

BOROUGH OF PATTERSON HEIGHTS
ORDINANCE NO. 243

**AN ORDINANCE OF THE BOROUGH OF PATTERSON HEIGHTS,
BEAVER COUNTY, PENNSYLVANIA ESTABLISHING
RESIDENTIAL RESTRICTIONS FOR REGISTERED SEXUAL
VIOLENT OFFENDERS WITHIN THE BOROUGH, PROVIDING
FOR PENALTIES FOR VIOLATIONS OF SUCH RESIDENTIAL
RESTRICTIONS AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the Commonwealth of Pennsylvania has adopted certain requirements for the registration of adult sexual violent offenders after conviction (commonly known as Megan's Law II) as more fully set forth in 42 Pa. C.S.A. §9791, et seq.; and

WHEREAS, the registration of such offenders provides for certain notification and information about sexually violent predators and other certain offenders to the public in order to provide community awareness of such offenders within the community; and

WHEREAS, these offenders pose a high risk of engaging in further offenses after incarceration and release into the community which affects the general safety, welfare and best interests of the public; and

WHEREAS, the legislature of the Commonwealth of Pennsylvania has determined that such sexually violent predators and certain other offenders have a reduced expectation of privacy because of the public's interest in public safety; and

WHEREAS, the Commonwealth of Pennsylvania has no laws which adequately prohibit or restrict convicted violent sexual predators and other certain offenders from residing or living near areas where children regularly meet or congregate; and

WHEREAS, the Council of the Borough of Patterson Heights believes that it is in the best interests of the Borough and its residents to adopt additional regulations regarding

convicted sexual offenders, so as to protect the health, safety and welfare of the Borough and its residents, especially the children of the municipality.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the Borough of Patterson Heights, as follows:

I. DEFINITIONS:

A. Child Care Facility: A licensed day care center, licensed child care facility or any other child care services facility exempt from licensing to the laws of the Commonwealth of Pennsylvania.

B. Common Open Space: The area of land or water available and accessible for use by the public and residents of the Borough which is restricted from future development for the purpose of protecting natural features or for providing recreational opportunities for the residents of the Borough. Open space generally includes such land or area of land that is regulated, maintained or owned by the Borough, or by community associations, and may include steep slopes, flood plains and other significant features to be preserved.

C. Patterson Heights Borough Park. The property located between Eighth Avenue and Seventh Avenue and along Sixth Street in the Borough of Patterson Heights owned and maintained by the Borough of Patterson Heights, including the playground, basketball court areas, parking area, shelter, Borough Building and all grounds, fixtures and structures appurtenant thereto.

C. **Permanent Residence.** A place where a person lives, abides, lodges, or resides for fourteen (14) or more consecutive days.

D. **Sex Offender:** Any person, over the age of eighteen (18) years, who has been convicted of any sexual offense or crime as defined in 42 Pa. C.S.A. §9795.1, including but not limited to, kidnapping where the victim is a minor, institutional sexual assault, indecent assault, incest, prostitution and related offenses, sexual abuse of a child, unlawful contact with a minor, sexual exploitation of a minor, rape, involuntary deviate sexual intercourse, sexual assault, and aggravated indecent assault. Sex offender shall also include any individuals convicted of any attempt to commit offenses as enumerated herein.

E. **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.

F. **Borough.** The Borough of Patterson Heights, including its residents and all land within its territorial boundaries.

2. **SEXUAL OFFENDER RESIDENCY RESTRICTIONS:**

A. It shall be unlawful for any sex offender or other person over the age of eighteen (18) years who has been convicted of a violation which requires registration

pursuant to 42 Pa. C.S.A. §9791, et seq., or who has been convicted of a violation which requires registration in another jurisdiction, to reside, lodge, abide or live within 500 feet of the Patterson Heights Borough Park or any child care facility or common open space within the Borough.

B. For the purpose of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence or lodging of the sex offender to the nearest outer property line of the Patterson Heights Borough Park or the child care facility or common open space within the Borough.

C. Such person who resides or lives within 500 feet of the Patterson Heights Borough Park or any child care facility or common open space within the Borough 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 chapter.

3. **NOTICE TO MOVE.** Any sex offender who resides on a permanent or temporary basis within 500 feet of the Patterson Heights Borough Park or any child care facility or common open space within the Borough shall, within sixty (60) 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 500 feet of the Patterson Heights Borough Park or any child care facility or common open space within the Borough. It shall constitute a continuing violation for each day beyond the sixty (60) days the sex offender continues to reside within 500 feet of the Patterson Heights Borough Park or any

child care facility or common open space within the Borough. Furthermore, it shall be a violation each day that a sex offender shall move from one (1) location in the Borough to another that is within 500 feet of the Patterson Heights Borough Park or any child care facility or common open space within the Borough.

4. EXCEPTIONS TO RESIDENCY RESTRICTIONS:

This Ordinance shall not apply to any person or sex offender who has established a residence prior to the date of adoption of this ordinance, and shall not apply if the child care facility or common open space within 500 feet of sexual offender's residence or lodging was established subsequent to the establishment of this sex offender's residence or lodging. The provisions of this Section 4 shall not apply to any person or sex offender who has established a residence or lodging, and then relocates to a different residence or lodging within the Borough after the adoption of this Ordinance.

5. PENALTIES:

Any violation of this Ordinance shall be punishable by imprisonment for a term not exceeding ninety (90) days and a fine not exceeding \$1,000.00 for each violation, in addition to the costs of prosecution and attorneys' fees.

6. ENFORCEMENT:

All agencies and authorities within the Borough, including but not limited to the Patterson Township Police Department, have full authority to enforce this Ordinance, and impose such fines and other penalties as necessary and appropriate.

7. SEVERABILITY:

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision of this Ordinance shall be determined to be illegal or invalid by any court of competent jurisdiction, such decision shall not impair or affect the remaining terms, sections and clauses of this Ordinance.

8. EFFECTIVE DATE:

This Ordinance shall be effective upon passage and approval by the Patterson Heights Borough Council.

ORDAINED and ENACTED this _____ day of _____, 2008.

ATTEST:

Borough Manager

By: _____
President of Borough Council

EXAMINED AND APPROVED this _____ day of _____, 2008.

By: _____
Mayor