

ORDINANCE NO. 1-07

AN ORDINANCE ESTABLISHING RESIDENCY RESTRICTIONS
WITHIN CROSS CREEK TOWNSHIP FOR ADULT
CONVICTED SEX OFFENDERS

WHEREAS, the Commonwealth of Pennsylvania has identified various sexual crimes against minors in the Pennsylvania Crimes Code; and,

WHEREAS, Cross Creek Township deems it in the best interests and welfare of the residents of Cross Creek Township that those persons over the age of eighteen (18) who have been convicted of certain enumerated sexual offenses against minors, pursuant to the Pennsylvania Crimes Code, be restricted as to their residence in the vicinity of various child care facilities and other locations where minor children may assemble.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania, that:

Section 1. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

- 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 Cross Creek Township, which said open space is regulated, maintained and/or owned by the Township of Cross Creek.
- c.) Community Center – A building and related facilities used for educational, social, cultural, or recreational activities.
- d.) Permanent Residence – A place where a person lives, abides, lodges, or resides for 14 or more consecutive days.
- e.) Public Park or Recreational Facility – Any recreational facility, playground or park, owned or operated by the Township of any other governmental agency, including but not limited to the Avella School District, the County of Washington of the Commonwealth of Pennsylvania.
- f.) School – Any public or private school which provides education services to a minor.

- g.) Sex Offender – Any person, over the age of 18 years of age, who has been convicted of any crime against a minor identified in 42 Pa.C.S.A. 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.
- h.) Temporary Residence – A place where a person lives, abides, lodges, or resides for a period of more 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 to establish a permanent or temporary residence within two thousand five hundred feet (2,500’) of any school, child-care facility, common open space, community center, public park or recreational facilities.

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.

Section 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, public park or recreational facility shall, within forty-five (45) days of receipt of written notice of the sex offender’s noncompliance with this chapter, 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 Township. It shall constitute a continuing violation for each day beyond the 45 days the sex offender continues to reside within 2,500 feet of a school, child-care facility, common open space, community center, public park or recreational facilities. Furthermore, it shall be a violation each day that a sex offender shall move from one location in the Township to another that is within 2,500 feet of any school, child-care facility, common open space, community center, public park or recreational facilities.

Section 4. Exceptions. This chapter shall not apply to any person who has established residence prior to November 1, 2005, 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.

Section 5. Exemptions. The provisions of this ordinance shall not be applicable to persons incarcerated in any facilities owned, maintained and/or operated by the County of Washington.

Section 6. Violations and Penalties. Any person who violates the provisions of this ordinance shall, upon conviction, before a District Justice, be sentenced to a term of imprisonment up to ninety (90) days and shall be fined not more than One Thousand Dollars (\$1,000.00) for each violation, plus the costs of prosecution and reasonable attorney's fees.

Section 7. Effective Date. The Ordinance shall become effective five (5) days after its enactment and adoption.

If any provision or part of this Ordinance is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Ordinance as a whole or any part or provision not adjudged to be invalid or unconstitutional.

ORDAINED AND ENACTED by the Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania, this 17th day of April, 2007.

ATTEST:

CROSS CREEK TOWNSHIP

Rachel Warner Blosser, Secretary

By _____
Dean F. Casciola, Chairman

By _____
Tim Paris, Supervisor

By _____
John Rush, Supervisor