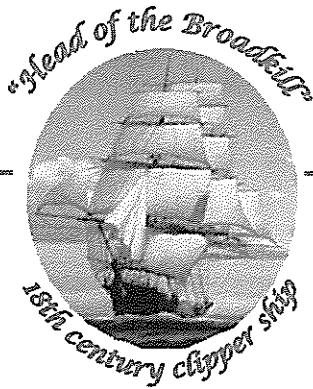


*Town of Milton*

101 Federal Street  
Milton, DE 19968



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Phone: 302-684-4110

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### **Ordinance No. 2006-4**

**An ordinance Amending Chapter 11 establishing Article 17 relating to Registered Sex Offenders and the location of their residence within the town.**

Be it ordained by the Mayor and Council of the Town of Milton in council meeting:  
**Article 17 Registered sex offenders and the location of their residence within the town**

**Section 11-97:** For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, the words used in the present tense include the future tense, words in the plural number include the singular number, and works in a singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**Child Care Facility** shall mean a licensed day care center, a licensed childcare facility, or any other childcare services facility exempt from licensing pursuant to the laws of the State of Delaware.

**Park** shall mean any land, or tract of land, or facility used for passive or active recreation, including, but not limited to, playgrounds, parks, skate parks, athletic fields, and any other facility owned or operated by the Town of Milton, Sussex County, or the State of Delaware.

**School** shall mean any pre-school, kindergarten, elementary school, secondary school, Vocational/technical School, or any institution which has as its primary purpose the education or instruction of children under sixteen (16) years of age.

**Sex Offender** shall mean any person who is registered as a sex offender pursuant to Title 11, Chapter 41, and Subchapter III of the Delaware Code.

**Section 11-98:** It shall be unlawful for any sex offender to reside, lodge, abide, or live within 3,000 feet of any school, park, or childcare facility located within the Town of Milton. The 3,000 foot distance shall be measured by following a straight line from the outer property line at the residence or lodging of the sex offender to the nearest outer property line of the school, park, or child care facility.

**Section 11-99:** The Town shall notify any person who is in violation of this ordinance and the person shall have sixty (60) days to comply with this ordinance. The person shall

be deemed to have been notified of the violation when he or she has been personally delivered written notice by a member of the Police Department. If a person does not comply with this ordinance within the sixty (60) day period, he or she will be in violation of this ordinance. The penalty for violation shall be punishable by a fine of up to One Thousand Dollars (\$1,000.00). Nothing herein shall prevent the Town from pursuing civil remedies, including injunctive relief.

**Section 11-100:** This ordinance shall not apply to any sex offender who has established a residence prior to the date of adoption of this ordinance. This ordinance shall not apply if the school, park, or childcare facility was established subsequent to the establishment of the sex offender's residence.

**Section 11-101:** The provisions of this ordinance are severable. If any section, clause, sentence, part, or provision of this ordinance shall be determined to be illegal or invalid by court of competent jurisdiction, such decision shall not impair or affect the remaining terms, sections, or clauses of this ordinance.

### Synopsis

This ordinance prevents registered sex offenders from living within 3,000 feet of any school, park, or childcare facility within the Town of Milton.

Repealer: All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Date of effect: The secretary of Council shall certify to the adoption of this ordinance and cause the same to be published as required by law; and this ordinance shall take effect and be in force from and after its approval by council.

So ordered by the majority of the Town Council present in a regular session of the Town of Milton Council to be effective upon signing.

First Reading: November 6, 2006  
Public Hearing: February 5, 2007  
Enactment Date: February 5, 2007

Motion made by Council member, Noble Prettyman and seconded by Council member, Ronda Abraham. Motion properly made and seconded.

2/5/07  
DATE

2/5/07  
DATE

THE TOWN OF MILTON,

Don Post, Mayor  
DONALD POST, MAYOR

Stephanie A. Carlsson  
WITNESS