



NOTICE OF ADOPTION OF ORDINANCE

PLEASE TAKE NOTICE that the Governing Body of the Borough of Atlantic Highlands introduced the following Ordinance at their January 14, 2009 meeting. Following a Public Hearing held on February 11, 2009 this Ordinance was finally adopted. . This Ordinance is available for public inspection, and copies will be available at no cost, at Borough Hall in the Municipal Clerk's office during regular business hours, 8:30 AM to 4:30 PM, Monday through Friday.

Dwayne M. Harris
Municipal Clerk

ORDINANCE 03-2009

REPEALING ORDINANCE 20-2005 ESTABLISHING SEX OFFENDER RESIDENCY LIMITATIONS

WHEREAS, the Governing Body, in an effort to enhance public safety and address certain public concerns, as to children's, safety adopted Ordinance 20-2005 in October 2005 which established certain limitations and distance requirements, as to residence of convicted sex offenders, from school/parks and other places where children assemble; and,

WHEREAS, similar Ordinances had been or were adopted by over 100 municipalities in the State during 2004 through 2006, and were thereafter challenged by certain legal advocacy groups, and the Trial Court decisions in these cases declared such Ordinances as invalid by reason of being preempted by Megan's Law, and the comprehensive regulation of convicted sex offenders, established in that Law, negated and preempted any municipal regulation as to such offenders; and,

WHEREAS, those Trial Court decisions were appealed to the Superior Court Appellate Division, which in a decision entitled G.H.V. Township of Galloway, 401 N.J. Super 392 (App. Div. 2008) affirmed the rulings of the Trial Courts and declared as legally invalid, such municipal sex offenders residency restrictions Ordinances; and,

WHEREAS, the Appellate decision has not been further challenged or pursued to the State Supreme Court and has now become final, and serves as statewide legal precedent, declaring such Ordinances invalid and in view of that Court determination, it is the recommendation of the Borough Attorney that Ordinance 20-2005 be repealed so as to avoid possible legal or constitutional challenges against the Borough.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth and State of New Jersey that Ordinance 20-2005 adopted October 12, 2005, is hereby repealed in its entirety.