

TOWN SEXUAL OFFENDER LAW

ARTICLE I, Residency Restrictions [Adopted 12-5-2005 by L.L. No. 11-2005]

§ 129-1. Residency by certain persons prohibited in certain areas.

Persons listed on the New York State Sex Offender Registry as a level three sex offender may not reside within the Town of Malta within:

- A. One mile of:
 - (1) Chango Elementary School (Chango Drive);
 - (2) The following parks:
 - (a) Malta Community Park (Plains Road);
 - (b) Shenantaha Creek Park (East Line Road);
 - (c) Pasquarelle Park, Village of Round Lake. (NOTE: This article does not seek to regulate that portion of the Town within the Village of Round Lake, but only applies to that area of the Town without the Village of Round Lake that is within a one mile radius of Pasquarelle Park.)
 - (3) The following recreational facilities or amusement centers which are open to persons of 18 years of age or less:
 - (a) David R. Meager Community Center.
- B. One thousand feet of:
 - (1) The following parks and/or playgrounds:
 - (a) The ballfield and playground at Highpointe;
 - (b) The multipurpose field with backstop at Century Farms;
 - (c) Collamer Park, corner East High Street and NYS Route 9;
 - (d) Tennis courts at Woodfield Estates;
 - (2) The following recreational facilities or amusement centers which are open to persons of 18 years of age or less:
 - (a) Charbonneau Recreational Facility, NYS Route 9.

§ 129-2. Permission required to rent to certain persons.

No person may rent, lease or let residential space (including, but not limited to, a room, apartment, condominium, house, residential trailer) to a person listed on the New York State Sex Offender Registry as a level three sex offender without having received a letter from the Town of Malta Clerk that such rental, lease or letting is not in violation of this article. A request for such a letter will be acted upon within five business days.

§ 129-3. Clerk to be notified of residency.

No person listed on the New York State Sex Offender Registry as a level three sex offender shall rent, lease or let residential space without first having notified the Clerk of the Town of Malta of his or her current name and address. Any such person shall further notify the Clerk of the Town of Malta in the event his or her name or address changes, together with the new name and/or address.

§ 129-4. Effect on current residents.

A person listed on the New York State Sex Offender Registry as a level three sex offender who resides within an area proscribed by this article on the effective date of this article may continue to reside at that same location for six months from such effective date. A person renting, leasing or letting residential space to a person listed on the New York State Sex Offender Registry as a level three sex offender within an area proscribed by this article on the effective date of this article may continue to rent, lease or let to that offender at that same location for six months from such effective date.

§ 129-5. Penalties for offenses.

Violation of this article shall be a Class A Misdemeanor, punishable by a fine of up to \$500 and 15 days imprisonment for a first offense, and up to a fine of \$1,000 and six month's imprisonment for a second or further offense. In addition, and to the extent permitted by law, the Court may enjoin further violations of this article.

§ 129-6. Adoption of similar protection by other bodies.

Upon the New York State or Saratoga County Legislatures passing legislation which purports to provide the same or similar protections to the people of the State of New York, including the residents of the Town of Malta, any member of the Board may place upon the agenda of the Town Board a resolution

providing for the repeal of this article, and the Town Board shall consider the same at its next meeting. If the Town Board finds that the New York State or Saratoga County Legislatures have, in fact, enacted a law which provides the same or similar protection to residents of the Town of Malta, this article shall immediately be of no further force and effect, and the Town Board shall repeal the same.