

**ORDINANCE NO. 184**

**AN ORDINANCE ESTABLISHING CHILD SAFETY ZONES AND DISTANCE RESTRICTIONS FOR REGISTERED SEX OFFENDERS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Annetta, Texas is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the Town Council of the Town of Annetta finds and declares that sex offenders are a serious threat to public safety; and

**WHEREAS**, the 2017 Texas Legislature adopted House Bill 1111, effective September 1, 2017, which adds Section 341.906 to Chapter 341 of the Local Government Code, expressly authorizing the governing body of general-law municipality to restrict registered sex offenders from being within a specified distance of a child safety zone in the municipality; and

**WHEREAS**, the Town Council of the Town of Annetta desires to establish the statutory child safety zones and distance restrictions for registered sex offenders in order to protect the health, safety, and welfare of its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ANNETTA, TEXAS:**

**SECTION 1.  
DEFINITIONS**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section:

*Child safety zone* means premises where children commonly gather. The term includes a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children. The term does not include a church, as defined by Section 544.251, Insurance Code.

*Playground, premise, school, video arcade facility, and youth center* shall have the meanings assigned by Section 481.134, Health and Safety Code.

*Registered sex offender* shall mean an individual who is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

**SECTION 2.  
OFFENSE**

(a) It is unlawful for a registered sex offender to go in, on, or within 1,000 feet of a child safety zone in the Town of Annetta.

(b) For the purposes of measuring the distance restriction of this Section, the requirement shall be measured by following a straight line from the outer property line of the child safety zone property.

**SECTION 3.  
CULPABLE MENTAL STATE NOT REQUIRED**

Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

**SECTION 4.  
AFFIRMATIVE DEFENSE**

It is an affirmative defense to prosecution of an offense under this ordinance that the registered sex offender was in, on, or within 1,000 feet of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work related purposes.

**SECTION 5.  
EXEMPTIONS**

(a) A registered sex offender who established residency in a residence located within 1,000 feet of a child safety zone before the date this ordinance was adopted is exempt from the application of this ordinance; however, the exemption only applies:

(1) to areas necessary for the registered sex offender to have access to and live in the residence; and

(2) to the period the registered sex offender maintains residency in such residence.

(b) A registered sex offender may seek an exemption from the application of this ordinance by submitting a request in writing to the Mayor specifying the background, reason, and scope of the requested exemption. The Mayor may seek additional information from the requestor, and shall issue a written determination on the requested exemption within ten (10) business days from the filing of the request. The requestor may appeal to the Town Council from the determination of the Mayor by filing such appeal request in writing to the Town Secretary within ten (10) business of the Mayor's determination.

## **SECTION 6.**

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 Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

## **SECTION 7.**

This ordinance shall be cumulative of all provisions of ordinances of the Town of Annetta except when the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

## **SECTION 8.**

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Town Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 9.**

Any violation of this ordinance can be enjoined by a suit filed in the name of the Town of Annetta in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance.

## **SECTION 10.**

The Town Secretary of the Town of Annetta is hereby directed to publish in the official newspaper of the Town of Annetta, the caption, penalty clause, publication clause, and effective date clause of this ordinance once as authorized by Section 52.011 of the Local Government Code.

## **SECTION 11.**

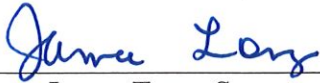
This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 21st DAY OF September, 2017.



\_\_\_\_\_  
Bruce Pinckard, Mayor

Attest:



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Jamee Long, Town Secretary

