

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

**Section 1.** The Town of Rochester hereby enacts a new Chapter 70 of the Town Code of the Town of Rochester to read as follows:

### **CHILD SAFETY ZONES**

#### **§ 70-1. Legislative Intent and Purpose.**

**A.** The Town of Rochester Town Board finds and determines that due to the recidivism rate among convicted sex offenders following their release from confinement, there exists a heightened potential for reoccurrence of their crimes when they reside, have employment or frequent areas where children are likely to regularly congregate, such as public or non-public elementary, middle and high schools, child care facilities, parks, playgrounds, public or private youth center or public swimming pools.

**B.** The Town of Rochester Town Board further determines that it is essential for the Town of Rochester to make every effort to protect children from sex offenders who have committed sexual offenses against minors.

**C.** The Town of Rochester Town Board further determines that it is in the best interests of the health, safety and welfare of the residents of the Town of Rochester, and particularly its children, to establish residency restrictions and restrictions on location of employment and other activities for sex offenders who have committed sexual offenses against minors.

**D.** It is the purpose of this local law to prohibit sex offenders from residing, having employment or otherwise enter or remain within one thousand (1000) feet of areas and facilities that would provide them easy access to potential victims.

#### **§ 70-2. Definitions.**

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

**CHILD CARE FACILITY** - Shall mean a licensed and/or registered nursery, preschool, child day care center, group family day care home, and family day care home as defined by the New York State Social Services Law.

CHILD SAFETY ZONE - Shall mean within one thousand (1000) feet of the real property comprising a public or private, elementary, middle or high school, designated school bus stop, child care facility, nature preserve, park, playground, public or private youth center or public swimming pool, public or commercial recreational facility clearly designed to attract children, including but not limited to theaters, bowling alleys, sports fields, exercise or sporting facilities and additionally, two-family or multi-family dwellings, apartment buildings, co-ops, condominiums, mobile home (trailer) parks, or other clustered housing developments (ten or more single family homes on less than 1/3 acre), hotels, motels, and rooming houses.

EMPLOYMENT - Shall mean doing work, whether or not for financial gain.

RESIDENCE - Shall mean the place where a person sleeps, which may include more than one location and may be mobile and/or transitory.

SEX OFFENDER - Shall mean a person who has been convicted of a sexual offense as defined in paragraph 1 of section 168-a of the New York State Corrections Law.

**§ 70-3. Restrictions.**

- A. A sex offender as herein defined shall not reside within a child safety zone.
- B. A sex offender as herein defined shall not have employment within a child safety zone.
- C. A sex offender as herein defined shall not loiter for purposes of committing any crime within a child safety zone.

**§ 70-4. Exceptions.**

A sex offender as herein defined entering or remaining within a child safety zone does not commit a violation of this local law if any of the following apply:

- A. The sex offender is serving a sentence at a jail, prison, juvenile facility or other correctional institution or facility, or is an inpatient in a hospital, hospice, mental health facility or nursing home. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.
- B. The sex offender has established employment that would otherwise be in violation of this Local Law prior to the effective date of this local law. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone other than for purposes relating to schooling. In such case, the parent(s) or legal guardian of the minor contacted must be informed of the contact.

**C.** The sex offender attends primary, secondary or post-secondary school that would otherwise be in violation of this local law. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.

**D.** The sex offender only intermittently or sporadically enters a child safety zone for the purposes of work. However this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.

**E.** A child safety zone is newly located on or after the effective date of this local law. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.

**F.** The sex offender is a minor or a ward under a guardianship. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.

**G.** The sex offender enters a child safety zone for the purposes of exercising the right to vote. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.

#### **§70-5. Penalties.**

The first violation of the provisions of this local law shall be a Class B Misdemeanor punishable by a fine up to \$500.00 and imprisonment of up to three months in jail. A second or subsequent violation shall be a Class A Misdemeanor, punishable by a fine of up to \$1,000.00 and imprisonment of up to one year in jail.

#### **§70-6. Enforcement.**

The Ulster County Sheriff's Office or NY State Police shall have the power to enforce the provisions of this chapter.

#### **§70-7. Cessation of Restrictions.**

The restrictions outlined in section 1 shall cease when the sex offender is no longer required to register and/or verify pursuant to New York State Correction Law Article 6-C, the sex offender registration act.

### **Section 2. Severability**

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or

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

### **Section 3. Effective Date**

This local law shall become effective immediately upon the filing of this local law in the office of the New York Secretary of State pursuant to section 27 of the municipal home rule law.