



Ordinance No. 111

AN ORDINANCE OF THE CITY OF PATTISON, TEXAS, REGULATION OF REGISTERED SEX OFFENDERS; DEFINING CERTAIN TERMS; MAKING IT UNLAWFUL FOR REGISTERED SEX OFFENDERS TO GO IN, ON OR WITHIN 1000 FEET WHERE CHILDREN GATHER AND OR RESIDE WITHIN 1000 FEET OF PREMISES WHERE CHILDREN GATHER; PROHIBITING PROPERTY OWNERS FROM RENTING REAL PROPERTY TO REGISTERED SEX OFFENDERS; PROVIDING EXCEPTIONS TO THE ORDINANCE; PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE; REPEALING ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING SEVERABILITY CLAUSE; AND PRESCRIBING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Pattison has a compelling interest in protecting the health, safety and welfare of the most vulnerable of its population from dangers which they are often ill-equipped to avoid, by reducing the opportunities for registered sex offenders to come in contact with children; and

WHEREAS, the City is becoming an increasingly attractive place for families with small children; and

WHEREAS, the City Council finds that establishing policy to restrict the property available for residence of registered sex offenders will provide better protection for children gathering in the city; and

WHEREAS, the Texas Code of Criminal Procedure, provides that certain offenders of crimes, including sexual offenses, to register with the State of Texas; and

WHEREAS, the City Council reasonably believes that establishing a child safety zone not to exceed 1,000 feet between premises where children commonly gather, which includes but is not limited to schools, day-care facilities, playgrounds, public or private youth centers, public swimming pool, video arcade facilities or other facilities that regularly holds events primarily for children; and temporary or permanent residences of individuals required to register on the Texas Department of Public Safety's Sex Offender Database will reduce opportunities for sexual predators to come into contact with children; and

WHEREAS, the City Council reasonably believes that prohibiting individuals required to register on the Texas Department of Public Safety's Sex Offender Database from entering areas where children regularly congregate will reduce opportunities for sexual predators to come into contact with children;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PATTISON, TEXAS:

Section 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.



Sec. 1-1. Regulation of Sex Offender.

(a) **Definitions.** For the purposes of this section, the following words, terms and phrases when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Child safety zone means premises where children commonly gather. The term includes but is not limited to schools, day-care facilities, playgrounds, public or private youth centers, public swimming pools, video arcade facilities or other facilities that regularly holds events primarily for children as those terms are defined in Sections 341.064 and 481.134 of the Texas Health and Safety Code, as amended and Section 42.002 of the Texas Human Resources Code, as amended.

Registered sex offender means an individual required to register as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure, or under federal law, or the Uniform Code of Military Justice or law of a foreign country, who has been convicted or received an order of deferred adjudication for a "sexual offense" involving a minor.

Minor means a person who is under the age of seventeen (17) years of age.

Permanent residence means a place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.

Property owner means any owner of record, person who has contractual responsibility for the property, or person who has the legal right of possession of the property.

Temporary residence means a place where a person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where a person routinely abides, resides, or lodges for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

(b) **Offender premises prohibition.**

It shall be unlawful for a registered sex offender to be in, go on or within a 1000 feet of any child safety zone.

(c) **Offender residency prohibition.**

If a person is required by Chapter 62 of the Texas Code of Criminal Procedure, as amended, to register with a local law enforcement agency, it is unlawful for that person to establish a permanent residence or temporary residence within 1,000 feet of any child safety zone.

(d) **Property owners prohibited from renting real property to sexual offenders.**

It is unlawful to let or rent any place, structure or part thereof, manufactured home or trailer, with the knowledge that it will be used as a permanent residence or temporary residence



by any person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this chapter, if such place, structure or part thereof, manufactured home, trailer, or other conveyance, is located within one thousand 1,000 feet of any child safety zone.

(e) Evidentiary matters; measurements.

(1) It shall be prima facie evidence that this chapter applies to such a person if that person is subject to registration under Chapter 62 of the Texas Code of Criminal Procedure.

(2) For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, as described hereinabove. In the case of multiple residences on one (1) property, measurement is from the nearest wall of the building or occupied structure or the parking/driveway, whichever is closer to the nearest property line of the premises to the nearest property line of the premises where children commonly gather, as described herein.

(3) The city will maintain a map depicting the prohibited areas. The city shall review the map annually for changes. Said map will be available to the public through the City Secretary's Office.

(4) In cases of a dispute over measured distances, it shall be incumbent upon the person(s) challenging the measurement to prove otherwise.

(5) Nothing in this section shall be interpreted to modify or reduce the state's child safety ban.

(f) Affirmative defenses.

It is an affirmative defense to prosecution that any of the following conditions apply:

(1) The person required to register on the database established the permanent or temporary residence and has complied with all of the sex offender registration laws of the state, prior to the date of the adoption of the ordinance codified in this section;

(2) The person was a minor when he/she committed the offense and was not convicted as an adult;

(3) The person is a minor;

(4) The premises where children commonly gather, as specified herein, within one thousand feet (1,000) of the permanent or temporary residence of the person required to register on the database was opened, established or created after the date the person had established the permanent or temporary residence and complied with all sex offender registration laws of the state; or



(5) The information on the database is incorrect, and if corrected, this chapter section would not apply to the person.

(6) The person had a legitimate purpose, including transportation to and from work, and other work-related purposes, to be within 1,000 feet of any premises where children commonly gather.

Sec. 1-2. Violation – Penalty.

Any firm, corporation, or person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon a conviction shall be subject to a penalty in an amount not to exceed \$2000.00. Each day a violation continues or is allowed to exist shall constitute a separate offense.

Sec. 1-3. Conflict.

All ordinances or parts inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Secs. 1-4. Reserved.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Pattison, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

This Ordinance shall become effective immediately from and after its passage by Council.

PASSED AND APPROVED by a majority vote of the City Council on the 17th day of October, 2017.

ATTEST:

Lynda Fairchild, City Secretary

APPROVED:

Joe Garcia, Mayor