporary or permanent occupation or use of a place, including but not limited to a domicile, for the purpose of living, residing or dwelling.
- E. Restricted Property – The real property comprising a public or private elementary, middle or secondary school. The real property comprising a municipally owned property where children are the primary users. See Section 6 Restricted Property.

Section 3: Restrictions

- A. No Designated Sex Offender shall reside within a 750 foot Setback of any Restricted Property.
- B. No Property Owner may lease, rent or allow residential use of real property by a Designated Sex Offender within the 750 foot Setback from any Restricted Property.



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Section 4: Exceptions

- A. A Designated Sex Offender maintaining a residence within the Setback from Restricted Property is not in violation if the residence was established and consistently maintained as a residence prior to the date of passage of this ordinance. A Designated Sex Offender is not in violation of this ordinance if the Restricted Property is created, moved or enlarged which results in a Designated Sex Offender residing in a Setback as long as the residence was in place and consistently maintained prior thereto.
- B. A Property Owner leasing or renting a residence for use by a Designated Sex Offender within the Setback of a Restricted Property is not in violation if the residence was established and consistently maintained as a residence prior to the date of passage of this ordinance. A Property Owner is not in violation of this ordinance if the Restricted Property is created, moved or enlarged which results in a Designated Sex Offender residing in the Setback as long as the residency was in place prior to the creation, movement or enlargement and the residency has been consistently maintained.

Section 5: Violation; injunctive relief and penalties

Ordinance Authority

30-A §3009-A. Enforcement of municipal ordinances

A municipality lacking an organized police department may contract with the State Police, pursuant to Title 25, section 1502, or a sheriff's department for law enforcement services, including, but not limited to, enforcement of ordinances enacted by the municipality. State police officers and deputy sheriffs are authorized to enforce municipal ordinances as agreed to in the contract

- A. A Designated Sex Offender who, thirty (30) days after written notice from the Town of Canaan, is in violation of Section 3, subsection A of this Ordinance shall be subject to an action brought by the Somerset Sheriff's Office and the Town of Canaan to enforce the requirements of this ordinance. The Town of Canaan may seek injunctive relief to require compliance with the provisions of this ordinance.

The Town of Canaan may also seek a penalty in the minimum amount of \$500.00 per day, for each day of violation of Section 3 of this Ordinance after thirty (30) days. In the event the Town of Canaan is the prevailing party in any action under this Ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town of Canaan.



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B. Property Owners who, thirty (30) days after written notice from the Town of Canaan lease or rent any residence to a Designated Sex Offender within the Setback from a Restricted Property shall be subject to an action brought by the Somerset Sheriff's Office and the Town of Canaan to enforce the requirements of this ordinance. The Town of Canaan may seek injunctive relief to require compliance with the provisions of this ordinance.

The Town of Canaan may also seek a penalty in the minimum amount of \$500.00 per day, for each day of violation of Section 3, subsection B of this Ordinance after thirty (30) days. In the event the Town of Canaan is the prevailing party in any action under this Ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town of Canaan.

Section 6: Restricted Property

The following properties are designated as Restricted Properties because children are the primary users and is subject to change at the discretion of the Town Of Canaan Selectmen:

A. Schools

1. Canaan Elementary School MSAD 54
 - A. Including Sports Fields

B. Municipally Owned Property

- Where Children are the primary users

A TRUE COPY ATTEST

DATE 3/7/2017

Klewie B. Stettin
Town Clerk