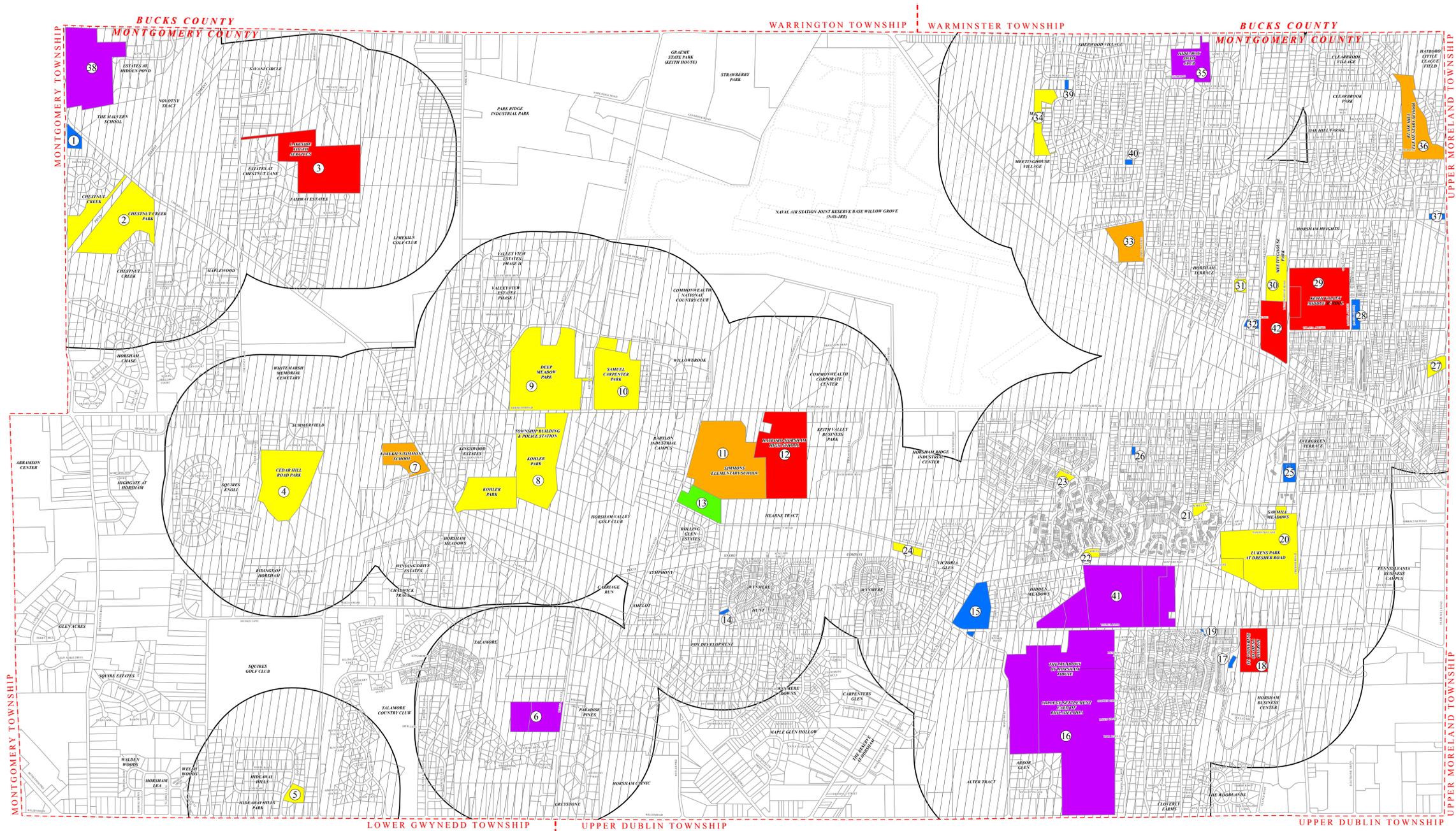


# SEXUAL OFFENDER RESIDENTIAL RESTRICTION OVERLAY MAP

## HORSHAM TOWNSHIP

### MONTGOMERY COUNTY, PENNSYLVANIA



1. THE MALVERN SCHOOL
2. CHESTNUT CREEK PARK - LANDIS FIELDS
3. LAKESIDE YOUTH SERVICES
4. CEDAR HILL ROAD PARK
5. HIDEAWAY HILLS PARK
6. ST. MATTHEWS EPISCOPAL CHURCH
7. LIMEKILN-SIMMONS SCHOOL
8. KOHLER PARK
9. DEEP MEADOW PARK
10. SAMUEL CARPENTER PARK
11. SIMMONS ELEMENTARY SCHOOL
12. HATBORO-HORSHAM HIGH SCHOOL
13. HORSHAM TOWNSHIP LIBRARY
14. FAMILY DAY CARE HOME
15. KOREAN YUONG SANG PRESBYTERIAN CHURCH
16. COLLEGE SETTLEMENT
17. LITTLE PEOPLE DAYCARE
18. ST. CATHERINE OF SIENNA CHURCH & SCHOOL
19. FAMILY DAY CARE HOME
20. LUKENS PARK AT DRESHER ROAD
21. SAWMILL LANE PARK
22. WHETSTONE PARK
23. SAWYER WAY PARK
24. JARRETT ROAD PARK
25. GODDARD SCHOOL
26. FAMILY DAY CARE HOME
27. BLAIR MILL PARK
28. HORSHAM BIBLE CHURCH
29. KEITH VALLEY MIDDLE SCHOOL
30. MEETINGHOUSE PARK
31. GIRARD AVENUE PARK
32. FAMILY DAY CARE HOME
33. HALLOWELL ELEMENTARY SCHOOL
34. MAPLE PARK
35. HIDEAWAY SWIM CLUB
36. BLAIR MILL ELEMENTARY SCHOOL
37. FAMILY DAY CARE HOME
38. UKRANIAN-AMERICAN SPORTS CENTER
39. FAMILY DAY CARE HOME
40. FAMILY DAY CARE HOME
41. KUHN DAY CAMP
