

**MINUTES OF THE  
ORONO CITY COUNCIL MEETING  
Monday, November 14, 2016  
7:00 o'clock p.m.**

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Council  
Exhibit B  
17-3891

**6. CONSIDERATION OF LOCATION RESTRICTIONS, LEVEL III SEX OFFENDERS**

Community Development Director Barnhart stated over the past several months the City Council has discussed location restrictions for Level III sex offenders. Level III sex offenders are individuals that have committed sex related crimes, have been adjudicated, imprisoned, and have been designated as likely to reoffend upon their release. When a Level III individual is released, the State holds a neighborhood information meeting. Currently there is no city ordinance that provides guidance as to where Level III offenders may reside.

Barnhart noted a number of cities are starting to respond to these concerns by drafting ordinances that prohibit residence of Level III offenders within certain distances of parks, schools, daycare centers. The Orono City Council had previously indicated they would like to receive comment from the public prior to moving forward with a formal ordinance.

Barnhart stated the public hearing should be opened and then direction provided to Staff on how to proceed.

Mayor McMillan opened the Public Hearing at 7:37 p.m.

Richard Anderson, Crystal Bay Road, stated he has been around the Crystal Bay neighborhood for the last 55 years. The area has changed drastically in the last few years, with approximately 15 new kids as well as seven or eight new families living in the neighborhood. Anderson stated he would like the ordinance to also cover Level I and Level II offenders but that he understands it probably will not pass.

Anderson stated his main concern is that they do not know who some of these people are that are coming into the neighborhood. Anderson stated they have an issue with people renting out their dock slips to non-Orono residents and that it is possible there are Level I to Level III sex offenders among those people. Anderson stated he knows who his neighbors are but that he does not know who these dock slip renters are. Anderson noted those people who rent out the boat slips are able to get the lay of the land and start to become part of the neighborhood.

Anderson commended the City Council for considering this.

Mayor McMillan closed the Public Hearing at 7:40 p.m.

Printup asked why it is harder to regulate the Level I and Level II offenders.

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(continued)**

Barnhart stated information on Level I and Level II offenders is not public information and that data would be required in order for the City to enforce any ordinance.

Walsh asked if Level III sex offenders are made known to the community.

Corey Farniok, Orono Police Chief, stated the police department is informed of their residency, their place of employment or school they are attending, and vehicle information. That information is then tracked by the police department.

Printup stated in his view the City should move forward with the ordinance and that the ordinance language should also include bus stops and other public places.

Rich Anderson stated the language says if the offender is assigned to Risk Level I, the agency may maintain information within the agency. Anderson suggested the language should perhaps say "shall maintain". Anderson stated he is not saying they have to call Level I or Level II offenders out in the ordinance but that the Police Department should know that information.

Farniok noted when the Police Department receives notification on Level I or II offenders and that information is maintained. The police department will also perform quarterly and sometimes monthly checks. Farniok stated they also maintain a photograph of the person.

McMillan stated if the City moves forward with the ordinance, the legalities will need to be considered.

Walsh commented the wheel has already been created and that the City does not need to reinvent everything.

Farniok stated the concern is that some cities are over-reaching in their regulations and that they will likely be challenged at some point.

Walsh stated he agrees that the City should not over-reach but that the City needs to be pro-active and protective of its citizens.

**Printup moved, Walsh seconded, to move forward with the location restrictions for Level III sex offenders.**

Cornick stated the most important part of the ordinance will need to be the mechanism for how it will be enforced.

McMillan stated another thing would be to include a map to provide an idea of the areas that this ordinance will cover.

**VOTE: Ayes 4, Nays 0.**