

12/20/06
Ch 93,
Art I

LOCAL LAW NO 4

OF

THE YEAR 2006

A LOCAL LAW ENTITLED "SEX OFFENDER RESIDENCY RESTRICTIONS"

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF BOSTON AS FOLLOWS:

SECTION 1. SEX OFFENDER RESIDENCY RESTRICTIONS

A. Legislative Intent

The Boston Town Board hereby finds:

The adoption of Megan's Law has increased public awareness of sexual offenders by requiring them to become registered with authorities and making such information available to the public. New York State has not adopted uniform, statewide standards regulating the residency of registered sex offenders in proximity to public places frequented by persons most vulnerable as possible targets of sex offenders, thus leaving it to local governments to adopt such regulations. The Town Board of the Town of Boston believes this legislation, adopted under authority of Municipal Home Rule Law Sections 10 and 22, is necessary to further protect the best interest of all children, and to protect the health, safety, and welfare of residents in the Town of Boston.

B. Definitions:

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

DANCE HALL - any place (whether inside or outside a building) where a public dance, concert or related activity is permitted or conducted as part of the business of such place.

PUBLIC DANCE - any dance, concert or related activity to which persons under the age of eighteen (18) are admitted for which an attendance charge or donation is imposed as a condition of attendance.

TEEN/COMMUNITY CENTER - any building/structure where persons under the age of eighteen (18) years are invited and congregate for the purpose of social activity, education, athletics and/or entertainment.

C. Residency Restrictions/Restricted Zones

No person over the age of eighteen (18) years, who has been convicted of a violation of a sexual offense upon a child of the age of sixteen (16) years or under, as defined by the New York State Penal Law, which would require that individual to register as a sex offender under state and/or federal laws, shall be permitted to reside or live within one thousand five hundred (1,500) feet, measured as the shortest distance from the property line, of the real property of any:

1. School
2. Park
3. Playground
4. Swimming Pool
5. Day Care Center
6. Family Child Care Providers
7. Group Family Providers
8. Teen/Community Center
9. Teen Club
10. Church which operates any child or youth centered program
11. Dance Hall
12. Skating Rink, or
13. Any other structure or open space where minors congregate under the age of 18 congregate for sponsored, programmed activities

in the Town of Boston, unless such residence has been assigned by a supervised release program, which provides close supervision of the sex offender=s daily activity, or the residency of said offender was established prior to the enactment of this legislation.

D. Penalties

Failure to comply with this section shall be considered a violation punishable by a fine not to exceed One Thousand Five Hundred (\$1,500.00) Dollars or imprisonment not to exceed fifteen (15) days, or both.

SECTION 2. MISCELLANEOUS

- A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.
- B. If any part of this Local Law shall be judicially declared invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted

- C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Town of Boston to further regulate the subject matter of this Local Law.

SECTION 3. EFFECTIVE DATE

This Local Law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. Four of 2006 of the ~~(County)~~(City)(Town)(Village) of Boston was duly passed by the Town Board on Dec. 20th 2006, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

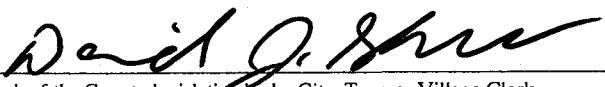
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph-----1-----, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body


(Seal)

Date: _____ December 20, 2006 _____

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF _____ Erie _____

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Town Attorney
Title

~~County~~
~~CNY~~ of Boston
Town
~~Village~~

Date: _____ December 20, 2006 _____