

 ORIGINAL

**AN ORDINANCE OF THE CITY OF RANGER, TEXAS, FOR THE REGULATION OF SEX OFFENDERS; REQUIRING PUBLICATION OF SUCH ORDINANCE; AND PROVIDING A PENALTY FOR VIOLATION.**

**WHEREAS**, the City Commission of the City of Ranger, Texas, has determined the need to further protect persons under 17 years of age from sexual predators, it is necessary to define child safety zones; and,

**WHEREAS**, the City Commission of the City of Ranger, Texas, has determined that in order to comply with Texas Education Code, Section 38.022, which authorizes the local school district to establish its own policies for allowing parents on campus when those parents are sex offenders, it is necessary to enact this ordinance;

**THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RANGER, TEXAS, THAT:**

**Section 1. Purpose and Intent.**

The City Commission of the City of Ranger, Texas, finds that sex offenders who are required to register as sexual predators under V.T.C.A., Texas Code of Criminal Procedures, Chapter 62, present an extreme threat to the health, safety and welfare of children. It is the intent of this ordinance is 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 loitering of prohibited from establishing temporary or permanent residency.

**Section 2. Definitions.**

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Child.* Any person under the age of 17.

*Child Care Facility or Institution.* An establishment subject to regulation by Licensing which provides assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the establishment operates for profit or charges for its services. A child-care facility includes the people, administration, governing body, activities on or off the premises, operations, buildings, grounds, equipment, furnishings, and materials. A child-care facility does not include

child-placing agencies, listed family homes, or employer-based child care. (TAC Title 40, Part 19, Ch. 745, Sub. A, Div. 3, Rule 745.21)

*Child Safety Zone.* – is defined as but not limited to:

- A. Public parks;
- B. private and public schools;
- C. Public Library;
- D. Amusement arcades or video arcades;
- E. Indoor and outdoor amusement centers or amusement parks, or Carnivals, circuses, fairs or fair grounds;
- F. Public commercial and semi-private swimming pools;
- G. Child care facility or child care institution;
- H. Public or private youth soccer, football or baseball fields;
- I. Crisis center or shelter;
- J. Skate park or rink;
- L. Movie theater;
- M. Bowling Alley;
- N. Scouting facilities;
- O. Any public or private group, location or activity that regularly provides athletic, civic or cultural activities that includes as participants or recipients persons who are 17 years of age or younger, including but not limited to Trick or Treat, parades and Vacation Bible Schools;
- P. Offices for Child Protective Services.

*Database.* The Texas Department of Public Safety's Sex Offender Database or the Sex Offender registration files maintained by the Ranger Police Department.

*Loitering.* Standing, sitting idly, whether or not the person is in a vehicle, or remaining in or around an area.

*Park and Playground.* One of the following:

1. Any land, including improvements to the land, that is administered, operated or managed by the City of Ranger for the use of the general public as a recreation area.
2. City recreation areas include, but are not limited to, conservation area, jogging trail, hiking trail, bicycle trail, recreation center, waterpark, swimming pool, football field, soccer field, baseball field or softball field.

*Permanent Residence.* A place where the person abides, lodges or resides for 14 or more consecutive days.

*Places where children regularly congregate.* Same as Child Safety Zone.

*Public Way.* Any place to which the public, or substantial group of the public, has access and includes, but is not limited to, streets, shopping centers, parking lots, transportation facilities, restaurants, shops and similar areas that are open to the use of the public.

*School.* A private or public pre-school, private or public elementary school or private or public secondary school.

*Sex Offender.* An individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a person under 17 years of age for which the individual is required to register as a sex offender under Chapter 62, Texas Code of Criminal Procedure.

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

### **Section 3. Sex Offender Prohibition.**

A. It is an offense for a sex offender to establish a permanent residence or temporary residence within 1,000 feet of the real property comprising a school, child care facility, child care institution, park or playground or other places where children regularly congregate.

B. It is an offense for a sex offender to knowingly enter a Child Safe Zone.

C. It is an offense for a sex offender to knowingly loiter on a public way within 300 feet of a Child Safety Zone.

D. A sex offender shall not, on each October 30<sup>th</sup> and 31<sup>st</sup>, or any other date set by the city for trick-or-treaters, between the hours of 4:00 p.m. and 11:00p.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 who 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 ordinance applies to such person if that person's record appears in/on the database and the database indicates that the victim was less than 17 years of age.

C. The distance of 300 feet from a Child Safety Zone shall be measured on a straight line from the closest boundary of the Child Safety Zone.

D. The distance of 1,000 feet from a place where children congregate shall be measured on a straight line from the closest boundary line of the sex offender's residence to the closest boundary line of the school, child care facility, child care institute, park or playground or other places where children regularly congregate.

E. In the case of multiple residences on one property, measurement shall be made from the nearest property line of the residences to the nearest property line of the school, child care facility, child care institute, park or playground or other places where children regularly congregate.

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

G. A map depicting the prohibited areas shall be created by the City of Ranger and maintained by Ranger Police Department. The City of Ranger shall review the map annually for changes. Said map will be available to the public at the Ranger Police Department or at City hall in Ranger, Texas.

#### **Section 5. Exceptions.**

A. The person required to register in/on the database established the permanent residence or temporary residence and residency has been consistently maintained and the person has complied with all of the Sex Offender registration laws of the State of Texas, prior to the date of the adoption of this Ordinance.

B. The place where children regularly congregate, as specified herein, within 1,000 feet of the permanent or temporary residence of the person required to register in/on the database was opened after the person established a permanent or temporary residence and complied with all Sex Offender Registration Laws of the State of Texas.

C. The information in/on the database is incorrect, and, if corrected, this ordinance would not apply to the person who was erroneously listed in/on the database.

D. The person required to register in/on the database was a minor when he or she committed the offense requiring such registration and was not convicted as an adult.



E. The person required to register is required to serve at a jail, prison, juvenile facility or other correctional institution located within 1,000 feet of the real property comprising a school, child care facility, child care institute, park or playground or other places where children regularly congregate.

F. The person required to register is under 18 years of age or a ward under a guardianship, who resides with a parent or guardian.

G. The person required to register has been exempted by a court order from registration as a sex offender under Chapter 62, Texas Code of Criminal Procedure.

H. The person required to register has had the offense for which the sex offender registration was required, reversed on appeal or pardon.

I. The person's duty to register in/on the database has expired.

J. Nothing in this provision shall require any person to sell or otherwise dispose of any real estate or home acquired or owned prior to the conviction of the person as a sex offender.

K. The person is adhering to local school policy or is otherwise preempted from this Section by State Law.

#### **Section 6. Penalty.**

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed the maximum 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. Repealing Provision.**

The Board of Commissioners declares that any prior ordinance or any provision in any prior ordinance, as may be applicable, is hereby repealed to the extent that such ordinance or provision of an ordinance conflicts or contradicts the amendments and provisions enacted herein.

#### **Section 8. Severability.**

Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstances for any reasons thereof ineffective or

inapplicable, such unconstitutionality, illegality, or ineffectiveness or such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 9. Notice.**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Gov 'L Code.


**Section 10. Effective Date.**

This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication of the caption of the Ordinance in a newspaper of general circulation Within the city, as may be required by law.

**PASSED AND APPROVED ON FIRST READING** the 26<sup>th</sup> of August, 2013.

**PASSED AND APPROVED ON SECOND READING** the 9<sup>th</sup> of September, 2013.

**THE CITY OF RANGER, TEXAS**

  
Troy Emery Mayor

**ATTEST:**

  
Mary Wells, City Secretary