

A Public Hearing Local Law #3,
2007 was held at the Town Hall on
July 16, 2007, 6:00 PM (T=6)

Presiding: Supervisor Michael Shultis

Attending: Councilwoman Kate Hyman, Councilwoman Barbara Zell, Councilman John Gill and 7 members of the public

Supervisor Shultis opened the Public Hearing by explaining that the Town Board wanted to prohibit a convicted, level 3 sex offender from residing within 500 feet of a school bus stop in the Town of Hurley. The Law was read in its entirety.

Local Law No. 2 of the year 2007

of the Town of Hurley, Ulster County, New York

LEVEL THREE SEX OFFENDER RESIDENCY LAW

Be it enacted by the Town Board of the Town of Hurley as follows:

Section

I. Legislative intent; statutory authorization

A. It is the intent of this Local Law to prohibit any convicted and registered Level Three Sex Offender from residing within 500 feet of any school bus stop in the Town of Hurley. It is the intent of the Town Board to do everything in their power to protect the lives and safety of our children.

B. This Local Law is enacted pursuant to the powers granted to the Town by virtue of Article IX.2 (c) (5) of the New York State Constitution.

•C. No landlord of any residential premises located within five hundred feet of any school premises or school bus stop shall allow any person to occupy those residential [sic] if the person's name appears on the state registry of sex offenders and child-victim offenders.

•D. Nor shall an owner of residential real estate be allowed to transfer title of said residential property if the purchaser's name appears on the state registry of sex offenders and child-victim offenders and if the property is located within five hundred feet of any school premises or school bus stop.

•E. If a tenant is allowed occupancy in violation of this local law or a person establishes a residence or occupies residential premises, the landlord for the residential premises that are the subject of the rental agreement or other tenancy may terminate the rental agreement or other tenancy of the tenant and all other occupants.

•F. If a landlord is authorized to terminate a rental agreement or other tenancy pursuant to this

local law, or if n[sic] owner is authorized to cancel the sales contract of said property pursuant to this local law, but does not so terminate the rental agreement or other tenancy, or sales contract. the landlord and/or owner is not liable in a tort or other civil action in damages for any injury, death, or loss to person or property that allegedly results from that decision.

- G. If a person described in divisions section C of this section occupied residential premises within five hundred feet of a particular school bus stop before the effective date of this local law, this local law does not apply to that person's residence within five hundred feet of that bus stop.

- H. If a person violates this local law by establishing a residence or occupying residential premises within five hundred feet of any school premises or school bus stop, an owner or lessee of real property that is located within five hundred feet of those school premises or that school bus stop, the municipal corporation that has jurisdiction over the place at which the person establishes the residence or occupies the residential premises in question, has a cause of action for injunctive relief against the person. The municipal corporation shall not be required to prove irreparable harm in order to obtain the relief.

- I. The municipal corporation, in addition to all other rights under the common law and rules, regulations and laws of the State of New York, shall require the rerouting of any school bus stop if it is established by a preponderance of the evidence that a residence has been established in violation of this local law.

- J. If any section of this law is amended or modified by a Court of competent jurisdiction, such amendment or modification shall have no bearing on the validity of the remaining sections of the law and said remaining sections shall be deemed valid and in full force notwithstanding the aforesaid amendments or modifications.

K. ADOPTION OF LAW

This law shall be in full force and effect ___ days after its final passage and adoption. All prior laws and parts of law in conflict with this law are hereby repealed.

•2. 2. FROM THE FLOOR:

- Barbara Kent asked if resident offenders would be grandfathered in. She was told "no".
- Asst. Superintendent Bob Prichard of Kingston City Schools asked the Assessor to notify him of the location or change of location .of resident offenders so that buses may be rerouted as needed.
- Councilwoman Hyman asked what punishment would be assessed against a landlord leasing under these guidelines.
- Mary Tuma asked what determined someone as "dangerous".
- Councilwoman Hyman said that Section E should be changed from the word "may" to "must" terminate the rental agreement.
- Rich Wolf said that Ethan Allen buses have district established bus routes and stops that

occasionally get changed.

Supervisor Shultis motioned to adjourn this public hearing with the understanding that the Board reconvene at a later date. Motion was seconded by Councilman Hyman and all voted aye.

Karin Horner , Town Clerk