

ORDINANCE No. 4-2013

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FORDOCHE TO ADOPT RESIDENCY RESTRICTIONS FOR SEX OFFENDERS LIVING WITHIN THE CORPORATE BOUNDARIES OF THE TOWN OF FORDOCHE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORDOCHE, LOUISIANA, in regular session convened, that:

SECTION 1: SEX OFFENDER REGISTRATION AND RESTRICTIONS

- (A) All persons defined in Louisiana Revised Statute 15:542 shall be required to register and provide notification as a sex offender or child predator in accordance with the provisions of this chapter.
- (B) All persons defined in Subsection A of this Article, who reside or work within the boundaries of the Town of Fordoche, shall, within three (3) business days of establishing residence in the Town of Fordoche, or if a current resident, within three (3) business days after conviction or adjudication, within three (3) business days after release from confinement, or within three (3) days after the effective date of this ordinance, whichever is sooner, register in person with the Fordoche Police Department, and shall provide all of the information required under the provisions of La. R.S. 15:542 (C), and shall also include a statement that adequately explains the factual basis of the crime.
- (C) Knowingly providing false information to the Fordoche Police Department shall constitute a failure to register pursuant Ordinance 03-2013.
- (D) The Offender shall pay to the Town of Fordoche, through the Fordoche Police Department, an initial registration fee of two hundred fifty dollars (\$250.00), which is inclusive of the state mandated fee of sixty dollars (\$60.00), to defray costs of maintaining the record of the offender. The offender shall pay a renewal fee of one hundred twenty-five dollars (\$125.00) on each anniversary thereafter. Failure by the offender to pay the fee within thirty days of initial registration, or renewals thereof, shall constitute a failure to register and subject the offender to the provisions of Ordinance 03-2013. The offender shall not be prevented from registering in accordance with this Ordinance for failure to pay the annual registration fee.

Notification

Any person residing in the Town of Fordoche who is required to provide sex offender and/or child predator notification under the provisions of La. R.S. 15:542.1, shall, in addition to the requirements set forth therein, provide such notice to the Fordoche Police Department and shall include in said notice, which must be published in the official newspaper of the municipality, a statement that adequately explains the factual basis of the crime, the age and sex of the victim, the number of prior convictions for sex offenses, and the number of years served for the current conviction.

Failure to Register

- (A) A person who fails to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information, or provide community notification as required by the provisions of this Ordinance, and a person who knowingly provides false information to a law enforcement agency as provided herein this Ordinance, upon a first violation, be subject to a civil penalty of not more than five hundred dollars (\$500.00), and upon subsequent violations, the offender shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00).
- (B) An offender who registers, but fails to pay the annual registration fee, or renewals thereof, in accordance with the provisions of this Ordinance shall be subject to a civil penalty of two hundred dollars (\$200.00) in addition to the registration fees owed.

Duration of Registration and Notification Period

Any person required to register and provide notification pursuant to the provisions of this Ordinance shall comply with such requirements for the time periods set forth in La. R.S. 15:44.

Prohibitions for Convicted Sex Offenders

- (A) All persons required to register under the provisions of this Ordinance, where the victim was a minor child, shall be prohibited from:
 - (1) Going in, on or within one thousand two hundred feet of school property of any public or private elementary or secondary school, designated school bus stop, or the physical presence in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school related activity when persons under the age of eighteen years are present in a school vehicle.
 - (2) Going in, on, or within one thousand two hundred feet of a day care center, group home, residential home, or child care facility, a family child day care home, playground, public or private youth center, public swimming pool, or free-standing video arcade facility, as defined herein, or as otherwise defined in applicable state law.
 - (3) Physically residing within one thousand two hundred feet of any public or private elementary or secondary school, day care center, group home, residential home, or child care facility, a family child care home, playground, public or private youth center, public swimming pool, or free standing video arcade facility, as defined herein, or as otherwise defined in applicable state law.
 - (4) Communicating, either in written or oral form, with the victim or a family member of the victim, unless the victim consents to such communication in writing.

- (B) For purposes of this Ordinance, the following definitions shall apply:

“Child” means a person who has not reached the age of eighteen years. The words “child” and children are used interchangeably in this Ordinance.

“Day care center means any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or guardian, on a regular basis for at least twelve and one-half hours in a continuous seven-day week, and in which no individual child remains for more than twenty-four hours in one continuous stay shall be known as a full-time day care center.

“Family child day care home” means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and/or guidance of seven but not more than twelve children.

“Group home” means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group which receives therein at least seven but not more than fifteen children who are not related to the operator and whose parents or guardians are not residents of the same facility for supervision, care, lodging, and maintenance, with or without transfer of custody.

“Residential home” means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group to provide full-time care for more than fifteen children who are not related to the operators and whose parents or guardians are not residents of the same facility, with or without transfer custody. A residential home as defined in this section includes facilities known as children’s homes, halfway houses, residential treatment centers, training schools, and facilities for the mentally retarded, emotionally disturbed, socially maladjusted, or otherwise mentally or physically handicapped.

(C) The restrictions and prohibitions set forth in this section shall not be applicable when said restrictions and/or prohibitions are waived or excepted under the provisions of La. R.S. 15:538.

(D) Any person who violates this section shall be guilty of a misdemeanor and subject to penalties of Ordinance 03-2013.

SECTION 2: This Ordinance shall become effective and enforceable immediately after execution of this Ordinance by the Mayor.

SECTION 3: All other paragraphs, subsections, subparagraphs, clauses, phrases, and words of this section, not specifically amended by this Ordinance, are to remain the same.

Said Ordinance having been introduced on September 10, 2013, by Teddy Gros, notice of public hearing having been published, said public hearing having been held, the title having been read and the Ordinance considered, a motion was made by Pat Smith, seconded by Ronnie Bonaventure to adopt the Ordinance. A record vote was taken and the following results were had:

YEAS: Teddy Gros, Ronnie Bonaventure, Callie Meche, Pat Smith

NAYS: None

ABSENT: Chad Hendricks

ABSTAIN: None

Whereupon the Ordinance was declared adopted on this 8th day of October, 2013.

ATTEST and delivered to the Mayor

October 9, 2013

Lisa Cormier, LCMC
Municipal Clerk, Fordoche, Louisiana

APPROVED and delivered to the Clerk

October 9, 2013

Don Sonnier, Mayor
Town of Fordoche, Louisiana

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