

ARTICLE 54

SEX OFFENDERS

Section 1 Definitions

1. "Classified Level 2 or 3 Sex Offender" means a person who has been finally classified as a Level 2 or Level 3 Sex Offender by the Sex Offender Registry Board or its successor under M.G.L. c. 6 §§ 178C - 178 inclusive and under 803 C.M.R. §§ 1.13 or 1.22-1.23, or their successor provisions as the same may be amended from time to time.
2. "Organized" means any activity including but not limited to summer camp, library reading hour, educational program or sporting event which is developed, overseen and administered by the Town of Natick or a department or agency thereof, the Town of Natick School Department, or other legal entity under agreement with the Town of Natick.
3. "Organized Youth Activity" means any Organized activity involving one or more children under seventeen (17) years of age and which activity is taking place on Property owned by the Town of Natick.
4. "Property" means any building or real property in the Town of Natick which is owned by the Town of Natick and under the control of the Select Board or a department or agency of the Town of Natick or the Town of Natick School Department.
5. Unless otherwise provided herein and as applicable, terms used in this by-law have the same meaning as provided in M.G.L. c. 6 § 178C and 803 C.M.R. 1.03 or their successor provisions as the same may be amended from time to time.

Section 2 Prohibitions

1. It shall be unlawful for a Classified Level 2 or Level 3 Sex Offender to knowingly be within three hundred (300) feet of an Organized Youth Activity.

Section 3 Enforcement

1. The Town of Natick Police Chief and duly sworn Police Officers shall be responsible for the enforcement of this by-law.
2. If a police officer has reasonable suspicion to believe that a Classified Level 2 or Level 3 Sex Offender is within three hundred (300) feet of an Organized Youth Activity as defined in Section 1, in violation of this by-law, the officer shall require said individual to provide his/her name, address, and telephone number. If it is established that the individual is a Classified Level 2 or Level 3 Sex Offender, then the officer shall notify said Sex Offender that he/she is in violation of this by-law and a fine shall be issued pursuant to this by-law.
3. Non-Criminal Fine. A violation of this by-law may be enforced by a police officer by non-criminal complaint pursuant to the provisions of M.G.L. c. 40, § 21D. Each appearance at an Organized Youth Activity shall be deemed to be a separate offense, even if multiple appearances occur on the same day.

The penalty for violation of this by-law shall be three hundred dollars (\$300.00).

Section 4 Exceptions

A Classified Level 2 or Level 3 Sex Offender will not be in violation of this by-law in the following situations:

- a. The individual is a minor involved in the Organized Youth Activity;
- b. The individual is at his or her place of residence or secondary address that is within three hundred (300) feet of an Organized Youth Activity;
- c. The individual is at his or her place of employment that is located within three hundred (300) feet of an Organized Youth Activity;
- d. The individual is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility that is located within three hundred (300) feet of an Organized Youth Activity;
- e. The individual is admitted to and/or subject to an order of commitment at a public or private facility for the care and treatment of mentally ill persons pursuant to M.G.L. c. 123 and the facility is located within three hundred (300) feet of an Organized Youth Activity;
- f. The individual is a mentally ill person subject to guardianship pursuant to M.G.L. c. 201 § 6 or a mentally retarded person subject to guardianship pursuant to M.G.L. c. 201 § 6A, residing with his or her guardian or residing within a group residence that is professionally staffed and supervised twenty-four (24) hours a day and is located within three hundred (300) feet of an Organized Youth Activity;
- g. The individual is the parent of a natural or adopted child which child's participation in the Organized Youth Activity reasonably requires the attendance of the Sex Offender as the child's parent at the Organized Youth Activity but only if the Sex Offender's presence at the Organized Youth Activity occurs only during the hours of activity related to the participation by the child;
- h. The individual is walking, driving or traveling through a three hundred (300) foot zone of an Organized Youth Activity on his/her way from one location to another destination and does not stop or stand within three hundred (300) feet of the Organized Youth Activity.