

ORDINANCE NO. 3-07

**AN ORDINANCE OF THE BOROUGH OF EAST BANGOR,
NORTHAMPTON COUNTY, PENNSYLVANIA
ESTABLISHING SEX OFFENDER RESIDENCY
RESTRICTIONS AND PENALTIES FOR VIOLATIONS**

WHEREAS, the Pennsylvania State Legislature adopted requirements for the registration of sexual offenders (commonly known as "Megan's Law II"), and is set forth at 42 Pa. C.S.A., beginning at §9791;

WHEREAS, Megan's Law II, as noted previously, requires that persons convicted of various offenses, and persons adjudicated a sexually violent predator, must register with the Pennsylvania State Police for periods not less than ten (10) years, which registration procedure is set forth in the Statute;

WHEREAS, Megan's Law II does not contain any restrictions with respect to where persons convicted of the crimes subject to registration or persons adjudicated sexually violent offenders may reside;

WHEREAS, the Borough Council finds that the danger of recidivism posed by persons convicted of the crimes identified in Megan's Law II and person adjudicated as sexually violent predators is of paramount concern to the Borough of East Bangor;

WHEREAS, the Borough Council finds that persons who have committed the violations referenced in Megan's Law II, or who have been adjudicated as sexually violent predator, have a reduced expectations of privacy and furthermore, that residency restrictions for such person provides additional protection for children and places where children congregate; and

WHEREAS, the Borough Council has reviewed the findings of the Pennsylvania Legislature when it adopted Megan's Law II, the Alabama Legislature when it adopted the

Community Notification Act and Iowa Legislature when it adopted Section 692 A.2a of the Iowa code, all of which relate in part, to restrictions imposed upon sex offenders with respect to residency.

NOW, THEREFORE be it hereby **ORDAINED** and **ENACTED** as follows:

1. DEFINITIONS:

- a. **Child Care Facility.** A licensed day care center, child care facility or any other child care service facility exempt from licensing pursuant to the laws of the Commonwealth of Pennsylvania.
- b. **Common Open Space.** The area of land and\or water restricted from future development for the purpose of protecting natural features or for providing recreational opportunities for residents of the Borough of East Bangor, which said Open Space is regulated, maintained and\or owned by the Borough of East Bangor.
- c. **Community Center.** A building and related facility used for educational, social, cultural or recreational activities.
- d. **Permanent Residence.** A place where a person lives, abides, lodges or resides for fourteen (14) or more consecutive days.
- e. **Public Park or Recreational Facility.** Any recreational facility, playground or park, owned or operated by the Borough of East Bangor or any other governmental agency, including, but not limited to, the Bangor Area School District, the County of Northampton or the Commonwealth of Pennsylvania.
- f. **School.** Shall mean any public or private facility which provides education services to a minor.
- g. **Sex Offender.** Shall mean any person, over the age of eighteen (18) years of age, who has been convicted against a minor identified in Section 9795.1 which includes, but not limited to, kidnapping, luring a child into a motor vehicle, instutional sexual assault, indecent assault, incest, prostitution, receiving sexual materials, sexual abuse of children, unlawful contact with minors, sexual exploitation of children, rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault, and

individuals convicted of any attempt to commit any of the offences enumerated therein.

- h. **Temporary Residence.** A place where a person lives, abides, lodges, or resides for a period of less than fourteen (14) days in the aggregate during any calendar year, which is not the person's permanent address or place where the person routinely lives, abides, lodges or resides and which is not the person's permanent residence.

2. **Residency Restriction\Prohibition**

- a. It shall be unlawful for any sex offender to establish a permanent or temporary residence within 2,500 feet of any school, child care facility, common open space, community center, public park or recreational facilities.
- b. For the purpose of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence of the sex offender to the nearest outer property line of a school, child care facility, common open space, community center, public park or recreational facilities.

3. **Notice to Move.** Any sex offender who resides on a permanent or temporary basis within 2,500 feet of any school, child care facility, common open space, community center, public park or recreational facility shall, within forty-five (45) days of receipt of written notice of the sex offender's non-compliance with this Ordinance, move from said location to a new location, but said location may not be within 2,500 feet of any school, child care facility, common open space, community center, park or recreational facilities. Furthermore, it shall be a violation each day that a sex offender shall move from one (1) location in the Borough of Bangor to another that is within 2,500 feet of any school, child care facility, common open space, community center, public park or recreational facilities.

4. **Exceptions.** This Ordinance shall not apply to any person who has established permanent legal residency prior to the effective date of this Ordinance.
5. **Penalties.** Any person who violates the provisions of this Ordinance shall, upon conviction, before a District Judge, be sentenced to a term of imprisonment up to ninety (90) days and shall be fined not more than One Thousand (\$1,000) Dollars for each violation, plus the costs of prosecution and reasonable attorney's fees.
6. **Enforcement.** The East Bangor Borough Police Department shall be charged with the enforcement of this Ordinance.
7. **Publication.** The Borough Administration is herein directed by Borough of East Bangor Council to have prepared and placed at the Borough of East Bangor building during regular business hours a map of the Borough of East Bangor depicting the area where sex offenders are restricted from residing on a permanent or temporary basis.
8. **Inclusion in Code.** It is the intent of the Borough Council of the Borough of East Bangor that the provisions of this Ordinance shall become and be made part of the Code of the Borough of East Bangor and the sections of this Ordinance maybe renumbered or re-lettered and word "ordinance" maybe changed to "section" or "article" or such other appropriate word or phrase in order to accomplish the intention of the Borough Council.
9. **Severability.** The provisions of this Ordinance are severable. If any section, clause, sentences, part or provisions hereof shall be determined to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not impair or affect any remaining provisions of the Ordinance, it being the intention of the Borough Council that it would have adopted the Ordinance even if the offending language had not been included.

10. Effective Date. This Ordinance shall be ordained and enacted effective 6th day of February, 2007.

BOROUGH OF EAST BANGOR

By: James Patrick
James Patrick, Council President

ATTEST:

By: Bonnie L. Due
Bonnie L. Due, Secretary

By: Robert M. Lang
Robert M. Lang, Mayor