

# TOWN OF HOUSTON

## Chapter 425 Sex Offenders

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### ARTICLE I-DEFINITIONS

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, the 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, a 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, and any other facility owned or operated by the Town of Houston, Kent County, or the State of Delaware.

**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.

**SEX OFFENDER** Any person who is registered or is required to be registered as a sex offender pursuant to Title 11, Chapter 41, Subchapter III, of the Delaware Code.

### ARTICLE II-RESIDENCY RESTRICTIONS

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 Houston. The distance of 2,500 feet 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.

### ARTICLE III-NOTIFICATION

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 a member of the State Police or Town Council. If a person does not comply with this article within the sixty-day period, he or she will be in violation of this article.

#### **ARTICLE IV-VIOLATIONS AND PENALTIES**

The penalty for violation of this article shall be a fine of up to \$1,000. Nothing herein shall prevent the Town from pursuing civil remedies, including injunctive relief.

#### **ARTICLE V-APPLICABILITY**

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