

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 41-2005

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN
SUPPLEMENTING THE CODE OF THE TOWNSHIP OF MOORESTOWN
CHAPTER 129 “PEACE AND GOOD ORDER” RESTRICTING SEX
OFFENDER RESIDENCY AND AMENDING CHAPTER 129-33
GOVERNING FINES AND PENALTIES**

WHEREAS, there is community concern regarding the need to further secure the safety of children from convicted sex offenders; and

WHEREAS, there presently are no State laws which prohibit convicted sex offenders from residing or living near areas where children regularly meet and congregate; and

WHEREAS, the Township Council believes that to further protect the welfare of children it is necessary to restrict places within the community where convicted sex offenders may reside; and

WHEREAS, it is also in the general interest of the public to increase the maximum fine which may be imposed for a violation of the various provisions of Chapter 129 and to add community service as a penalty which may be imposed.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington and State of New Jersey as follows:

Section 1. Chapter 129 (“Peace and Good Order”) is hereby amended and supplemented to add the following new section:

A. Definitions

- (1) “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*, and who has been classified as a Tier II or Tier III offender.
- (2) “Residence” means the place where a convicted sex offender sleeps, which may include more than one location, and may be mobile or transitory.

B. Sex offender residency prohibition: 2,500 feet.

- (1) No person over the age of 18 who has been convicted of a violation of any crime against a minor as listed 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., Registration and Notification of Release of Certain Offenders*, shall be permitted to

reside or live within 2,500 feet of any school, library, park, playground or child care center in the Township.

- (2) A person who resides or lives within 2,500 feet of any school, library, park, playground or child care center in the Township shall have sixty (60) days from receipt of written notice of the prohibition set forth herein to move. Failure to move to a location which is in compliance with this section within that time period shall constitute a violation of this section.
- (3) This section shall not apply to a person who has established a residence prior to enactment of this ordinance.

C. Prohibition of Sex Offender in Parks Frequented by Children.

- (1) No convicted sex offender shall be present in or on any park or playground which has been designated by Council as a park or playground frequented by children.
- (2) No convicted sex offender shall be permitted to knowingly loiter on a public way within three hundred (300) feet from a park or playground which has been designated by the Council as a park or playground frequented by children.
- (3) If a police officer reasonably believes that a convicted sex offender is in a park or playground which has been designated by the Council as a park or playground frequented by children, the officer shall require the convicted sex offender to provide his or her name and address to determine if he or she is on the New Jersey Sex Offender Registry.

Section 2. Chapter 129-33 is hereby amended as follows:

The court before which any person is convicted of violating any provision of this chapter shall have the power pursuant to *N.J.S.A. 40:69A-29* to impose one or more of the following penalties: fines not exceeding \$1,250.00 or imprisonment for any term not exceeding 90 days, or a period of community service not exceeding 90 days.

Section 3. In all other respects, Chapter 129 shall remain in full force and effect.

Section 4. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 5. Severability. In the event that any section or paragraph, clause, phrase, term, provision, or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgement shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its

operation to the section, paragraph, clause, term, provision, or part thereof directly involved in the controversy in such judgement, shall be rendered.

Section 6. Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.

Section 7. Short Title. This Ordinance shall be known as Ordinance 41-2005.

CERTIFICATION

I hereby certify that Ordinance No. 41-2005 was introduced and adopted on first reading by the Township Council at a meeting held on December 12, 2005. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on January 9, 2006.

<u>VOTE:</u>	
ABERANT	YES
ROCCATO	YES
MILLER	YES
SEGAL	YES
ERON	YES

Patricia L. Hunt
Township Clerk