

ORDINANCE NO. 570-20

AN ORDINANCE AMENDING CHAPTER 8 “OFFENSES AND NUISANCES” OF THE CODE OF ORDINANCES, CITY OF SANSOM PARK, TEXAS, ADDING A NEW ARTICLE 8.08 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 GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sansom Park, Texas is a Type A general-law municipality located in Tarrant 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 City Council of the City of Sansom Park finds and declares that sex offenders are a serious threat to public safety; and

WHEREAS, the City Council finds from the evidence that the recidivism rate for released sex offenders is significant, especially for those who commit their crimes against children; and

WHEREAS, the City Council finds from the evidence that restrictions on the proximity of sex offenders to schools or other facilities that might create temptation to repeat offenses are one way to minimize the risk of recidivism; and

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

WHEREAS, Section 341.906 of the Texas Local Government Code expressly authorizes the governing body of general-law municipalities to restrict registered sex offenders from being within a specified distance of a child safety zone in the municipality; and

WHEREAS, the City Council of the City of Sansom Park 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 CITY COUNCIL OF THE CITY OF SANSOM PARK, TEXAS:

SECTION I

That Chapter 8 “Offenses and Nuisances” of the Code of Ordinances, City of Sansom Park, Texas is hereby amended by adding a new Article 8.08 “Child Safety Zones and Distance Restrictions for Registered Sex Offenders” to read as follows:

“ARTICLE 8.08 – CHILD SAFETY ZONES AND DISTANCE RESTRICTIONS FOR REGISTERED SEX OFFENDERS

Sec. 8.08.001 Definitions

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

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 of the Texas Insurance Code.

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

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

Section 8.08.002 Offense

It is unlawful for a registered sex offender to go in, on, or within 1,000 feet of a child safety zone in the City of Sansom Park.

Section 8.08.003 Measurements; map

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

(b) A map depicting the prohibited areas in the City shall be created by the City and maintained by the Sansom Park Police Department. The City shall review the map annually for changes. Said map will be available to the public at the Sansom Park Police Department.

Section 8.08.004 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 Article.

Section 8.08.005 Affirmative defense

It is an affirmative defense to prosecution of an offense under this Article 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 8.08.006 Exemptions

(a) A registered sex offender who established residency in a residence located within 1,000 feet of a child safety zone before June 18, 2020 is exempt from the application of this Article; 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 Article by submitting a request in writing to the Chief of Police specifying the background, reason, and scope of the requested exemption. The Chief of Police 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 City Council from the determination of the Chief of Police by filing such appeal in writing to the City Secretary within ten (10) business days of the Chief of Police's determination."

SECTION II

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/100s Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION III

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, City of Sansom Park, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION IV

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

SECTION V

All the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this Ordinance, acting for the City of Sansom Park in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

SECTION VI

Any violation of this Ordinance can be enjoined by a suit filed in the name of the City of Sansom Park in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Ordinance or in the Code of Ordinances, City of Sansom Park, Texas.

SECTION VII

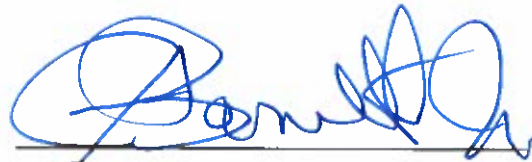
The City Secretary for the City of Sansom Park, Texas is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this Ordinance in the official newspaper of the City of Sansom Park as authorized by Section 52.011 of the Texas Local Government Code.

SECTION VIII

This Ordinance shall take effect immediately from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by the City Council of the City of Sansom Park, Texas, this 18th day of June, 2020.

