

Ordinance No. 2009-01

**Town of Oak Ridge
Ordinance Prohibiting Sex Offenders
From Entering Parks and Recreational Facilities**

WHEREAS, the Town of Oak Ridge parks and recreation facilities are meant for the peaceful enjoyment of our citizens and are in desirable and well utilized locations for such enjoyment;

WHEREAS, the Town of Oak Ridge park and recreation facilities are public spaces wherein sexual offenders may sometimes attempt to find victims; and

WHEREAS, the State of North Carolina, the Mayor, Town Council members and Staff recognize that protection of the public is of paramount governmental interest; and

WHEREAS, it is in the interest of promoting the general welfare and safety of the people of the Town of Oak Ridge to reduce opportunities for sexual offenders to make use of public spaces for criminal intent; and

WHEREAS, the Mayor, Town Council members and Staff find it in the best interest of the citizens and residents of the Town of Oak Ridge to prohibit and ban Registered Sex Offenders from the Town of Oak Ridge park and other recreation facilities; and

WHEREAS, North Carolina General Stature 160A-174 states that a town may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town, and may define and abate nuisances.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Oak Ridge hereby enacts Ordinance Number O-2008-010 Prohibiting Sex Offenders From Entering Parks and Recreation Facilities.

Adopted this 5th day of February, 2009

Ordinance Prohibiting Sex Offenders From Entering Parks & Recreation Facilities

A. Prohibition: No person registered with the State of North Carolina and any other state or federal agency as a registered sex offender, including, but not limited to the sex offender registry established pursuant to Article 27A of Chapter 14 of the North Carolina General Statutes, shall enter into or upon any public park or recreation facility owned, operated or maintained by the Town.

B. Penalties: Violation of this ordinance shall be punishable by a fine of five hundred dollars (\$500.00) and/or incarceration for up to thirty (30) days. Each entry into a public park or recreation area, regardless of the time period between such entries, shall constitute a separate offence under this article.

C. Definitions: For purposes of this amendment, the following definitions shall apply:

Official Meeting – A meeting that is required to be open to the public by the Open Meetings Law, Article 33C of Chapter 143 of the North Carolina General Statutes.

Public Park – Any publicly owned, leased, operated, or maintained property that is designated as a park by the town, including any adjacent public parking area as well as the driveway, entrance way, or pedestrian walkway used by the public to access the public park.

Recreation Facility – Any publicly owned, leased, operated, or maintained property that is designated as a recreation facility by the town, including any adjacent public parking area as well as the driveway, entrance way, or pedestrian walkway used by the public to access the public recreation facility.

Registered Sex Offender – An individual who is registered by any state or federal agency as a sex offender and/or whose name is published or required to be published on any state or federal sex offender registry, including, but not limited to the North Carolina Sex Offender and Public Protection Registry established pursuant to Article 27A of Chapter 14 of the North Carolina General Statutes.

D. Signage Required: The Town Administrator or his/her designee shall be charged with posting this regulation at the entrances to each Public Park and recreation facility within thirty (30) days of the passage of this article.

E. Limited Exceptions:

- 1) Official Meetings: A registered sex offender who has the right to be present at an official meeting shall have the limited privilege of entering on and into a park or recreation facility for such time as is necessary to attend said meeting or function, but any form of loitering or lingering shall be a violation of this ordinance.

The privilege shall only extend to those parts of the park and/or recreation facility that are commonplace for meetings of that kind and any registered sex offender found outside of those parts shall be punished as outlined above.

- 2) Polling Place: When such recreation facility is used as a polling place for an election, the registered sex offender may enter the facility for the limited purpose of voting if he/she qualifies to do so at that polling place.

The privilege shall only extend to those parts of the park and/or recreation facility that are commonplace for polling and any registered sex offender found outside of those parts shall be punished as outlined above.

- F. Severability:** If any section, subsection, paragraph, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.