



# ORDINANCE 20-2005

## ORDINANCE AMENDING CHAPTER III, POLICE REGULATIONS, SECTION 7, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF ATLANTIC HIGHLANDS, ESTABLISHING SUBSECTION 7.11 "SEX OFFENDER RESIDENCY PROHIBITION"

**WHEREAS**, the Mayor and Council of the Borough of Atlantic Highlands are deeply concerned about the threat posed by resident convicted sex offenders to the Borough's children, the most vulnerable of the community citizens; and

**WHEREAS**, there is presently no state law prohibiting convicted sex offenders from residing in close proximity to areas where young children often can not be under the immediate, direct supervision of their parents or guardians; and

**WHEREAS**, the Governing Body has determined that it is in the public interest to adopt certain regulations to protect the health, safety and welfare of the Borough's children by prohibiting, to the extent possible, convicted sex offenders from residing in close proximity to such locations; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-1 the power to adopt ordinances for the public health, safety and welfare of the municipality and its residents is conterminous with the police power of Legislature.

**THEREFORE**, be it ordained by the Mayor and Council of the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey that the Ordinance, Establishing Chapter III, Section 7, Subsection 7.11 "SEX OFFENDER RESIDENCY PROHIBITION" is to include the following:

- A. Sex offender residency prohibition; 1,000 feet.
  1. It shall be unlawful for any person subject to the registration requirements set forth in N.J.S.A. 2C:7-1 et seq., to reside within 1,000 feet of any public or private primary and/or secondary school or educational facility, park, playground or childcare facility within the Borough.
  2. A person who resides within any prohibited area established pursuant to the provisions of this ordinance shall have sixty (60) days from the effective date of this ordinance, or upon the termination of any residential lease entered into prior to the effective date of this ordinance and the term of which is not longer than one (1) year, whichever is latter, to relocate outside the prohibited area. Failure to

move to a location, which is in compliance with this section, within the prescribed time-period shall constitute a violation of this ordinance.

3. The provisions of this ordinance shall not apply to any person who has purchased property to be used as his/her primary residence prior to the effective date of this ordinance.
4. Any violation of this section shall be punishable by a fine not exceeding \$1,250.00; imprisonment for a term not exceeding 90 days; period of community service not exceeding 90 days.

Section 2. All Ordinances or parts thereof inconsistent with the provision of this Ordinance are hereby repealed limited to the extent of any such inconsistency.

Section 3. If any section, paragraph, sub-division, clause or provision of this Ordinance is adjudged invalid, such adjudication shall apply only to the section, paragraph, sub-division, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

Council member Archibald introduced this Ordinance and, after First Reading, moved for approval. It was seconded by Council member Fligor and approved by the following vote.

AYES: Council members Archibald, Fligor, Ladiana, Nolan and Spatola

NAYS: Council member

The Second Reading, Public Hearing and possible adoption is scheduled for October 12, 2005.

I, Dwayne M. Harris, Acting Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body at its meeting held September 28, 2005.

WITNESS my hand and the Seal of the Borough of Atlantic Highlands this 29th day of September 2005.

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Dwayne M. Harris, RMC