

Ordinance No. 237

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WALLIS TEXAS, AMENDING ANY ORDINANCES CONCERNING MINORS AND SEX OFFENDERS OF THE CITY OF WALLIS CODE OF ORDINANCES, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR SEVERABILITY AND PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLIS TEXAS:

Section 1. Offenses and Nuisances

MINORS/
SEX OFFENDERS

Definitions:

(a) Child area means any lot or tract of land that is used as a:

(1) School, playground, public school bus stop, youth center,
Or video arcade facility, as defined by Section 481.134,
Texas Health and Safety Code,

(2) Public Park, or

(3) Private recreational facility, including a park, pool,
Playground, skate park, or youth athletic field:

(i) Owned by a residential property owners association:
Or

(ii) For which an entrance, admission, or rental fee is charged.

(b) Public Park means any land designated for public recreation or any athletic field that is owned, leased, or maintained by the city.

(c) Residence means the place within the city:

(1) That a person registers or verifies under Article 65.152, Texas Code of Criminal Procedure, as the person's residence, or

(2) Where a person resides for more than seven consecutive days.

Sexual Offenders Residence Prohibition

(a) It is unlawful for any person who is required by law to register on the department of public safety's sexual offender database because of a violation involving a victim or an intended victim who was 17 years of age or younger, to have a residence within 2,500 feet of any child area.

(b) For the purpose of subsection (a), measurement is made in a straight line, without regard to intervening structures or objects, from the nearest portion of the residence to the nearest property line of the child area. The police department will maintain a map showing the child areas on file at the police department.

(c) It is a defense to prosecution under this section that a person who has a residence within 2,500 feet of a child area:

(1) Is under 18 years of age and:

(i) Has residence with the person's parent or guardian, or

(ii) Has not been convicted of an offense after June 16th, 2021 that:

(aa) Requires the person to register under Article 62.001 (5), Texas Code of Criminal Procedure, and

(bb) Involves a victim or intended victim who was 17 years of age or younger;

(2) Established the residence and complied with all the sexual offender registration laws of the State Texas prior to or on June 16th, 2021 and has not been convicted of an offense after June 16th, 2021 that:

(i) Requires the person to register under Article 62.001 (5), Texas Code of Criminal Procedure; and

(ii) Involves a victim or intended victim who was 17 years of age or younger; or

(iii) Established the residence and complied with all sexual offender registration laws of the State of Texas prior to the date a new child area is established, and has not been convicted of an offense after the later of June 16th, 2021, or the date the new child area is established, that:

(aa) Requires the person to register under Article 62.001 (5), Texas Code of Criminal Procedure, and

(bb) Involves a victim or intended victim who was 17 years of age or younger.

(d) For purposes of subsection (c), a person is considered to have established a residence at the correctional facility, as that term is defined under Section 1.07 (14), Texas Penal Code, in which the person is confined for a conviction of any criminal offense and for more than seven consecutive days after June 16th, 2021.

(e) It is not a defense to prosecution under this section that a person was allowed by the city to register or verify a residence that is

within 2,500 feet of any child area.

Property owners prohibited from renting to sexual offenders:

- (a) It is unlawful for a property owner to rent a residential property located within 2,500 feet of a child area to a person prohibited under this article from having a residence within 2,500 feet of any child area.
- (b) It is an affirmative defense to prosecution under this section that the property owner conducted a criminal history check with the Texas Department of Public Safety and reviewed the department of public safety's sexual predator registration database and that at the time the property owner conducted the criminal history check and reviewed the sexual predator database, the sexual offender's criminal history did not include a record of a sexual offense and the offender's name did not appear in the database.
- (c) For the purpose of subsection (a), measurement is made in a straight line, without regard to intervening structures or objects, from the nearest portion of the residence to the nearest property line of the child area. The police department will maintain a map showing the child areas on file at the police department.

Sexual Offenders Prohibited From Entering Public Parks:

It is unlawful for any person to enter a park if the person is required by law to register on the department of public safety's sexual offender database because of a violation involving a victim or an intended victim who was 17 years of age or younger.

In the event any clause phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstances shall for any reason be adjudged or held unconstitutional by a court of competent jurisdiction, it shall not effect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Wallis, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this ordinance shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

The City Secretary is authorized to publish a summary or the caption of this Ordinance as required by law.


PASSED AND APPROVED this 16th day of June, 2021.

CITY OF WALLIS, TEXAS



Dennis L. Diggs, Mayor

ATTEST:



Sheila Moseley, City Secretary

