

Information on this website shall **NOT** be used to commit a crime or to engage in illegal discrimination or harassment of an offender.

**The Village of Tuckahoe  
Code of Ordinances in regards to Sex Offenders**

**§ 19A-2. Definitions.**

For purposes of this chapter, the following terms shall have the meanings indicated:

**DOMICILE** - A person's true, fixed permanent home or fixed place of habitation.

**LEVEL 1 REGISTERED SEX OFFENDER** - A sex offender determined by the New York State Board of Examiners of Sex Offenders to pose a low risk of recidivism.

**LEVEL 2 REGISTERED SEX OFFENDER** - A sex offender determined by the New York State Board of Examiners of Sex Offenders to pose a moderate risk of recidivism.

**LEVEL 3 REGISTERED SEX OFFENDER** - A sex offender determined by the New York State Board of Examiners of Sex Offenders to pose a high risk of recidivism.

**PARK** - The multipurpose basketball, tennis and playground courts known as Main Street Park, located at the corner of Main Street and Marbledale Road, Tuckahoe, New York; Constitution Park and Playground, located at the corner of Circuit Avenue and Pleasant Avenue, Tuckahoe, New York; Fisher Park and Playground, located at the corner of Fisher Avenue and Marbledale Road, Tuckahoe, New York; Garrett Park, located at or about Tuckahoe Road and Yonkers Avenue, Tuckahoe, New York; Union Park, located at the corner of Union and Washington Streets, Tuckahoe, New York; and Parkway Oval Park, located at the corner of Bronx Street and Railroad Avenue, Tuckahoe, New York.

**REGISTERED SEX OFFENDER** - A sex offender who is required to register with the New York State Division of Criminal Justice Services or other agency having jurisdiction pursuant to the provisions of Article 6-C of the Correction Law of the State of New York or other applicable or successor law, whether or not the sex offender has actually registered in compliance with the law of the court of competent jurisdiction.

**RESIDENCE** - The place where a person sleeps, which may include more than one location and may be mobile or transitory. (L.L. No. 8-2007, § 1)

**§ 19A-3. Restrictions established.**

It shall be unlawful for any Level 2 registered sex offender or Level 3 registered sex offender to establish a residence or domicile within a radius of 1,000 feet of any park as defined herein. (L.L. No. 8-2007, § 1)

**§ 19A-4. Relocation.**

Any Level 2 registered sex offender or Level 3 registered sex offender who establishes a residence or domicile in violation of the residency restrictions set forth in § 19A-3 of this chapter shall have 60 days from receipt of a written notice from the Village Clerk to relocate to a location which does not violate the restrictions set forth in § 19A-3 of this chapter. (L.L. No. 8-2007, § 1)

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**§ 19A-5. Applicability.**

- (a) This chapter shall not apply to any Level 1 registered sex offender.
- (b) This chapter shall not apply to any Level 2 registered sex offender or Level 3 registered sex offender if that person is required to be domiciled at a location fixed by an order of a court of competent jurisdiction or by any federal, state or county agency having jurisdiction thereof.
- (c) This chapter shall not apply to any premises or properties that are located outside of the geographical boundaries of the Village of Tuckahoe regardless of whether said premises or properties are the residence or domicile of a Level 2 registered sex offender or Level 3 registered sex offender or said premises or properties are located within the radius of 1,000 feet stated in § 19A-3 herein. (L.L. No. 8-2007, § 1)

**§ 19A-6. Exemption.**

- (a) The residency restriction of § 19A-3 herein shall not apply to any Level 2 registered sex offenders or Level 3 registered sex offenders who have established residences or domiciles prior to the effective date of this chapter or to any Level 2 registered sex offender or Level 3 registered sex offender under the age of 18 years of age residing with his or her parents or legal guardian.
- (b) A Level 2 registered sex offender or a Level 3 registered sex offender does not commit a violation of this chapter if said Level 2 registered sex offender or Level 3 registered sex offender has established a residence or domicile and thereafter a park, subject to the restrictions of this chapter, is newly located within a radius of 1,000 feet of the residence or domicile of said Level 2 registered sex offender or said Level 3 registered sex offender. (L.L. No. 8-2007, § 1)

**§ 19A-7. Administration and enforcement.**

Unless otherwise provided, the provisions of this chapter shall be administered and enforced by the Code Enforcement Officer of the Village, as set forth in the Village Code of the Village of Tuckahoe, and by the Village of Tuckahoe Police Department. (L.L. No. 8-2007, § 1)

**§ 19A-8. Penalties for offenses.**

Any person violating the provisions of this chapter shall, upon conviction, be subject to a fine of up to \$2,500. Each and every day a violation continues shall be deemed a separate violation. (L.L. No. 8-2007, § 1)

**§ 19A-9. Village not liable.**

Nothing in this chapter shall be deemed to impose any civil or criminal liability or give rise to a cause of action against the Village of Tuckahoe or to any elected or appointed officer, official, employee or department of the Village for failing to act in accordance with this chapter. (L.L. No. 8-2007, § 1)

**§ 19A-10. Permission required rent to certain persons.**

No person may rent, lease or let residential space (including, but not limited to, a room, apartment, condominium or house) to a Level 2 registered sex offender or Level 3 registered sex offender without having received a letter from the Village Clerk of the Village of Tuckahoe that such rental, lease or letting is not in violation of this chapter. A request for such letter shall be acted upon by the Village Clerk within five business days of receipt of such request by the Village Clerk. (L.L. No. 8-2007, § 1)

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**§ 19A-11. Adoption of similar protection by other bodies.**

Upon the enactment by New York State or Westchester County of a law which purports to afford the same or greater protection of the people of the State of New York and/or the County of Westchester, including the residents of the Village of Tuckahoe, as provided by this chapter, any member of the Village Board may place upon the agenda of the Village Board a local law providing for the repeal of this chapter, and the Village Board shall consider the same at its next regular meeting. If the Village Board determines that the New York State or Westchester County law provides the same or greater protection to residents of the Village of Tuckahoe, this chapter shall immediately be of no force and effect, and the Village Board shall repeal the same by local law to that effect. (L.L. No. 8-2007, § 1)

**§ 19A-12. Severability.**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or other tribunal having jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. (L.L. No. 8-2007, § 1)