

ORDINANCE NO. 2020-02

An Ordinance of the City of Beach City, Texas, establishing requirements of locations and living spaces where sexual offenders may occupy and prohibiting sexual offenders from residing within the boundaries of Beach City, Texas, and establishing a penalty for violation of this ordinance.

Footnotes:

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State Law reference— Sex offender registration program, V.T.C.A., Code of Criminal Procedure Ch. 62.

Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Permanent residence means a place where the person abides, lodges or resides for 14 or more consecutive days.

Temporary residence means a place where the 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, resides or lodges for a period of four or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

(Ord. No. 2020- 02)

Sec. 1. - Findings and intent.

- (a) Repeat sexual offenders, sexual offenders that use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses and most sexual offenders commit many offences, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes.
- (b) Such offenses make the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- (c) It is the intent of this article 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 sexual offenders and sexual predators are prohibited from establishing temporary or permanent residences.

(Ord. No. 2020- 02)

Sec. 2. - Residence prohibition; penalties; exceptions.

- (a) It is unlawful for any person who has been convicted of a violation of V.T.C.A., Penal Code §§ 43.25, 43.26, 21.08, 21.11, 22.011, 22.021, and 25.02, regardless of whether the adjudication was deferred, in which the victim of the offense was less than 16 years of age, to establish a permanent residence or temporary residence within 1,000 feet of any premises where children commonly gather including, but not limited to, a school, day care facility, playground, public or private youth center, public swimming pool, city and/or county park, or video arcade facility, as those terms are defined in V.T.C.A., Health and Safety Code § 481.134.
- (b) For the purpose of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary

residence to the nearest property line of the premises where children commonly gather, as described in subsection (a) of this section.

- (c) Exceptions. A person residing within 1,000 feet of those places where children commonly gather, as specified in subsection (a) of this section, does not commit a violation of this section if any of the following apply:
- (1) The person established the permanent or temporary residence and has complied with all the sex offender registration laws of the state, prior to the date of the adoption of the ordinance from which this article is derived.
 - (2) The premises where children commonly gather, as specified in subsection (a) of this section, within 1,000 feet of the person's permanent or temporary residence was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the state.

(Ord. No. 2020-02)

Sec. 3. - Notification.

Within 14 days of receiving notice that a sex offender is residing within the city, the Sheriff's Department shall make reasonable efforts to notify all residents and businesses within a 300-foot radius of the outer property line of the permanent or temporary residence.

The following form or a form that is the same in substance shall be used as the written application as part of the procedures to apply required for a registered sex offender to apply for an exemption from the child safety zone distance requirements of this chapter:

City of Beach City

Registered Sex Offender Exemption Request Form

The undersigned applicant requests exemption from the Registered Sex Offender Residency Restrictions and Ordinance 2020-02 of the City of Beach City, Texas and provides the following information:

Date Application Submitted: _____

Name, Current Residential Address, Date Residency Began, Current Mailing Address, Current Phone Number, Date of Birth, Registered Sex Offender Number (RSO#) on the Database of the Texas Department of Public Safety, Texas Drivers License Number (TDL#) issued by the Texas Department of Public Safety, Texas Identification Card Number (TIC#) issued by the Texas Department of Public Safety, Social Security Number (SSN), Race, Weight, Height, Hair Color, Eye Color, and the Motor Vehicle Make, Model, Color and License Plate Number of Applicant/Registered Sex Offender:

Name
Residential Address
Date Residency Began
Mailing Address
Phone Number
Date of Birth
RSO #
TDL #
TIC #
SSN
Race
Weight
Height
Hair Color
Eye Color
Motor Vehicle Make, Model, Color and License Plate Number

Sex Offense Convictions (Include Conviction Date, Court, Case Number, Victim's Name, Victim's Age, Victim's Gender, Applicant's family or other relationship with the Victim):

Reasons for the Exemption Requested (include details):

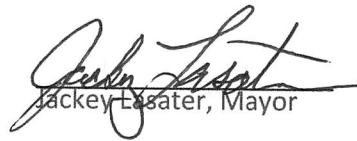
Warning: This is a government document. Texas Penal Code § 37.10 specifies penalties for making false entries or providing false information in this document.

Applicant's Signature: _____

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DULY PASSED and approved by the City Council of the City of Beach City, Texas on this the 23rd day of July, 2020.

APPROVED:


Jackey Essater, Mayor

ATTEST:


Evonne Donnelly, City Secretary


Daniel R. Jackson, City Attorney

