



#2018-02

**AN ORDINANCE TO AMEND CHAPTER 193
OF THE CODE OF BRIDGEVILLE RELATING TO
Sex Offenders.**

WHEREAS, the State of Delaware 149th General Assembly passed House Bill 357 on June 27, 2018, thereby restricting the power of municipalities to impose broader residency and proximity restrictions on sex offenders than those that apply under state law. Specifically, 11 Del. C. 112; and

WHEREAS, HB 357 becomes effective up the signature of the Governor of the State of Delaware; and

NOW, THEREFORE, THE COMMISSIONERS OF BRIDGEVILLE HEREBY ORDAIN:

Section 1. Amend Chapter 193 "Sex Offenders" of the Code of Bridgeville, by deleting the text ~~stricken through~~ and adding the underlined text, as follows:

Article I: Restrictions on Residency

§ 193-1

Definitions; word usage.

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

~~CHILD CARE FACILITY~~

~~A licensed day care center, licensed child care facility or any other child care services facility exempt from licensing pursuant to the laws of the State of Delaware.~~

~~PARK~~

~~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, or any other facility owned or operated by the Town of Bridgeville, Sussex County, or the State of Delaware.~~

RESIDE

To dwell permanently or continuously or to occupy a dwelling or home as one's permanent or temporary place of abode

SCHOOL

Any preschool, kindergarten, elementary school, secondary school, vocational technical school or any other institution which has as its primary purpose the education or instruction of children under 16 years of age.

SEXUAL OFFENDER

Any person over the age of 18 who is registered as a sex offender pursuant to Title 11, Chapter 41, Subchapter III, of the Code of Delaware.

§ 193-2

Restrictions established.

It shall be unlawful for any sex offender to reside, lodge, abide or live within 2,500 feet of any school, ~~park, or child care facility~~ located within the Town of Bridgeville. The distance of 2,500 feet shall be measured by following a straight line from the outer property line of the residence or ~~lodging~~ of the sex offender to the nearest outer property line of the school, ~~park, or child care facility~~.

§ 193-3

Violations and penalties.

The Town shall notify any person who is in violation of this article and the person shall have 60 days to comply with this article. The person shall be deemed to have been notified of the violation when he or she has been personally delivered written notice by an agent of the Town, including the Town Building Official, the Bridgeville Police, or an agent designated by the Town Manager. If the person does not comply with this article within the 60 days, he or she will be in violation of this article. The penalty for a violation shall be imprisonment for a term not exceeding 90 days and a fine not exceeding \$1,000, or both. The Town may elect to pursue civil remedies, including injunctive relief.

§ 193-4

Exceptions.

This article shall not apply to any sex offender who has established a residence prior to the date of adoption of this article, and shall not apply if the school, ~~park, or child care facility~~ was established subsequent to the establishment of the sex offender's residence.

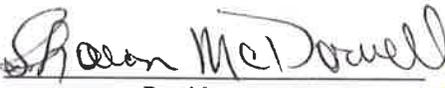
§ 193-5

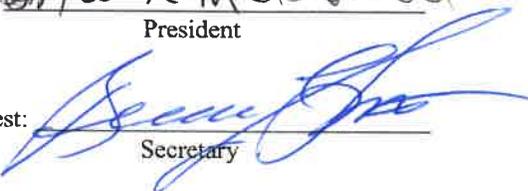
Severability.

See Chapter 1, General Provisions, Article I, Adoption of Code, § 1-6, Severability.

Section 2. This Ordinance shall become effective upon its adoption by a majority of all Commissioners.

COMMISSIONERS OF BRIDGEVILLE

By: 
President

Attest: 
Secretary

First Reading: 8/13/18

Second Reading: 9/10/18

Adopted: 9/10/18

Synopsis

This ordinance creates consistency with State Code regarding restriction on sex offender residency.