

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.

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.