

**ORDINANCE NO. 2025-1**

**AN ORDINANCE ESTABLISHING CHILD SAFETY ZONES, PROHIBITING LOITERING OR ESTABLISHING A RESIDENCE IN THE VICINITY OF CHILD SAFETY ZONES BY REGISTERED SEX OFFENDERS, AND PROVIDING A PENALTY.**

**WHEREAS,** The State of Texas has designated certain persons as registered sex offenders to inform persons of the hazard presented by the people; and

**WHEREAS,** The City of Tatum desires to limit the residences of registered sex offenders in order to protect the children within its city limits.

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED BY THE CITY COUNCIL OF THE CITY OF TATUM, AS FOLLOWS:**

**SECTION 1. PURPOSE AND INTENT.**

The City Council finds that sex offenders who are required to register as a sexual predator under Tex. Code of Criminal Procedure, Ch. 62, present an extreme threat to the health, safety, and welfare of children. It is the intent of this section 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 registered sex offenders and sexual predators are prohibited from loitering or establishing temporary or permanent residency.

**SECTION 2. DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CHILD.** Any person under the age of 17.

**CHILD CARE INSTITUTION.** A commercial day care center, which provides regular care to any number of adults or children for less than 24 hours a day.

**CHILD SAFETY ZONE.** Public parks and playgrounds; private and public schools; public libraries; amusement and video arcades; indoor and outdoor amusement centers; amusement parks; public, commercial, and semi-private swimming pools; child-care institutions; public and private youth soccer or baseball fields; crisis centers and shelters; skate parks and rinks; public and private youth centers; movie theaters; bowling alleys; scouting facilities; and Offices for Child Protective Services.

**DATABASE.** The Texas Department of Public Safety's Sex Offender Database or the Sex Offender Registration files maintained by the Sex Offender Registration Officer of the City of Tatum Police Department.

**LOITER.** Standing or sitting idly, whether the person is in a vehicle or remaining in or around an area.

**PARK OR PLAYGROUND.** Any land, including improvements to the land, that is administered, operated, or managed by the city for the use of the general public as a recreational area; or city recreational areas including, but not limited to, conservation areas, jogging trails, hiking trails, bicycle trails, recreational centers, water parks, swimming pools, soccer fields, and baseball fields.

**PERMANENT RESIDENCE.** A place where the person abides, lodges, or resides for 14 or more consecutive days.

**PUBLIC WAY.** Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, shopping centers, parking lots, transportation facilities, restaurants, shops, and similar areas that are open to the use of the public.

**SCHOOL.** A private or public pre-school, elementary school, or secondary school.

**SEMI-PRIVATE SWIMMING POOL** means any constructed pool which is used, or intended to be used, as a swimming pool in connection with a neighborhood recreational facility.

**REGISTERED SEX OFFENDER.** An individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a child for which the individual is required to register as a sex offender under Tex. Code of Criminal Procedure, Ch. 62.

**TEMPORARY RESIDENCE.** A place where a person abides, lodges, or resides for a period of 14 or more days in the aggregate during any calendar year, which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four or more days in any month and which is not the person's permanent residence.

### **SECTION 3. SEX OFFENDER PROHIBITION.**

- (a) It is an offense for a registered sex offender to establish a permanent residence or temporary residence within 1,000 feet of the real property comprising a child safety zone.
- (b) It is an offense for a registered sex offender to knowingly enter a Child Safety Zone.
- (c) It is an offense for a registered sex offender to knowingly loiter on a public way within 300 feet of a Child Safety Zone.
- (d) A registered sex offender shall not, on each October 30th and 31st (or any other date set by the city for trick-or-treaters), between the hours of 4:00 p.m. and 11:00 p.m., leave an exterior porch light on or otherwise invite trick-or-treaters to solicit the premises.

#### **SECTION 4. PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO REGISTERED SEX OFFENDERS.**

It is unlawful to rent any place, structure or part thereof, manufactured home, or trailer with the knowledge that it will be used as a permanent residence or temporary residence by registered sex offender, if such place, structure, or part thereof, manufactured home, or trailer is located within 1,000 feet of a Child Safety Zone.

#### **SECTION 5. EVIDENTIARY MATTERS.**

- a. It shall be prima facie evidence that this section applies to such a person if that person's record appears in/on the database and the database indicates that the victim was less than 17 years of age.
- b. The distance of 300 feet from a Child Safety Zone shall be measured on a straight line from the closest boundary of the Child Safety Zone.
- c. The distance of 1,000 feet from a Child Safety Zone shall be measured on a straight line from the closest boundary line of the sex offender's residence to the closest boundary line of the property on which the Child Safety Zone is located.
- d. In the case of multiple residences on one property, the distance of 1,000 feet shall be measured from the nearest property line of the residences.
- e. A map depicting the prohibited areas shall be created by the city and maintained by the Police Department. The city shall review the map annually for changes. Said map will be available to the public at the Mount Pleasant Police Department or available on the city website or the City Police Department website.

#### **SECTION 6. EXCEPTIONS.**

- a. The registered sex offender established the permanent residence or temporary residence prior to the adoption of this chapter, has consistently maintained the residence, and the person has complied with all the sex offender registration laws of the State of Texas, prior to the date of the adoption of this chapter.
- b. The business or institution which creates the Child Safety Zone was opened after, and the Child Safety Zone did not exist when, the registered sex offender established the permanent or temporary residence and complied with all sex offender registration laws of the State of Texas.
- c. The information in the database is incorrect, and, if corrected, this section would not apply to the person who was erroneously listed in the database.
- d. The person required to register on the database was a minor when he or she committed the offense requiring such registration and was not convicted as an adult.
- e. The person required to register is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution located within 1,000 feet of a Child Safety Zone.
- f. The person required to register is under 18 years of age or a ward under a guardianship who resides with a parent or guardian.
- g. The person required to register has been exempted by a court order from registration as a sex offender under Tex. Code of Criminal Procedure, Ch. 62.

- h. The person required to register has had the offense for which the sex offender registration was required reversed on appeal or pardoned.
- i. The person's duty to register on/in the database has expired.
- j. Nothing in this provision shall require any person to sell or otherwise dispose of any real estate or home acquired or owned prior to the conviction of the person as a sex offender.
- k. A registered sexual offender can apply for an exemption from a provision of this chapter by making a request to the Chief of Police through the Sexual Offender Registry Office. The Exemption request must be in writing, citing the specific code section for the exemption; state why an exemption should be granted; and must be signed by the person making the request. A review and decision shall be conducted within 30 working days. The decision of the Chief of Police, based solely on the exemption request without further hearing, shall be final. A copy of the decision shall be kept within the Sexual Offender Registry Office.


**SECTION 7. PENALTY.**

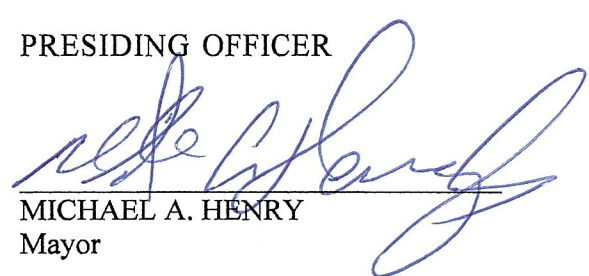
Any person, firm, corporation, agent, or employee thereof who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof may be fined an amount not to exceed \$2,000 as allowed by law. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TATUM.

ATTEST

PRESIDING OFFICER

  
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JACQUELINE MUCKELROY  
City Secretary

  
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MICHAEL A. HENRY  
Mayor