

ORDINANCE NO. 15-2015

AN ORDINANCE OF THE CITY OF OAK RIDGE NORTH, TEXAS, ADDING A NEW ARTICLE IV OF CHAPTER 54 OF THE CODE OF ORDINANCES; PROVIDING RULES AND REGULATIONS FOR CHILD SEX OFFENDERS IN CITY PARK GROUNDS AND PARK FACILITIES; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Oak Ridge North, Texas ("City") finds that there are approximately three (3) registered sex offenders residing in the City; and

WHEREAS, the City Council finds that there are approximately 28 registered sex offenders residing in zip code 77385 and approximately 42 registered sex offenders residing in zip code 77386, which are the City's postal zip codes; and

WHEREAS, the City Council finds that there are approximately 780 registered sex offenders residing in Montgomery county, which is the County in which the City is located; and

WHEREAS, the City's Police Department has had interactions with registered sex offenders in City parks over the last few years; and

WHEREAS, the City Council finds that regulating registered child sex offenders in City park grounds and park facilities protects the health, safety, and welfare of the public;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE NORTH, TEXAS:

Section 1. That the facts and recitations found in the preamble of this Ordinance are true and correct and incorporated herein for all purposes.

Section 2. That Chapter 54 of the Code of Ordinances of the City of Oak Ridge North, Texas, is hereby amended by adding a new Article IV of Chapter 54 of the Code of Ordinances to provide as follows:

"CHAPTER 54

PARKS AND RECREATION

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ARTICLE IV. CHILD SEX OFFENDERS

Sec. 54-105. 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:

City park grounds or park facilities shall have the meaning defined in Section 54-26 of the City of Oak Ridge North, Texas, Code of Ordinances.

Loiter means to linger aimlessly.

Child sex offender means a person who is a required to register as a sex offender under Texas Code of Criminal Procedure Chapter 62 or by any other local, state, or federal law who has been convicted or received an order of deferred adjudication for a sexual offense involving a minor. *Child sex offender* also shall mean a person who is a civilly committed sexually violent predator under Texas Health and Safety Code, Chapter 841.

Sec. 54-106. Entry into City park grounds or park facilities or loitering outside City park grounds or park facilities; prohibited.

Except as allowed by Section 54-106,

- (a) it shall be unlawful for a child sex offender to enter a city park ground or park facility; or
- (b) it shall be unlawful for a child sex offender to loiter within 300 feet outside a city park ground or park facility.

Sec. 54-107. Exceptions.

- (a) A child sex offender may enter a city park ground or park facility for the following purposes:
 - i. to vote in an election, but such child sex offender may enter and remain in the city park ground or park facility only for as long as is necessary to complete the action of voting and shall vacate the city park ground or park facility immediately upon voting. The child sex offender shall only be in the portion of the city park ground or park facility where voting occurs and shall take the most direct route to and from such voting location;
 - ii. as authorized by a court order;

iii. in the event of a local, state, or federal declared emergency, a child sex offender may enter a city park ground or park facility when the park ground or park facility is used to house people in such emergency. The child sex offender shall notify the person in charge of the park ground or facility that he or she is a child sex offender upon entrance to the park ground or facility. The child sex offender shall only use the park ground or park facility as long as the declared emergency is in effect.

iv. by filing a written request for city park ground or park facility entrance with the City's Police Chief and being granted permission by the Police Chief to enter a city park ground or park facility. If the Police Chief denies the request to enter a city park ground or park facility, the child sex offender may appeal such denial to the City Council by filing a written appeal with the City Secretary no later than the tenth (10th) day after the date of such denial. The City Council shall hear such appeal no later than the fifteenth (15th) day after the date the appeal is filed with the City Secretary. The City Council shall allow the child sex offender to speak and present evidence showing why he or she should be allowed to enter a city park ground or park facility. The City Council shall allow any other persons present at the hearing to speak. The City Council may call witnesses to testify, answer questions, or submit evidence at the hearing. The City Council may limit speaking time by motion and majority vote of the City Council present at the hearing. The City Council shall either uphold the decision of the Police Chief or reverse the decision of the Police Chief. Such City Council decision shall be rendered at the conclusion of the hearing; or

v. if the child sex offender is denied city park ground or park facility entrance by the Police Chief and the reason the child sex offender desires to enter a city park ground or park facility would be rendered moot by the length of time it would take for City Council to hear an appeal, then the City Manager, Mayor, and a City Councilmember as selected by the Mayor shall convene no later than seventy-two (72) hours after the time the appeal is filed to hear the appeal. Such committee shall follow the procedures and timeframes as set forth in subsection iv above."

Section 3. *Penalty.* Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense. Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance regarding

public health shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 4. *Severability.* 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 invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, 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 Oak Ridge North, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. *Repeal Clause.* All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. *Effective Date.* This Ordinance shall become effective immediately and enforceable when published as required by law.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2015.

CITY OF OAK RIDGE NORTH, TEXAS

James M. Kuykendall, Mayor

ATTEST:



Heather Neeley, City Secretary