

CHAPTER 64

Sex Offenders

[Added 6-06-06 as L.L. #4-2006]

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[HISTORY: Adopted by the Common Council of the City of Dunkirk on 6-06-2006. Amendments noted where applicable.]

§ 64-1. Intent, Purpose and Findings

- A. The highest priority of government is the safety and protection of its residents, especially its children. The City of Dunkirk has had places in its borders a large number of registered sex offenders, some of who have committed criminal sexual offenses against minors. A number of these sex offenders have been categorized as Level II sex offenders who have been determined to pose a moderate risk of committing another sexual crime. A number of these sex offenders have been categorized as Level III Sex Offenders who have been determined to pose a high risk of committing another sexual crime.
- B. The City of Dunkirk Common Council finds and determines that it is essential to assure residents of Dunkirk that the City government continues to make every effort to protect children from sex offenders.
- C. This Council further finds and determines that it is in the best interests of the City of Dunkirk citizens to establish residency and proximity restrictions for sex offenders who have committed criminal sexual offenses against minors.
- D. This Council further finds that residency in close proximity to areas where minors are required to be present or congregate for recreation purposes pose an unacceptable level of danger.

§ 64-2. Definitions.

- A. The term “sex offender” shall mean a person who has received a Level II or III designation as defined by the Sex Offender Registration Act contained in Article 6-C of the New York State Correction Law.

§ 64-3. Restrictions.

- A. A sex offender shall not reside within one thousand (1,000) feet of a public or private school, nursery school, pre-school, child care facility, playground, or park.
- B. A sex offender shall not enter into any public or private school, nursery school, pre-school, child care facility, playground, or park.

§ 64-4. Prospective Effect.

This law shall not require any person to move from their residence as established prior to the enactment of this law.

§ 64-5. Penalties.

Any violation of the provisions of this Local Law shall be a Class A Misdemeanor punishable by a fine not exceeding \$1,000.00; or imprisonment for a term not exceeding one year; or both such fine and imprisonment.

§ 64-6. Severability.

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

§ 64-7. Effective date.

This Local Law shall take effect immediately upon filing with the Secretary of State.