

**ARTICLE 750 SEXUAL OFFENDERS AND SEXUAL PREDATORS
RESIDENCY PROHIBITION**

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750.01 FINDINGS AND INTENT

A. Allentown City Council has reviewed the findings of the Pennsylvania Legislature when it adopted Megan's Law II, as well as resource materials from the Criminal Justice Information Services Division of the Federal Bureau of Investigation and the Center for Sex Offender Management (www.csom.org) as established in June, 1997, as a collaborative effort of the Office of Justice Programs, the National Institute for Effective Public Policy, and the American Probation and Parole Association, the goal of which is to enhance public safety by preventing further victimization through improving the management of adult and juvenile sex offenders who are in the community. City Council finds that repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

B. It is the intent of this Section to serve the City of Allentown's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

750.02 SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE PROHIBITION

A. It is unlawful for any person who has been convicted of a violation of Section 9795.1 of Megan's Law II, 42 P.A.C.S. §9795.1 (relating to registration), in which the victim of the offense was less than sixteen (16) years of age, to establish a permanent or temporary residence within two thousand five hundred (2,500') feet of any school, childcare facility, park or playground.

B. For purposes 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 to the nearest outer property line of a school, childcare facility, park or playground.

750.03 EXCEPTIONS

A person residing within two thousand five hundred (2,500') feet of any school, childcare facility, park or playground, does not commit a violation of this Section if any of the following apply:

- (a) The person established the permanent residence prior to December 2005;
- (b) The person was a minor when he/she committed the offense and was not convicted as an adult;
- (c) The person is a minor;
- (d) The school, childcare facility, park or playground within two thousand five hundred (2,500') feet of the person's permanent or temporary residence was opened after the person established the residence.

750.99 PENALTIES

Penalties. A person who violates this section shall be punished by a fine not exceeding Five Hundred (\$500) Dollars or by imprisonment for a term not exceeding sixty (60) days, or a period of community service, not to exceed ninety (90) days or any combination of the same as determined at the discretion of the Magistrate Judge; for a second or subsequent conviction of a violation of this Section, such person shall be punished by a fine not to exceed One Thousand (\$1,000) Dollars or imprisonment in the County jail, not more than twelve (12) months, or both fine and imprisonment.

Notification of the Pennsylvania Board of Probation and Parole: City Council shall supply or cause to be supplied to the Pennsylvania Board of Probation and Parole a duly certified copy of this Ordinance to inform the state and county prison and probation and parole personnel about the limitations on residence set forth in this Ordinance.

Repealer: If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.
(14347 §1 12/22/05)