

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE ST, ALBANY, NEW YORK 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Seneca

Town
Village

Local Law No. 1 of the year 2006.

A local law Establishing Residency and Proximity Restrictions in the County of Seneca for Sex Offenders Who Have Committed Criminal Offenses Against Minors.

(Insert Title)

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

County
City of Seneca as follows:
Town
Village

SECTION I. Board of Supervisors' intent and purpose.

A. The highest priority of government is the safety and protection of its residents, especially its children. The County of Seneca has had placed in its borders a number of registered sex offenders, some of whom have committed criminal sexual offenses against minors.

A number of these sex offenders have been categorized as Level II Sex Offenders who have been determined to pose a moderate risk of committing another sexual crime under the Corrections Law of the State of New York. A number of these sex offenders have been categorized as Level III Sex Offenders who have been determined to pose a high risk of repeat offense and a threat to the public safety under the Corrections Law of the State of New York.

B. This Board of Supervisors finds and determines that it is essential to assure residents of Seneca County that County Government continues to make every effort to protect children from such sex offenders.

C. This Board of Supervisors further finds and determines that it is in the best interests of Seneca County citizens to establish residency and proximity restrictions for sex offenders who have committed criminal sexual offenses against minors.

SECTION II. Definitions.

(If additional space is needed, attach pages the same size as this sheet and number each.)

- A. The term “child” or “children” shall mean persons under eighteen (18) years of age.
- B. The term “camp” shall mean a children's overnight camp as defined in section one thousand three hundred ninety-two of the public health law, as amended, or a summer day camp as defined in section one thousand three hundred ninety-two of the public health law as amended.
- C. The term “county park” shall mean a park owned or leased by the County of Seneca.
- D. The term “county playground” shall mean a playground owned or leased by the County of Seneca.
- E. The term “daycare center” shall mean those establishments where care for a child is provided on a regular basis away from the child's residence, as defined by Section 390 of the New York State Social Services Law as hereinafter amended.
- F. The term “minor” shall mean persons under eighteen (18) years of age.
- G. The term “park” shall mean active and passive public land designated for recreational or athletic use by the United States of America, the State of the New York, the County of Seneca, or any town, village or other governmental subdivision located within the County of Seneca and, for the purposes of this local law, the term “park” shall also include public beaches and spray parks.
- H. The term “playground” shall mean land designated for recreational or athletic purposes by the United States of America, the State of the New York, any school district, library district, religious corporation, the County of Seneca, or any town, village or other governmental subdivision located within the County of Seneca and, for the purposes of this local law, the term “playground” shall also include municipal recreation centers.
- I. The term “school” means an institution for teaching children or establishment for imparting education and shall include any portion of public or private land, buildings or structures utilized for such purpose as defined by the New York State Department of Education and/or the New York State Education Law.
- J. The term “sex offender” shall mean any person who is convicted of any of the offenses set forth in subdivision two, three or seven of Section 168-a of the New York State Correction Law, as hereinafter amended, and has received a “level two” (“Level II”) or “level three” (“Level III”) designation as defined under Article 6-C of the New York State Correction Law, as hereinafter amended.
- K. The term “residence” shall mean the place where a person sleeps, which may include more than one location, and may be mobile or transitory.

SECTION III. Restrictions on Residency.

- A. It shall be unlawful for a sex offender to establish residence or domicile within a radius of five hundred (500) feet, measured from the nearest property line, of any land utilized as a camp, daycare center, park, playground or school.

- B. Exemptions. The Provisions of this article shall not apply to a sex offender under the following circumstances:
 - i. If the sex offender has acquired an ownership interest in such real property prior to the effective date of this local law said sexual offender shall not be prohibited from continued residency within said certain real property;
 - ii. If the sex offender has established a residence as a tenant upon such real property prior to the effective date of this article, pursuant to the terms of a written lease, said sex offender shall be allowed to remain in such tenancy during the term of a written lease but shall not renew or otherwise extend (either orally or in writing) said lease beyond the initial term of same;
 - iii. If a camp, daycare center, park, playground or school is newly located after the effective date of this local law and the sex offender has already established a residence within a distance from the new facility which is prohibited by this local law.
 - iv. If the sex offender is required to reside at a location fixed by order of a court of competent jurisdiction, or by any federal, state or county agency having jurisdiction thereof.

