

CHAPTER 11

HOUSING

PART 1

REGISTERED SEXUALLY VIOLENT OFFENDERS RESTRICTIONS

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PART 1

REGISTERED SEXUALLY VIOLENT OFFENDERS RESTRICTIONS

§101. DEFINITIONS.

BOROUGH - the Borough of Portage, including its residents and all land within its territorial boundaries.

CHILD CARE FACILITY - a licensed day care center, licensed child care facility or any other child care services facility exempt from licensing to the laws of the Commonwealth of Pennsylvania.

COMMUNITY CENTER - a building and related facilities used for educational, social, cultural or recreational activities.

LOITER - to linger aimlessly or remain in a certain place for no apparent reason.

PERMANENT RESIDENCE - a place where a person lives, abides, lodges, or resides for 14 or more consecutive days.

PUBLIC PARK or RECREATIONAL FACILITY - any land, or tract of land, or facility used for passive or active recreation, including any playground, park, skate park, athletic field or any other facility owned or operated by the Borough or any other governmental agency, including the Portage Area School District, the County of Cambria or the Commonwealth of Pennsylvania.

SCHOOL - any educational building or facility that provides educational services to a minor child, as defined by the laws of the Commonwealth of Pennsylvania, including any public or private facility.

SEX OFFENDER - any person, over the age of 18 years, who has been convicted of any sexually violent offense or crime as defined in 42 Pa.C.S.A. §9795.1, and who is determined to be a sexually violent predator pursuant to 42 Pa.C.S.A. 9795.4. Sex offender shall also include any individuals convicted of any attempt to commit offenses as enumerated herein.

TEMPORARY RESIDENCE - a place where a person lives, abides, lodges, or resides for a period of less than 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.

(Ord. 8-2007, 9/4/2007, §1)

§102. SEXUAL OFFENDER [RESIDENCY] RESTRICTIONS.

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1. It shall be unlawful for any sex offender or other person over the age of 18 years who has been convicted of a violation which requires registration pursuant to 42 Pa.C.S.A. §9791, et seq., or who has been convicted of a violation which requires registration in another jurisdiction, to reside, lodge, abide or live within 1,500 feet of any school, child care facility, church, community center, public playground, public park or recreational facility.
2. For the purpose of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence or lodging of the sex offender to the nearest outer property line of the school, child care facility, church, community center, public playground, public park or recreational facility.
3. Such person who resides or lives within 1,500 feet of any school, child care facility, open space, community center, public park or recreational facility in the Borough shall have 45 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 Part.
4. It shall be unlawful for any sex offender to loiter within 500 feet of any school, child care facility, church, community center, public playground, public park or recreational facility in the Borough.

(Ord. 8-2007, 9/4/2007, §2)

§103. NOTICE TO MOVE.

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 recreational facility shall, within 45 days of receipt of written notice of the sex offender's non-compliance with this Part, move from said location to a new location, but said location may not be within 1,500 feet of any school, child care facility, common open space, community center, public park or recreational facilities within the Borough. It shall constitute a continuing violation for each day beyond the 45 days the sex offender continues to reside within 1,500 feet of a school, child care facility, common open space, community center, park or recreational facilities. Furthermore, it shall be a violation each day that a sex offender shall move from one location in the Borough to another that is within 1,500 feet of any school, child care facility, common open space, community center, public park or recreational facilities.

(Ord. 8-2007, 9/4/2007, §3)

§104. EXCEPTIONS TO RESIDENCY RESTRICTIONS.

This Part shall not apply to any person or sex offender who has established a residence prior to the date of adoption of this Part, and shall not apply if the school, child care facility, open space, community center, public park or recreational facility within 1,500 feet of sexual offender's residence or lodging was established subsequent to the establishment of this sex

offender's residence or lodging. The provisions of this Section shall not apply to any person or sex offender who has established a residence or lodging, and then relocates to a different residence or lodging within the Borough after the adoption of this Part.

(Ord. 8-2007, 9/4/2007, §4)

§105. PENALTIES.

Any violation of this Part shall be punishable by imprisonment for a term not exceeding 90 days and a fine not exceeding \$1,000 for each violation, in addition to the costs of prosecution and attorneys' fees.

(Ord. 8-2007, 9/4/2007, §5)

§106. ENFORCEMENT.

All agencies and authorities within the Borough including, but not limited to, the Portage Borough Police Department, have full authority to enforce this Part, and impose such fines and other penalties as necessary and appropriate.

(Ord. 8-2007, 9/4/2007, §6)

