

ADOPTED 3/6/2006

TOWNSHIP OF DELANCO

ORDINANCE 2006-3

**AN ORDINANCE TO CREATE CHAPTER 237.5 OF THE CODE OF
THE TOWNSHIP OF DELANCO ENTITLED,
“SEX OFFENDER RESIDENCY AND OTHER LIMITATIONS”**

WHEREAS, in recent years, several children in the State of New Jersey and other States of the United States have fallen victim to repeat convicted sex offenders; and

WHEREAS, experts in the field of psychology have concluded that there is no cure for sex offenders, and by imposing restrictions on the proximity of sex offenders to schools and other facilities where children are regularly present reduces the temptation of offenders for recidivism; and

WHEREAS, the Township Committee of the Township of Delanco believes it to be in the best interest of the Township residents to adopt an Ordinance to limit the location where convicted sex offenders are permitted to reside in the Township, in order to protect the health, safety and welfare of minors in the Township of Delanco; and

WHEREAS, the New Jersey State Legislature has enacted laws dealing with registration and public notice concerning convicted sex offenders, it has not enacted laws which concern or touch upon the limitation of convicted sex offenders from residing or living near areas where children regularly meet or congregate; and

WHEREAS, a municipality is currently permitted to enact ordinances to prohibit loitering in streets, parks or public places pursuant to N.J.S.A. 40:48-1(7), and to protect the public safety, health and welfare of its residents pursuant to N.J.S.A. 40:48-2; and

WHEREAS, other municipalities have enacted similar restrictions by ordinance, including but not limited to Hamilton Township, in Mercer County, Holmdel Township, in Monmouth County, and Brick Township, in Ocean County.

WHEREAS, nearby municipalities in Burlington County have passed, or are in the process of passing, similar legislation.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Delanco, as follows:

SECTION ONE. New Chapter.

§ 220-1. Definitions.

For the purposes of this Chapter, the following words shall be defined as follows:

“Person” means a person who has been convicted of a criminal offense, or an aggravated offense, sexually violent offense, or other relevant offense, as set forth in N.J.S.A. 2C:7-2, and who as a result of said conviction is required to register with the proper authorities pursuant to N.J.S.A. 2C:7-1, et seq., commonly known as “Megan’s Law.”

“Reside” means the act of living at and sleeping in a residence, as defined herein.

“Residence” means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.

§ 220-2. Residency Limitations.

A. A person shall not reside in a residence within 1,000 yards of the property comprising of a public or nonpublic elementary or secondary school, a child care facility, or a park or playground in the Township.

B. A person who resides within 1,000 yards of a property comprising of a public or nonpublic elementary or secondary school, a child care facility, park or playground commits a misdemeanor.

§ 220-3. Application and Notice.

A. This Chapter shall not apply to any person who has established residence prior to enactment of this Chapter.

B. A person who establishes residence within 1,000 yards from a public or nonpublic elementary or secondary school, a child care facility, park or playground after the enactment of

this Chapter shall have sixty (60) days from receipt of a written notice from the Township to move from the residence. Failure to move shall be a violation of this Chapter.

§ 220-4. Violations and Penalties.

Any person convicted of violating any provision of this Chapter, except as set forth below, shall be subject to a fine not to exceed one thousand two hundred fifty dollars (\$1,250.00); imprisonment of a term not to exceed ninety (90) days and/or a period of community service not to exceed ninety (90) days.

SECTION TWO: All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION THREE: In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

SECTION FOUR: This Ordinance shall take effect immediately following final passage, adoption and publication as provided by law.