

Mr. Urbanski offered the following ordinance pass final reading and be adopted and published according to law:

O-06- 01

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III OF THE REVISED GENERAL CODE OF THE BOROUGH OF HIGHLANDS ENTITLED "GENERAL POLICE REGULATIONS-PUBLIC PARKS", ESTABLISHING A NEW SECTION 3- 21 THEREOF ENTITLED, "SEX OFFENDER RESIDENCY LIMITATION"

WHEREAS, the Governing Body of the Borough of Highlands is concerned about the possible threat posed by convicted sex offenders having convenient accessibility to children, or the places where children congregate regularly, and

WHEREAS, the risks involved appear to be increased if such convicted offenders have accessibility to children when their own residence is located near places where children congregate, as children can be more readily observed, monitored, approached and communicated with, and

WHEREAS, there are presently no State laws which regulate or prohibit such convicted sex offenders from residing in close proximity to or loitering in such places where children regularly congregate, and *NJSA 40:48-1* provides the authority for a municipality to pass such ordinances as appropriate to adequately protect the health and safety of the community, and certainly its children, and

WHEREAS, the Mayor and Borough Council have concluded it is appropriate to protect the safety and welfare of its children to prohibit the residence of convicted sex offenders within close proximity of defined locations where children congregate regularly, and loitering of such offenders in the immediate vicinity of such locations.

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE BOROUGH OF HIGHLANDS, that the Revised General Ordinances of the Borough of Highlands be and hereby are amended and supplemented to add a new Section 3-21 under Chapter III, "Revised General Police Regulations," entitled, "Sex Offender Residency Limitation", to read as follows:

Section 3-21.1. Residency Limitation.

No person over the age of 18 who is required to register with the proper authorities pursuant to NJSA 2C:7-1 *et seq.*, "Registration and Notification of Release of Certain Offenders", commonly identified as "Megan's Law", and has been classified as either a Tier 1, Tier 2 or Tier 3 Offender, shall be permitted to reside or otherwise live in an area within 1,000 feet of any public or private school, park, playground or daycare center in the Township.

Section 3-21.2. Prior Residency Exclusion.

This ordinance shall not be deemed to apply to any such prohibited person/resident who is both a record title owner and occupant of their residence in a prohibited area as of the date of the adoption of this ordinance. Any other such prohibited person/resident residing within any prohibited area shall have ninety days (90) from the effective date of this ordinance, or upon the termination of any residential lease with a term not longer than one (1) year entered into prior to the adoption of this ordinance, whichever is later, to relocate outside of the prohibited areas established by this ordinance. Failure to so relocate from prohibited areas shall constitute a violation of this ordinance. No such prohibited person shall establish residency in a prohibited area after the adoption of this ordinance.

Section 3-21.3. Exclusion Zone – 150 feet.

In addition to the foregoing, an area encompassing 150 feet in all directions from any facilities identified in Section 1 shall be established and defined as an "Exclusion Zone". NO person subject to the residency limitation specified in Section 3-21.1 shall be permitted to stop, sit, stand or loiter within an "Exclusion Zone" for any period of time exceeding the amount of time reasonably necessary to engage in a legitimate activity within the "Exclusion Zone", and shall remain within said "Exclusion Zone" for only that period of time required to actually engage in that legitimate activity.

Section 3-21.4. Penalty for Violations

Any violation of this chapter shall be punishable by the penalties provided in Section 3-9 of the Revised General Ordinances of the Borough of Highlands.

Section 3-21.5. Severability

The provisions of this ordinance shall be deemed to be severable. Therefore, if any provision, section, subsection, sentence, clause, phrase or portion of this ordinance shall be deemed to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions of this ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED THAT this ordinance shall take effect upon final passage and publication in accordance with law.

Seconded by Mr. Caizza and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mrs. Little, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

NAYES: None

ABSENT: None

ABSTAIN: None

DATE: February 15, 2006

NINA LIGHT FLANNERY

Borough Clerk

Introduction: January 18, 2006
Publication: January 26, 2006
2nd Reading: February 15, 2006
Public Hearing: February 15, 2006
Adoption: February 15, 2006
Publication: February 23, 2006, The Courier

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I hereby certify this to be a true copy of the Ordinance adopted by the Governing Body of the Borough of Highlands on February 15, 2006.

BOROUGH CLERK/DEPUTY CLERK