



ORIGINAL

ORDINANCE NO. 2015-05-26-E

AN ORDINANCE OF THE CITY OF RANGER, TEXAS PROVIDING FOR THE REGULATION OF CERTAIN FACILITIES; PROVIDING DEFINITIONS; PROVIDING PENALTIES FOR VIOLATIONS; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE

WHEREAS, the City of Ranger, Texas is a Home Rule Municipality located in Eastland County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Commission deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the City to enact such an Ordinance; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF RANGER, TEXAS THAT:

Section 1 – Definitions.

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

- (a) Correctional/post-correctional facility shall mean a correctional facility, residential treatment facility, halfway house, post-release transition facility, or offender rehabilitation facility.
- (b) Correctional facility means a facility that is not operated by the federal government, the State of Texas, or Eastland County, which is operated in whole or in part for the purpose of providing housing to persons convicted of a misdemeanor or felony, or children found to have engaged in delinquent conduct, where such persons are housed at the facility as part of their sentence of confinement.
- (c) Halfway house means a facility that is not operated by the federal government, the State of Texas, or McLennan County, which is operated in whole or in part for the purpose of providing housing to persons convicted of misdemeanors or felonies, or children found to have engaged in delinquent conduct, while on parole or mandatory supervision.
- (d) Residential treatment facility means a facility which is not operated by the federal government, the State of Texas, or Eastland County, and which is operated in whole or in part for the purpose of housing persons as a condition of court-ordered probation.
- (e) Offender rehabilitation facility means a facility which is not operated by the federal government, the State of Texas, or McLennan County, which is operated in whole or in part for the purpose of providing housing to persons charged with a crime, or children

charged with having engaged in delinquent conduct, as part of a pretrial or pre-adjudication diversion program or other court-ordered program.

(f) **Post-release transition facility** means a facility operated in whole or in part for the purpose of providing housing to persons who have been released from confinement in a jail, prison or detention facility, whether or not on parole or mandatory supervision.

(g) **School** means a building, where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to:

- (1) Public and private schools used for primary or secondary education, in which any regular pre-kindergarten, kindergarten or any of grades one (1) through twelve (12) classes are taught; and
- (2) Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in pre-kindergarten, kindergarten or any of grades one (1) through twelve (12); and
- (3) Child care or nursery school facilities licensed by the State of Texas.

(h) **Public park** means a park, playground, museum, library, stadia, sports field or arena, or public gathering or recreation area which is owned, operated or controlled by a government entity or nonprofit entity and is open to the general public (with or without payment of a fee or charge).

(i) **Residence** means a structure used for residential purposes, such as single-family homes, town homes, patio homes, mobile homes, duplexes, and apartment buildings. This term shall include structures of the type described above, whether or not temporarily unused for residential purposes. However, it shall not include a structure that has been determined to be uninhabitable by a governmental entity or has been permanently abandoned with no intention that it be used by anyone for residential purposes in the future.

Section 2 - Location.

- (a) A correctional/post-correctional facility as defined herein may not be operated within one thousand (1,000) feet of a residence, a public park, or a school. The measurement of distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest point of the property line of the property on which the correctional/post-correctional facility is located, to the nearest point of the property line of the residence, public park or school.

- (b) A correctional/post-correctional facility as defined herein may not be operated within one thousand (1,000) feet to any premises zoned for service of alcoholic beverages pursuant to a permit issued by the Texas Alcoholic Beverage Commission. The measurement of the one thousand (1,000) feet is to be in a straight line from the nearest wall of the structure proposed to be used for halfway house purposes to the nearest property line of the lot or tract wholly or partially zoned for service of alcoholic beverages pursuant to a permit issued by the Texas Alcoholic Beverage Commission.
- (c) A correctional/post-correctional facility which is located at a complying location is not rendered in violation of this chapter by the subsequent construction or establishment of a residence, school or public park within the prohibited distance.

Section 3. - Security/safety/reporting

- (a) A correctional/post-correctional facility shall comply with all applicable federal and state laws and standards relating to facility security for the classifications of residents housed at the facility.
- (b) A correctional/post-correctional facility shall develop, maintain and follow written procedures for keeping track of the whereabouts of its residents. A current copy of such procedures must be supplied to the city.
- (c) In the event that any sex offender is residing at a correctional/post-correctional facility, the facility must promptly notify the city's police chief of this fact and the identity of the sex offender.
- (d) A correctional/post-correctional facility must immediately notify the city's public safety department if a resident has left the facility without permission or has failed to return to the facility as approved, and shall provide the public safety department with any identifier information the public safety department requests regarding the resident.
- (e) The correctional/post-correctional facility shall not house any person who has been convicted of a violent crime unless the facility is a secure facility, and such housing of the person complies with applicable federal or state laws and guidelines for housing such an offender.
- (f) No correctional/post-correctional facility shall have as residents or other users of the facility more than one hundred (100) persons, excluding facility staff.

Section 4 - Civil enforcement.

The city shall have the right to enforce this chapter through civil litigation.

Section 5 – Penalties

Any person convicted of violating any term or provision of this ordinance shall be guilty of a misdemeanor and fined not more than \$500 for such offense and each day that such offense is maintained shall be a separate offense.

Section 6. Remedies.

All remedies cited herein are in addition to and not in lieu of all remedies permitted to the City by law.

Section 7. Repeal of Conflicting Ordinances.

All parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

Section 8 Severability.

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Commission in adopting this Ordinance that no portion be inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 9. Effective Date.

That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Ranger, and it is accordingly so ordained.

Section 10. Open Meetings Act.

That it is hereby officially found and determined that the meeting which this Ordinance was passed was open to the public as required by law and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act; Tex . Gov't Code.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF RANGER, TEXAS, ON FIRST READING ON THIS THE 11th DAY OF May, 2015.

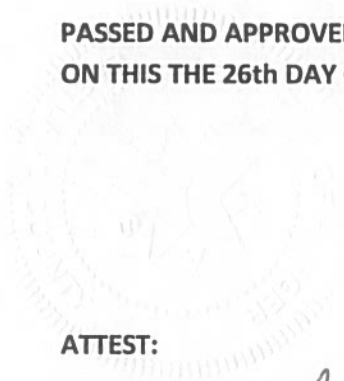
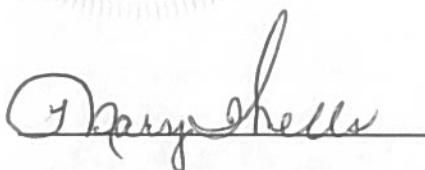
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF RANGER, TEXAS, ON SECOND READING ON THIS THE 26th DAY OF May, 2015.

CITY OF RANGER, TEXAS



Joe Pilgrim, Mayor

ATTEST:

Mary Wells, City Secretary