42. THE QUAKER SCHOOL AT HORSHAM

- Elementary School/Licensed Day Care Center
- School
- Park with Active Recreation
- Licensed Day Care Center
- Public Library
- Other
- Prohibited Areas
- Township Boundary
- Property Boundary

NOTES:  
 1. PROHIBITED LOCATION OF RESIDENCE, WITHIN 2,000 FEET OF ANY SCHOOL, LICENSED DAY CARE CENTER, PARK, PLAYGROUND, LIBRARY, OR ANY OTHER LOCATION WHERE CHILDREN REGULARLY CONGREGATE.  
 2. FOR PURPOSES OF DETERMINING THE MINIMUM DISTANCE SEPARATION, 2,000 FEET WAS MEASURED BY FOLLOWING A STRAIGHT LINE FROM THE OUTER PROPERTY LINE OF A SCHOOL, DAY CARE CENTER, PARK, PLAYGROUND, LIBRARY, OR ANY OTHER LOCATION WHERE CHILDREN REGULARLY CONGREGATE.

SEXUAL OFFENDER RESIDENTIAL RESTRICTION OVERLAY MAP

HORSHAM TOWNSHIP

SITUATED IN  
HORSHAM TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA

PREPARED FOR  
THE TOWNSHIP OF HORSHAM  
1025 HORSHAM ROAD  
HORSHAM, PENNSYLVANIA 19044

**Carroll Engineering Corporation**

949 Easton Road  
Warrington, PA 18976  
Phone: 215-343-8700  
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Collegeville, PA 19426  
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Fax: 610-489-2674

[www.carrolleengineering.com](http://www.carrolleengineering.com)

