

TOWN OF BROOKFIELD
Chapter 186: SEX OFFENDER ORDINANCE

Sec. 186-1. Purpose.

The Town of Brookfield (the "town") has a compelling interest in protecting children from the threat of sexual abuse from child sex offenders. Therefore, it is hereby resolved that, to preserve and promote the health, safety and general welfare of the children of the town, it is in the common interest to enact reasonable regulations restricting child sex offenders from entering Child Safety Zones.

Sec. 186-2. Definitions.

When used in this Ordinance, the terms, phrases, words and derivations shall have the meanings set forth thereafter. When not inconsistent with the context, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory. Terms not defined below shall have the meanings set forth in Section 54-250 of the Connecticut General Statutes, as amended.

Child Safety Zone. Any park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, or sports facility, which is: 1) under the jurisdiction of any department, agency, or authority of the town, including, but not limited to, the Board of Education of the Town of Brookfield; or 2) leased by the town to another person or entity for the purpose of operating a park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, or sports facility. Child Safety Zone also includes any and all buildings, land, parking areas or other improvements located on the same parcel on which each of the aforementioned facilities is located, but does not include any public street, and also does not include any public sidewalk which is located on the outside boundary of a Child Safety Zone.

Child sex offender.

(a) A person who:

1) has been convicted or found not guilty by reason of mental disease or defect of any one or more of the following offenses as defined in section 54-250 of the Connecticut General Statutes, as amended:

- a) a "criminal offense against a victim who is a minor;"
- b) "a nonviolent sexual offense;"

c) a “sexually violent offense;” or

d) any felony that the court finds was committed for a “sexual purpose;”

and

2) is required to register with the Commissioner of Public Safety pursuant to Sections 54-251, 54-252, 54-253 or 54-254 of the Connecticut General Statutes, as amended; or

(b) A person who has been convicted or found not guilty by reason of mental disease or defect in any other state, in a federal or military court or in any foreign jurisdiction, of any crime, the essential elements of which are substantially the same as any of the crimes specified in subdivisions (2), (5) and (11) of section 54-250 of the Connecticut General Statutes, as amended, and which requires registration as a sexual offender in such other state or in the federal or military system, and who resides in this state on and after October 1, 1998.

Sec. 186-3. Prohibition.

It shall be unlawful for a child sex offender to be present in a Child Safety Zone.

Sec. 186-4. Exclusions.

This Ordinance shall not apply:

- (1) To any person whose name has been removed from the Connecticut Department of Public Safety’s Sex Offender Registry (“Sex Offender Registry”) or from the registry of any other state or in the federal or military system by act of a court or by expiration of the term such person is required to remain on such registry.
- (2) To any child sex offender who enters into a facility in a Child Safety Zone for the sole purpose of voting in any municipal, state or federal election or referendum, provided that the person leaves the facility immediately after voting.
- (3) To any child sex offender who enters a Child Safety Zone for the purpose of dropping off or picking up his or her own child, provided that the child sex offender leaves the Zone immediately after dropping off or picking up his or her child.

- (4) To any child sex offender who enters a Child Safety Zone for the purpose of meeting with an adult, such as a teacher, administrator or nurse, to discuss his or her own child's medical or educational issues, provided that the child sex offender leaves the zone immediately after completing the meeting or discussion.
- (5) To the extent that the conduct prohibited by this Ordinance is in conflict with any sentence or order of probation or parole imposed upon a sex offender.

Sec. 186-5. Notice.

The Chief of Police or his designee shall make reasonable efforts to provide prompt, actual written notice of the enactment of this Ordinance (which notice shall contain a copy of the Ordinance) to all persons who are listed on the Sex Offender Registry as of the effective date of this Ordinance, as well as those persons who are added to the Sex Offender Registry thereafter, which persons' addresses (as shown on the Sex Offender Registry) are within the town. Such notice requirement may be satisfied by the mailing of such notice by registered or certified mail, return receipt requested to the last known address of such person as listed on the Sex Offender Registry or as otherwise known to the Chief of Police. The failure of any person to receive such actual written notice shall not be a defense to a violation of this Ordinance.

Each Child Safety Zone shall be identified by a sign conspicuously posted at the primary entrance to the Zone and any building within the Zone.

Sec. 186-6. Enforcement.

(a) If a police officer reasonably believes that a child sex offender is in a Child Safety Zone in violation of this Ordinance, the officer shall require the suspected child sex offender to provide his/her name, address, and telephone number. If it is established that the individual is a child sex offender, then the officer may issue a citation to the offender and shall require the offender to leave the Child Safety Zone.

(b) Any person in violation of this Ordinance shall be fined in the amount of two hundred and fifty dollars (\$250.00) for each violation.

Sec. 186-7. Severability.

Any provision of this Ordinance held to be unconstitutional or superseded by state law or regulation shall not serve to invalidate the remaining unaffected provisions hereof. No provision of this Ordinance shall serve to validate any activity otherwise prohibited by state or local law or lawfully enacted zoning regulations.

The provisions of the ordinance shall become effective on the twenty-first (21) day following its adoption and publication as required by law.

Adopted by the Board of Selectmen of the Town of Brookfield on June 1, 2009.

Robert G. Silvaggi

Jerry Murphy

Joni Park

Selectmen of the Town of Brookfield