

ORDINANCE NO. 2006-01

**AN ORDINANCE OF THE BOROUGH OF LANGHORNE
MANOR, BUCKS 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., §9791 et seq.;

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 Council of the Borough of Langhorne Manor ("Council") finds that the dangers of recidivism posed by persons convicted of the crimes identified in Megan's Law II and persons adjudicated as sexually violent predators is of paramount concern to the Borough;

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

WHEREAS, the Council has reviewed the findings of the Pennsylvania Legislature when it adopted Megan's Law II, 42 Pa.C.S.A., §9791 et seq.

NOW, THEREFORE, BE IT ORDAINED and ENACTED and it is hereby ORDAINED and ENACTED by the Council of the Borough of Langhorne Manor, County of Bucks and Commonwealth of Pennsylvania, as follows:

1. **Definitions:**

a) **Child Care Facility.** A licensed day care center, child care facility or any other child care services 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 Langhorne Manor Borough, which said Open Space is regulated, maintained, restricted or subject to the control and/or owned by the Borough of Langhorne Manor.

c) **Community Center.** A building, such as the Langhorne Manor Borough Municipal Building, and related facilities used for educational, social, cultural, or recreational activities for minors.

d) **Library.** Any free, public nonsectarian library, whether established and maintained by a municipality or by a private association, corporation or group, which serves the informational, educational and recreational needs of all the residents of the area for which its governing body is responsible by providing free access, including free lending and reference services, to an organized and currently useful collection of printed items and other materials and to the services of a staff trained to recognize and provide for these needs.

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

f) **Public Park or Recreational Facility.** Any recreational facility, playground or park, owned or operated by the Borough of Langhorne Manor or any other governmental agency, including, but not limited to, the Neshaminy School District, the County of Bucks or the Commonwealth of Pennsylvania.

g) **School.** Shall mean any public or private school such as Philadelphia Biblical University which provides education services to a minor including summer day camps, youth programs, cultural and recreational activities.

h) **Sex Offender.** Shall mean any person, over the age of eighteen (18) years of age, who has been convicted of any crime against a minor identified in Section 9795.1 which includes, but is not limited to, kidnapping, luring a child into a motor vehicle, institutional 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 offenses enumerated therein.

i) **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 within the Borough a permanent or temporary residence within 2,500 feet of any school, child care facility, common open space, community center, library, public park or recreational facilities located within the Borough and/or adjacent municipality.

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 library, 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, public park or recreational facilities within the Borough. It shall constitute a continuing violation for each day beyond the forty-five (45) days the sex offender continues to reside within 2,500 feet of a 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 to another that is within 2,500 feet of any school, child care facility, common open space, community center, library, public park or recreational facilities.

4. **Exceptions.** This Ordinance shall not apply to any person who has established residence prior to February 2, 2006, and it shall not apply if the school, child care facility,

common open space, community center, public park or recreational facilities within 2,500 feet of the sex offender's permanent residence was established subsequent to the establishment of the sex offender's permanent residence.

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 (\$1,000.00) Dollars for each violation, plus the costs of prosecution and reasonable attorney's fees.

6. **Enforcement.** The Borough of Langhorne Manor Police Department shall be charged with the enforcement of this Ordinance.

7. **Publication.** The Borough Secretary is herein directed by January 17, 2006 to have prepared and placed on the Borough website a map of the Borough depicting the areas where sex offenders are restricted from residing on a permanent or temporary basis.

8. **Inclusion in Code.** It is the intent of the Council of Langhorne Manor Borough that the provisions of this Ordinance shall become and be made a part of the Code of the Borough and the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section" or "article" or such other appropriate word or phrase in order to accomplish the intention of the Board.

9. **Severability.** The provisions of this Ordinance are severable. If any Section, clause, sentence, part or provision 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 Board of Supervisors that it would have adopted this Ordinance even if the offending language had not been included.

10. **Effective Date.** This Ordinance shall be effective thirty (30) days after enactment.

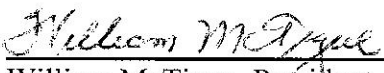
Duly adopted as an Ordinance this *2nd* day of *January*, 2006.

ATTEST:

**COUNCIL OF THE BOROUGH OF
LANGHORNE MANOR**




Loretta Luff, Borough Secretary

BY: 

William McTigue, President

APPROVED this day of , 2006.



Francis J. Farmer, Mayor