

TOWNSHIP OF RUSH
Schuylkill County, Pennsylvania

ORDINANCE NO. 164

AN ORDINANCE OF THE TOWNSHIP OF RUSH, SCHUYLKILL 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. beginning at section 9791 et. seq.; and,

WHEREAS, Megan's Law II, as noted previously, requires that persons convicted of various offenses, and persons adjudicated as sexually violent predators must register with the Pennsylvania State Police for periods of not less than ten (10) years, which registration procedure is set forth in the statute; and,

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; and

WHEREAS, the Board of Supervisors finds that the danger 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 Township of Rush; and

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

WHEREAS, the Board of Supervisors have reviewed the findings of the Pennsylvania

Legislature when it adopted Megan's Law II which relates, in part, to restrictions imposed upon sex offenders with respect to residency.

NOW THEREFORE, be it ORDAINED and hereby ENACTED as follows:

Section 1. DEFINITIONS:

- a) Child Care Facility A licensed day care center, child care facility or any other child care service 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 the Township of Rush, which said Open Space is regulated, maintained and/or owned by the Township of Rush.
- c) Community Center A building and related facility used for educational, social, cultural or recreational activities.
- d) Permanent Residence A place where a person lives, abides, lodges or resides for fourteen(14) or more consecutive days.
- e) Public Park or Recreational Facility Any recreational facility, playground or park, owned or operated by the Township of Rush or any other governmental agency, including but not limited to, the Tamaqua Area School District, the County of Schuylkill or the Commonwealth of Pennsylvania.
- f) School Shall mean any public or private entity which provides education services to a minor under the age of eighteen(18) years.
- g) Sex Offender Shall mean any person, over the age of eighteen(18) years of age who has been convicted of a crime against a minor identified in Section 9795.1 of the Pa.

Crimes Code and which includes but is not limited to kidnaping, luring a child into a motor vehicle, institutional sexual assault, indecent sexual 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 herein.

h) 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.

Section 2. RESIDENCY RESTRICTION/PROHIBITION

a) It shall be unlawful for any sex offender as defined above to establish a permanent or temporary residence within 1,500 feet of any school, child care facility, common open space, community center, public park or any other recreational facility.

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 other recreational facility.

Section 3. NOTICE TO MOVE

a) Any sex offender who resides on a permanent or temporary basis within 1,500 feet of any school, child care facility, common open space, community center, public park or