

**THE BOROUGH OF RIVERTON
BURLINGTON COUNTY**

ORDINANCE NO. 22-2005

**AN ORDINANCE OF THE BOROUGH OF RIVERTON TO
ESTABLISH 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 and become prey of 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 Borough Council of the Borough of Riverton believes it to be in the best interest of the Borough residents to adopt an Ordinance to limit the locations where convicted sex offenders are permitted to reside in the Borough, in order to protect the health, safety and welfare of minors in the Borough of Riverton; and

WHEREAS, the Borough Council also wishes to protect minors from convicted sex offenders at Borough parks frequented by minors; and

WHEREAS, the New Jersey State Legislature has not enacted laws which concern or touch upon the limitations of convicted sex offenders from residing or living near areas where children regularly meet or congregate; and

WHEREAS, the Borough is 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.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Borough Council of the Borough of Riverton, County of Burlington, State of New Jersey as follows:

ARTICLE I. Sex Offenders

Section 1 Definitions

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

“Convicted Sex Offender” means a person who has been convicted of a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offenses that involved a minor, as set forth in N.J.S.A. 2C:7-2.

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

Section 2 Residency Limitations

A. No convicted sex offender shall be permitted to live or establish residence within one thousand (1,000) feet of the property comprising of a public or nonpublic elementary or secondary school, a child care facility, or a park or playground in the Borough.

B. A convicted sex offender who resides within one thousand (1,000) feet of a property comprising of a public or nonpublic elementary or secondary school, a child care facility, park or playground commits a misdemeanor.

Section 3 Application and Notice

A. The Residency Limitations set forth in Section 2 shall not apply to any convicted sex offender who has established residence prior to enactment of this Section.

B. A convicted sex offender who establishes residence within one thousand (1,000) feet from a public or nonpublic elementary or secondary school, a child care facility, park or playground after the enactment of this Section shall have sixty (60) days from receipt of a written notice from the Borough to move from the residence. Failure to move shall be a violation of this Section.

Section 4 Facilitating Residency of a Convicted Sex Offender

Any individual, partnership, agency, corporation or non-profit organization that permits, allows, suffers or otherwise facilitates a convicted sex offender to reside in or on a property within one thousand (1,000) feet from a public or nonpublic elementary or secondary school, a child care facility, parks or playground shall be liable under this Chapter.

Section 5 Prohibitions of Persons in Parks Frequented by Children

A. No convicted sex offender shall be present in or on any Borough park or park property which has been designated by the Borough Council as a park frequented by children.

B. No convicted sex offender is permitted to knowingly loiter on a public way within three hundred (300) feet from a Borough park.

C. If a police officer reasonably believes that a convicted sex offender is in a Borough park in violation of this Section, the officer shall require the convicted sex offender to provide his/her name, address, and telephone number. If it is established that the convicted sex offender is on the New Jersey Sex Offender Registry list, the officer shall notify the convicted sex offender that he/she is in violation of this Section.

Section 6 Violations and Penalties

A. Any convicted sex offender found guilty of violating any provision of this Section, 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.

B. Any individual, corporation, agency, partnership or organization convicted of violating Section 4, shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each violation.

C. Any convicted sex offender convicted of violating Section 5 shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each violation and/or imprisonment for a term not to exceed thirty (30) days.

ARTICLE II. Repealer, Severability and Effective Date.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. 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 Borough Council hereby declares it 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 Borough to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

This ordinance shall take effect upon immediate adoption.

ATTEST:
BOROUGH OF RIVERTON

BOROUGH OF RIVERTON

By: _____
MARY LONGBOTTOM
BOROUGH CLERK

By: ROBERT MARTIN, MAYOR

CERTIFICATE OF CLERK

I, Mary Longbottom, Municipal Clerk of the Borough of Riverton, County of Burlington and State of New Jersey, do hereby **CERTIFY** that the foregoing to be a true and correct copy of an Ordinance as amended and passed by the Borough Council at a meeting of said Council held November 9, 2005, and said Ordinance was finally adopted at a regular meeting of the Borough Council held December 14, 2005, after a public hearing.

Mary Longbottom, RMC
Municipal Clerk

RECORDED VOTE AYE NAY ABSTAIN ABSENT

DANIEL
VILLARI
SMYTH
GILMORE
CESARETTI
ALLS-MOFFATT
MAYOR (TIE)