

ORDINANCE NO. 2005-1022

AN ORDINANCE PROHIBITING CERTAIN SEX OFFENDERS FROM LIVING OR RESIDING WITHIN PROXIMITY TO AREAS IN WHICH CHILDREN REGULARLY MEET AND CONGREGATE

BE IT ORDAINED by the Mayor and Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows

SECTION 1. SEX OFFENDER RESIDENCY PROHIBITION

A. A person over the age of 18 years who has been convicted, adjudicated delinquent *or found not guilty by reason of insanity* for commission of a sex offense as delineated in *N.J.S.A. 2C:7-2* (or equivalent offense in a different jurisdiction) against a minor, and who, as a result of said adjudication, conviction or finding of insanity, is required to register with a designated registering agency pursuant to *N.J.S.A. 2C:7-2*, shall not reside or live within two thousand five hundred (2,500) feet of any school, park, playground or day care center within the Borough.

B. Any person who resides or lives within two thousand five hundred (2,500) feet of any school, park, playground or day care center within the Borough shall, within sixty (60) days from receipt of written notice of the prohibition set forth herein, move to a location not prohibited by this ordinance. Failure to move to a location which is in compliance with this ordinance within sixty (60) days of the written notice aforesaid shall constitute a violation of this ordinance.

C. The provisions of this ordinance shall not apply to a person who has established *and maintained* a residence within two thousand five hundred (2,500) feet of any school, park, playground or day care center within the Borough prior to the effective date of the within ordinance *or prior to the date of commission of the offense*, provided, however, any such person shall not be permitted to change his residence to a different location within two thousand five hundred (2,500) feet of any school, park, playground or day care center within the Borough.

SECTION 2. CONSTRUCTION

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

SECTION 3. INCONSISTENCY

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 4. SEVERABILITY

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 5. PENALTY

Upon conviction for violation of any provision of this ordinance the maximum penalty shall be one

(1) or more of the following: a fine not to exceed One Thousand Two Hundred-Fifty (\$1250.00) Dollars, imprisonment in the County Jail for a period not to exceed ninety (90) days, and/or a period of community service not to exceed ninety (90) days. Each and every day upon which a violation of any provision of this ordinance exists shall constitute a separate violation.

SECTION 6. PURPOSE OF CAPTIONS

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 7. EFFECTIVE DATE

This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

STATEMENT OF PURPOSE

The purpose of this Ordinance is to protect the health, safety, and welfare of children within the Borough of Manville in the absence of any statute addressing the matter, by prohibiting convicted sex-offenders from residing or living in proximity to areas where children regularly meet and congregate.

ORDINANCE #2005-1022

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
	√	ASHER	√			
		OTRIMSKI	√			
√		PETROCK	√			
		PETRONE	√			
		WEISS	√			
		MAYOR CORRADINO				

PASSED this 28th day of November, 2005.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
		ASHER	√			
√		OTRIMSKI	√			
		PETROCK				√
	√	PETRONE	√			
		WEISS	√			
		MAYOR CORRADINO				

PASSED this 12th day of December, 2005.

Attest:

Philip E. Petrone, Borough Clerk