BE IT ORDAINED, by the Borough Council of the Borough of Dunellen, in the County of Middlesex, and State of New Jersey as follows:

ORDINANCE 06-17

BOROUGH OF DUNELLEN

AN ORDINANCE OF THE BOROUGH OF DUNELLEN AMENDING THE CODE OF THE BOROUGH OF DUNELLEN TO ADD A NEW CHAPTER 236 ENTITLED "SEX OFFENDER FREE ZONE"

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

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Dunellen, County of Middlesex and State of New Jersey as follows:

Section 1. The Borough of Dunellen Code is amended by adding Chapter 236 to read as follows:

Chapter 236

SEX OFFENDER FREE ZONE

§ 236-1 Findings. The Borough Council finds that:

a. There is community concern regarding the need to secure the safety of children from convicted sex offenders; and

b. There are presently no State laws in the State of New Jersey which prohibit convicted sex offenders from residing or living or loitering near areas where children regularly meet and congregate; and

c. Because there is no uniform statewide standard prohibiting convicted sex offenders from residing or living or loitering near areas where children regularly meet and congregate, municipalities are
addressing the issue through the enactment of ordinances providing those restrictions; and

d. The Borough Council finds that, in order to protect the welfare of children, it is necessary to restrict places within the Borough of Dunellen where convicted sex offenders may reside, live or loiter; and

§ 236-2 Definitions

a. "Convicted Sex Offender" means a person who is required to register as a sex offender under the provisions of N.J.S.A. 2C:7-2.

b. "Residence" means the place where a convicted sex offender sleeps, which may include more than one location, and may be mobile or transitory.

§ 236-3 Sex Offender residency prohibition: 1,500 feet.

a. No person over the age of 18 who has been convicted of a violation of any crime 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 1,500 feet of any school; library; municipal building; public park; tot-lot, active or passive recreation area or open space; playground; child care center or church, or property designated for such use in the Borough Master Plan.

b. A convicted sex offender who resides or lives within 1,500 feet of any school; library; municipal building; public park; tot-lot, active or passive recreation area or open space; playground; child care center or church, or property designated for such use in the Borough Master Plan 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.

c. This section shall not apply to a person who has established a residence prior to enactment of this ordinance.

§ 236-4 Prohibition of Sex Offender in Parks Frequentated by Children

a. No convicted sex offender shall be present in or on any park, tot-lot or playground, which has been designated by Council as a park, tot-lot or playground, frequented by children.

b. No convicted sex offender shall be permitted to knowingly loiter on a public way within three hundred (300) feet from a park, tot-lot or
playground, which has been designated by the Council as a park, tot-lot or playground frequented by children.

c. 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.

§ 236-5 Penalty. The penalty for any violation of this chapter shall be accord with the provisions of § ________ of the Borough of Dunellen Code.

Section 2. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Borough of Dunellen heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon adoption. Notice of adoption shall be published as provided by law.