APPROVED:



Jim Barnett, Jr.
Mayor

ATTEST:



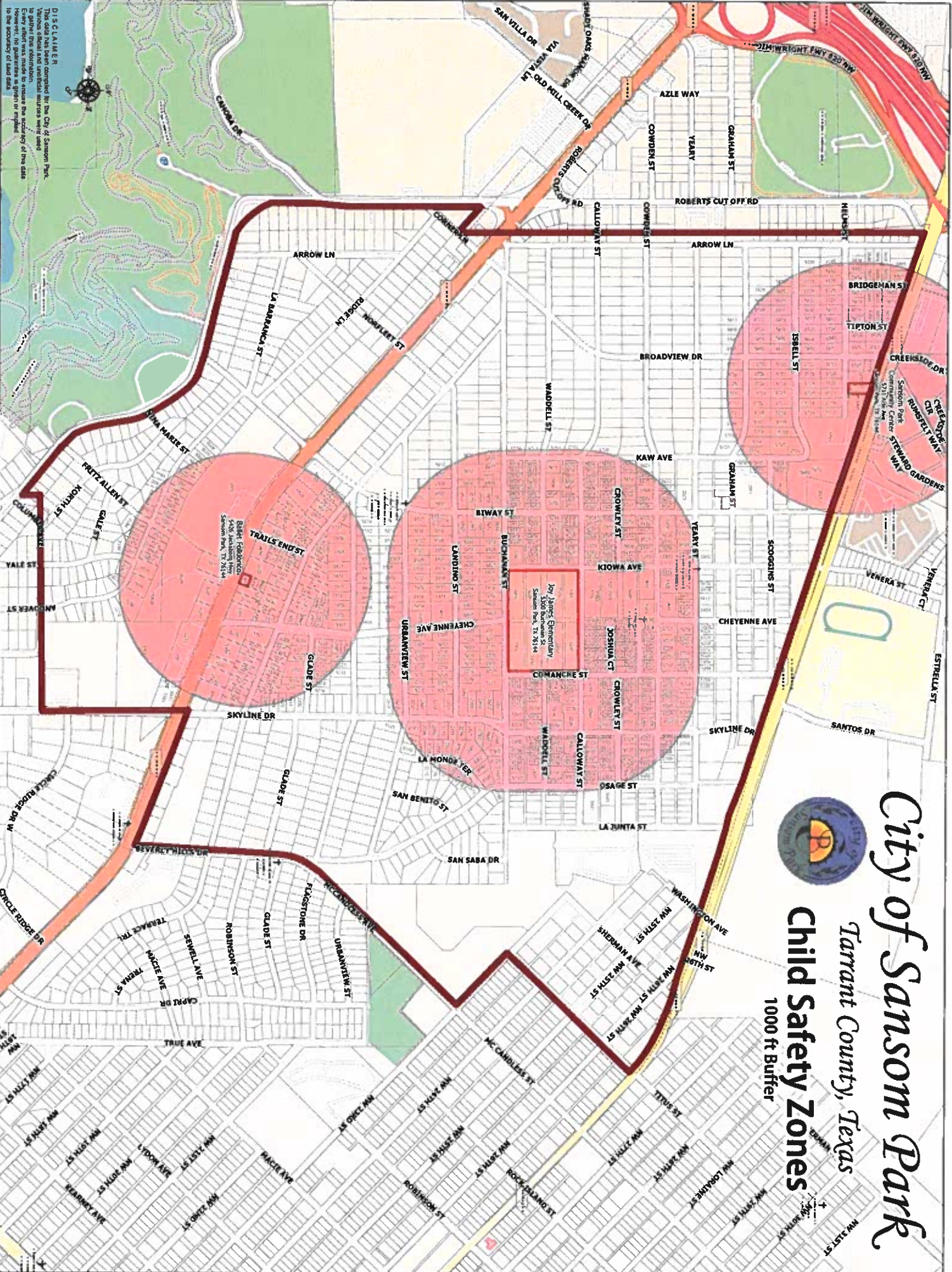
Wendy Blocker, TRMC
City Secretary



APPROVED AS TO FORM AND CONTENT:



Will Pruitt,
City Attorney



DISCLAIMER
 This map was compiled by the City of Sansom Park, Texas. The City of Sansom Park, Texas is not responsible for any errors or omissions in this map. Every effort was made to ensure the accuracy of the data to the accuracy of said data.

City of Sansom Park

Tarrant County, Texas



Child Safety Zones

1000 ft Buffer

Bible Fellowship Church
 5402 Lakewood Ave
 Sansom Park, TX 76154

Dr. James Seminary
 5717 W. Ave
 Sansom Park, TX 76154

