

ORDINANCE 332

...AN ORDINANCE OF THE CITY OF SEVEN POINTS, TEXAS AMENDING CHAPTER 1 OF THE CODE OF ORDINANCES BY THE ADDITION OF A NEW SECTION 25 ENTITLED "REGULATION OF SEX OFFENDERS",

MAKING IT UNLAWFUL FOR SEXUAL OFFENDERS TO BE ON THE PREMISES WHERE CHILDREN GATHER; MAKING IT ILLEGAL TO BE ON THE PREMISES OF A "CHILD SAFETY ZONE"; PROVIDING EXCEPTIONS TO THE ORDINANCE; PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO A FINE NOT TO EXCEED THE MAXIMUM AMOUNT ALLOWED BY LAW, PER DAY OF CONTINUING VIOLATION.

332 REGULATION OF SEXUAL OFFENDERS

Section	General Provisions
Section 1	Purpose, Intent
Section 2	Definitions
Section 3	Sex Offender Prohibition
Section 4	Evidentiary Matters
Section 5	Exceptions
Section 6	Penalties
Section 7	Severability
Section 8	Publication and Effective Date

SECTION 1 PURPOSE, INTENT

The City Council of the City of Seven Points finds that Sex Offenders who are required to register as a sexual offender under V.T.C.A., Texas Code of Criminal Procedure, Chapter 62, present an extreme threat to the health, safety and welfare of children. It is the intent of this section to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain registered sex offenders and sexual predators are prohibited from the premises.

SECTION 2 DEFINITIONS

For the purposes of this Section, the following terms, words and the derivations thereof shall have the meaning given herein.

SEX OFFENDER- means an individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a person under seventeen (17) years of age for which the individual is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure.

CHILD- means any person under the age of seventeen (17).

CHILD SAFETY ZONE- any place that post a "CHILD SAFETY ZONE" sign on the premises.

DATABASE- The Texas Department of Public Safety's Sex Offender Database or the Sex Offender Registration files maintained by the Sex Offender Registration Office of the Seven Points Police Department.

LOITER- to stand or wait aimlessly or idly.

PUBLIC WAY- means any place to which the public or a substantial group of the public has access and includes, but not limited to, streets, shopping centers, parking lots, transportation facilities, restaurants, shops and similar areas that are open to the use of the public.

SECTION 3 SEX OFFENDER PROHIBITIONS

- A. It is an offense for a Sex Offender to knowingly enter a Child Safety Zone.
- B. It is an offense for a Sex Offender to knowingly loiter on a public way within a Child Safety Zone.
- C. A Sex Offender, shall not, on each October 30th and 31st (or any other date set by the City for trick-or-treaters) between the hours of 4:00 p.m. and 11:00 p.m., leave an exterior porch light on or otherwise invite trick-or-treaters to solicit the premises.

SECTION 4 EVIDENTIARY MATTERS

- A. If a Sex Offender that is prohibited from being in a Child Safety Zone is found in a Child Safety Zone by a Police Officer, the Sex Offender is subject to punishment in accordance with this Ordinance.
- B. It shall be prima facie evidence that this section applies to such a person if that person's record appears in/on the Database indicates that the victim was less than seventeen (17) years of age.
- C. A map depicting the prohibited areas shall be created by the City of Seven Points and maintained by the Seven Points Police Department. The City of Seven Points shall review the map annually for changes. Said map will be available to the public at the Seven Points Police Department.

SECTION 5 EXCEPTIONS

- A. The information on/in the Database is incorrect, and, if corrected, this Section would not apply to the person who was erroneously listed on/in the Database.
- B. The person required has been exempted by a court order from registration as a sex offender under Chapter 62, Texas Code of Criminal Procedure; or
- C. The person required to register has had the offense for which the sex offender registration was required, reversed on appeal or pardoned.
- D. The person's duty to register on/in the Database has expired.

SECTION 6 PENALTIES

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of the ordinance shall be guilty of a Class C Misdemeanor and upon conviction thereof shall be fined an amount not to exceed the maximum amount allowed by law. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such.

SECTION 7 SEVERABILITY

It is hereby declared to be the intention of the City of Seven Points that the section, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentences, paragraph, clause, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrase, clause, sentences, paragraph and sections of this Ordinance. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end a provision of this Ordinance is declared to be severable.

SECTION 8 PUBLICATION AND EFFECTIVE DATE

Once this Ordinance is published as required by law, said Ordinance shall become effective.

PASSED AND APPROVED this _____ day of _____, 2009.

Gerald Taylor, Mayor

Tim Meadows

Tim Meadows, Chief of Police

ATTEST:

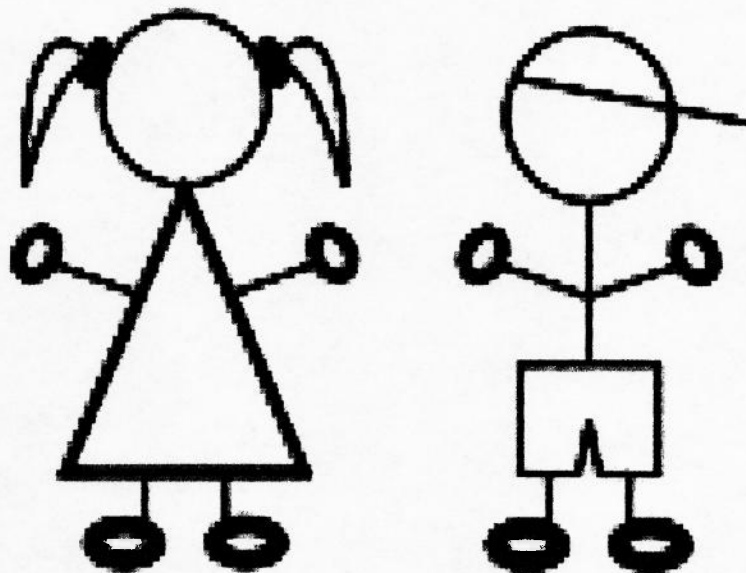
Debbie Masley, City Secretary

Blake Armstrong

Approved as to form and legality

Blake Armstrong, City Attorney

CHILD SAFETY



**OFFENDER FREE
ZONE**

CITY ORDINANCE 332