DATE: 09/22/07 SCALE: 1" = 800' 25% NAD 83 07-1073-01

ORDINANCE NO. 2007-9

AN ORDINANCE OF THE COUNCIL OF HORSHAM  
TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA,  
ESTABLISHING RESIDENCY RESTRICTIONS FOR VIOLENT  
SEXUAL PREDATORS AND SEX OFFENDERS AND  
REMEDIES FOR VIOLATIONS THEREOF

Preamble

*The Horsham Township Council hereby enacts and ordains as follows:*

**WHEREAS**, the Pennsylvania Legislature enacted legislation requiring the registration of sex offenders, now referred to as Megan's Law II by the Act of May 10, 2000, P.L. 74, No. 18, as amended 42 Pa. C.S. §9791 et. seq.; and

**WHEREAS**, the United States Congress enacted Title 42, Sections 14701 and 3756 of the United States Code, in an effort to protect children, requiring the registration and monitoring of certain sexual offenders; and

**WHEREAS**, currently pending before the state legislature are Pennsylvania House Bills No. 1064 and 1156 and Senate Bill 883 which seek to establish protective zones around schools, playgrounds, daycare centers and parks, but currently the Commonwealth of Pennsylvania has no laws which adequately prohibit or restrict sex offenders from residing in areas where children regularly meet and congregate; and

**WHEREAS**, the Horsham Township Council is concerned about certain convicted sexual offenders and violent sexual predators who are released from custody and may repeat the unlawful acts for which they had originally been convicted; and

**WHEREAS**, Pennsylvania has a significant number of registered sex offenders and several of said offenders are classified as "Sexually Violent Predators" under Megan's Law; and

**WHEREAS**, the Council finds that the recidivism rate for released sexual offenders is alarmingly high, especially for those who commit crimes against children; and

**WHEREAS**, prohibiting sexual offenders and violent sexual predators from living within two thousand feet (2,000') of places where children traditionally gather will reduce the amount of incidental contact between sexual offenders and violent sexual predators and children; and

**WHEREAS**, reducing the amount of incidental contact between sexual offenders and violent sexual predators and children will decrease the opportunity and temptation for sexual offenders and sexual predators to commit new sexual offenses against children; and

**WHEREAS**, many states have enacted some form of residency restriction applicable to sex offenders; and

**WHEREAS**, a number of Federal Courts, including the U.S. Court of Appeals for the 8<sup>th</sup> Circuit, the U.S. Court of Appeals for the 6<sup>th</sup> Circuit, the U.S. District Court, Northern District Georgia, the U.S. District Court for Oklahoma, and the U.S. District Court for the Western District of Ohio, as well as a multiple state appellate courts have upheld similar residency restriction; and

**WHEREAS**, Horsham Township is authorized by the state legislature to adopt ordinances necessary for the maintenance of peace, good government, health and welfare of its citizens, the security and safety of persons within the Township, and the occupation of land; and

**WHEREAS**, Council has determined that it is in the best interest of the Township and its residents to regulate the residency of sexual offenders and violent sexual predators so as to protect the health, safety and welfare of the Township, its residents and especially its children; and

**WHEREAS**, this Ordinance is intended to be regulatory and remedial in nature and non-punitive;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of the Township of Horsham, Montgomery County, Pennsylvania:

**SECTION I. Incorporation of Recitals.**

The foregoing recitals are herein incorporated by reference as though more fully set forth at length.

**SECTION II. Definitions.**

1. Child Care Facility. A Child Day Care Center, a Group Child Day Care Home or a Family Child Day Care Home as those terms are defined by and as those facilities are licensed, certified or registered in accordance with 55 Pa. Code Chapters 3270, 3280 and 3290.

2. Park. Any publicly-owned property or park in which active recreational facilities, such as playgrounds or ballfields, are located.

3. Residence. A place where a person lives, abides, or lodges for thirty (30) or more consecutive or nonconsecutive days in a calendar year.

