

**RESOLUTION NO. 31 -2011, ADOPTING LOCAL LAW  
NO. 14 -2011, A LOCAL LAW TO RESTRICT THE  
RESIDENCE OF SEX OFFENDERS NEAR AMUSEMENT  
PARKS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on December 7, 2010, a proposed local law entitled, "**A LOCAL LAW TO RESTRICT THE RESIDENCE OF SEX OFFENDERS NEAR AMUSEMENT PARKS;**" now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 14 -2011, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO RESTRICT THE RESIDENCE OF SEX  
OFFENDERS NEAR AMUSEMENT PARKS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that sex offenders pose a significant threat to the safety and well-being of children.

This Legislature also finds and determines that Chapter 428 of the SUFFOLK COUNTY CODE restricts sex offenders from living within ¼ mile of many locations where children congregate, including schools, day-care centers, and playgrounds.

This Legislature further finds and determines that children frequently congregate at amusement parks.

This Legislature finds that, in the interest of protecting the County's most vulnerable residents, sex offenders should be restricted from living within close proximity to amusement parks as well.

Therefore, the purpose of this law is to restrict sex offenders from living within ¼ mile of any amusement park in Suffolk County.

**Section 2. Amendments.**

Chapter 428 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 428, SEX OFFENDERS**

**ARTICLE I, Residency Restrictions**

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**§ 428-2. Definitions**

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

AMUSEMENT PARK – A commercially owned permanent enterprise which is open to the public without an admission fee and is equipped with recreational devices such as a merry-go-round, Ferris wheel, or roller coaster. This definition shall not include traveling fairs that move attractions and recreational devices to more than one location throughout the calendar year, nor shall it include retail establishments or restaurants with an interior or attached playground or small coin operated children’s rides.

DAY-CARE CENTER – Any program or facility caring for children for more than three hours per day per child, as those terms are defined in § 390 of the New York Social Services Law.

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**§ 428-3. Residence limitation.**

- A. It shall be unlawful for all registered sex offenders to reside within ¼ mile of the property line of any school, including, but not limited to, any public, or private nursery, elementary, middle or high school; or a licensed day-care center; or a playground; or an amusement park; or the residence or principal place of employment of the victim(s) of their crime(s).
  
- B. No shelter or housing accommodation shall permit or cause the placement of any registered sex offender if such shelter or housing accommodation is within ¼ mile of the property line of any school, including, but not limited to, any public or private nursery, elementary, middle or high school; or a licensed day-care center; or a playground; or an amusement park; or the residence or principal place of employment of the victim(s) of their crime(s).

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**Section 3. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

**Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this 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, 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 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 6. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

DATED: February 1, 2011

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,  
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MARCH 4, 2011

After a public hearing duly held on February 15, 2011  
Filed with the Secretary of State on March 18, 2011

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on February 1, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.*

*In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.*

*Tim Laube*

Clerk of the Legislature

Intro. Res.

2234

Res. No.

31

February 1, 2011

**Motion:**

Romaine, Schneiderman, Browning, Muratore,  
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore,  
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**

Romaine, Schneiderman, Browning, Muratore,  
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	✓				
2	Jay H. SCHNEIDERMAN	✓				
3	Kate M. BROWNING	✓				
4	Thomas MURATORE	✓				
5						
7	Jack EDDINGTON	✓				
9	Ricardo MONTANO	✓				
10	Thomas CILMI	✓				
11	Thomas F. BARRAGA	✓				
12	John M. KENNEDY, JR.	✓				
13	Lynne C. NOWICK	✓				
14	Wayne R. HORSLEY	✓				
15	DuWayne GREGORY	✓				
16	Steven H. STERN	✓				
17	Lou D'AMARO	✓				
18	Jon COOPER	✓				
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.	✓				
	Totals	17				

MOTION
<input checked="" type="checkbox"/> Approve
<input type="checkbox"/> Table
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED <input type="checkbox"/>
No Motion <input type="checkbox"/> No Second <input type="checkbox"/>

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

*Tim Laube*

Roll Call  Voice Vote

Tim Laube, Clerk of the Legislature