- C. Notice.
 - i. Notification of passage of this local law, and of these prohibitions, shall be delivered, in writing, by the Seneca County Sheriff, to each and every Level II and Level III Registered Sex Offender, now residing, or in the future residing, within the County of Seneca. The Notice shall be in a form acceptable to the Sheriff of Seneca County and shall be either be (1) mailed by the Sheriff by certified or registered mail, return receipt requested and by regular mail; (2) personally delivered by the Sheriff to the sex offender.
 - ii. A sex offender who resides in an area prohibited by this local law shall upon such written notice from the Sheriff permanently discontinue such residence within thirty (30) days of receipt of such notice, unless he or she shall be subject to an exemption therefrom.
 - iii. Proof that the sex offender has complied with the provisions of this local law shall be provided by the offender to the Sheriff within fifteen (15) days of such compliance.
 - iv. In the event the sex offender fails, refuses and/or neglects to relocate or otherwise comply with the provisions of this local law, then he or she shall be deemed in violation hereof.

- v. Notifications will also be delivered in writing, by the Seneca County Sheriff, to the Village of Waterloo Police Department, the Village of Seneca Falls Police Department, the Village of Ovid Police Department, the Village of Interlaken Police Department, the New York State Police, the New York State Park Police, the New York State Division of Parole, the Seneca County Probation Department, the Seneca County District Attorney, all School Districts and private schools within Seneca County, and all Daycare Facilities as defined in this local law.

Section IV. Restrictions on Entry Upon A County Park or County Playground Lands.

- A. No sex offender shall enter or remain in or upon any County Park or County Playground, as such terms are defined herein.
- B. Within thirty (30) days of the passage of this local law, all county parks and county playgrounds shall be posted with signs not less than eleven inches by eleven inches, bearing a conspicuous statement as described in this section which shall cover a space of not less than eighty square inches. Such signs shall be posted not more than six hundred sixty feet apart, close to and along the boundaries of the county-owned park. At least one sign shall be posted on each side of the protected area and on each side of each corner of the protected area, provided the corner can be reasonably ascertained. Illegible or torn-down signs shall be replaced at least once a year. Signs shall state the following: "Notice: Pursuant to Local Law, it is illegal for any Level II or Level III sex offender to enter or remain in or upon this park or playground. Your violation of this local law may subject you to prosecution and punishment, up to and including a fine and imprisonment."
 - i. Upon such posting no further notice shall be given or required to prove a violation of this subdivision of this Local Law.
 - ii. In the absence of such posting, no sex offender shall enter or remain in or upon any County Park or County Playground, as such terms are defined herein, following a personally communicated or written request from any county employee, peace officer or police officer advising him or her of the relevant portion of this local law.

SECTION V. Penalties for Violations.

- A. Any violation of the provisions of this Local Law shall be deemed to be an "offense", and any person adjudged guilty of violating this local law shall be liable for such violation and the penalty therefor, and shall, upon conviction thereof, be subject to a fine of not less than Two Hundred and Fifty (\$250.00) Dollars and not more than Two Thousand Five Hundred (\$2500.00) Dollars per offense, together with a sentence of imprisonment of up to fifteen days per offense.

- B. Each day, or part thereof, such violation continues following notification under this local law, shall constitute a separate offense, punishable in a like manner.

SECTION VI. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any Court of competent jurisdiction, to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION VII. Effective Date.

This local law shall take effect immediately upon filing with the secretary of state in accordance with Section 27 of the Municipal Home Rule Law.