4. School. Any public or private school which provides educational services to a minor. For the purpose of this ordinance the term "school" shall include private schools, including church-run schools and nursery schools which may be exempt from state licensing under 22 Pa. Code Chapter 51, Section 55.1; provided that the church-run school must provide notice to the Township of its existence by registering with the Township.

5. Temporary Residence. A place where a person lives, abides, or lodges for a period of less than thirty (30) days in the aggregate during any calendar year.

**SECTION III.        Residency Restriction.**

1.        The Horsham Township 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 of Corrections and the State Justice Institute and administered by the Center 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. The 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 are extremely likely to use physical violence and to repeat their offenses, and most 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.

2.        It is the intent of this Ordinance to serve the Township's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Township by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from residing or temporarily residing.

3.        It is unlawful for any person who is convicted of a crime against a minor which requires registration under 42 Pa. C.S.A Section 9795.1 of Megan's Law II, (42 P.A.C.S. §9791 et seq), or who has been adjudicated a Violent Sexual Predator in accordance with Megan's Law II to reside or temporarily reside within two thousand feet (2,000') of any of the following:

- a.        Schools;
- b.        Public Libraries;
- c.        Parks;
- d.        Child Care Facilities; or
- e.        The following specific facilities in Horsham Township where children are know to gather:
  - i.        College Settlement Camp;
  - ii.       Kuhn Day Camp;
  - iii.       Hideaway Swim Club; and
  - iv.       Ukrainian American Sport Center

4.        A person convicted of an offense under 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to obscene and other sexual materials and performances involving minors) which requires registration under Megan's Law II shall be subject to the residency requirements of this ordinance.

5. 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 residence or temporary residence to the nearest outer property line of the school, library, child care facility, park, or other facility listed in Section III.3 of this Ordinance.

6. Any person regulated by this ordinance who resides or lives within two thousand feet (2,000') of any school, library, child care facility, park, or other facility included in Section III.3 of this Ordinance, shall have sixty (60) days from receipt of written notice from the Township of the prohibition set forth herein to move to a location not prohibited by this ordinance. Failure to move to a location which is in compliance with this section within the sixty (60) day time period shall constitute a violation of this chapter.

#### **SECTION IV. Remedies and Enforcement.**

1. If a person notified of a violation of this ordinance fails or refuses to relocate within sixty (60) days of the date of the notice, Horsham Township or any person residing or entity located within two thousand feet (2,000') of a facility listed in Section III.3 of this Ordinance may bring suit in equity in the Court of Common Pleas of Montgomery County seeking injunctive relief and/or preliminary injunctive relief to require the sex offender or violent sexual predator to relocate.

#### **SECTION V. Exceptions.**

A person residing within two thousand feet (2,000') of any school, public library, child care facility, park, or other facilities listed in Section III.3 of this Ordinance does not commit a violation of this Ordinance if one of the following applies:

1. The person resided in the dwelling in question immediately prior to adoption of this Ordinance and has maintained the dwelling as his or her permanent residence continuously since the adoption of this ordinance.
2. The school, library, childcare facility, park, or other protected facility located within two thousand feet (2,000') of the person's residence or temporary residence was opened after the person established the residence.

#### **SECTION VI. Notice.**

The 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.

**SECTION VII. Publication.**

The Township Manager is hereby directed to have prepared and placed on the Township website a map of the Township depicting the areas where sex offenders that Section III (3) above applies to are restricted from residing on a permanent or temporary basis.

**SECTION VIII. Severability.**

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.

**SECTION IX. Effective Date.**

This Ordinance shall become effective five (5) days after final enactment.

*ENACTED AND ORDAINED* this 27<sup>th</sup> day of August, 2007 at a regular public meeting.

ATTEST:

**HORSHAM TOWNSHIP COUNCIL**

  
Michael J. McGee, Manager

  
Joanna M. Furia, President

SEAL