

CITY OF LORENA, TEXAS

ORDINANCE NO. 2022-0117-01

AN ORDINANCE AMENDING ORDINANCE NO. 2013-0225-01 CONCERNING REGULATIONS RELATING TO SEX OFFENDERS; PROVIDING FOR ENFORCEMENT AND PENALTIES; REPEALING CONFLICTING ORDINANCES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 341.906 of the Texas Local Government Code now restricts how sex offenders may be regulated in General Law Cities; and

WHEREAS, certain amendments to City of Lorena Ordinance No. 2013-0225-01 are needed to comply with the Local Government Code;

WHEREAS, the City deems it in the best interest of its citizens to adopt revisions to Ordinance 2013-0225-01 as set forth in Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LORENA, TEXAS, THAT:

SECTION 1. FINDINGS OF FACT. The foregoing recitals are hereby made findings of fact and incorporated herein for all purposes.

SECTION 2. ENACTMENT. Ordinance No. 2013-0225-01 is hereby amended to read as set forth in Exhibit A, which is attached hereto and incorporated into this Ordinance for all purposes.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

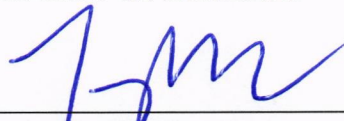
SECTION 5. PROPER NOTICE AND MEETING. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and

that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

SECTION 6. EFFECTIVE DATE. This ordinance shall be effective immediately upon passage and publication.

PASSED AND APPROVED this the 17th day of January 2022, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Lorena, Texas.

THE CITY OF LORENA:



Tommy Ross, Mayor

ATTEST:



Monica Hendrix, City Secretary



EXHIBIT A

SEX OFFENDER REGULATIONS

Sec. 1. Definitions.

For the purposes of this ordinance, the following terms, words, and the derivation thereof shall have the meanings given herein:

- (a) *Day care center* shall mean a child care facility that is registered, licensed or listed by the State of Texas.
- (b) *Minor*. A minor is a person younger than seventeen (17) years of age.
- (c) *Permanent residence*. A place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.
- (d) *Person* includes an individual, firm, corporation or other business entity.
- (e) *Premises where children commonly gather*. Public parks, private and public schools, amusement arcades, baseball/softball fields, video arcades and youth centers as defined in article 481.134 of the Health and Safety Code of the State of Texas, indoor and outdoor amusement centers that cater primarily to children, amusement parks, public commercial and semi-private swimming pools, child day care centers. For the purposes of this Code, planted street medians are not public parks and churches are excluded.
- (f) *Child safety zone*. A zone comprised of the area within one thousand (1,000) feet of the property lines of a premises where children commonly gather, measured as set forth in Section 3 below.
- (g) *Temporary residence*.
 - (1) A place where a person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address; or
 - (2) A place where a person routinely abides, resides, or lodges for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Sec. 2. Offenses.

(a) For each person required to register on the Texas Department of Public Safety's public sex offender database (the "database") under chapter 62, Code of Criminal Procedure, because of a reportable conviction or adjudication involving a victim younger than seventeen (17) years of age or who has been civilly committed as a sexually violent predator under chapter 841, Health and Safety Code, and is subject to outpatient treatment and supervision under that chapter, it shall be unlawful for that person to establish a permanent residence or temporary residence within a "child safety zone" as defined in Section 1.

(b) It is unlawful to lease, rent or otherwise provide any residence, dwelling, place, structure or part thereof, manufactured home, trailer, or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this section, if such place, structure or part thereof, manufactured home, trailer or other conveyance is located within a "child safety zone" as defined in Section 1.

(c) It is an offense for a sex offender to knowingly enter any "premises where children commonly gather" as defined in Section 1.

(d) It is an offense for a sex offender to knowingly loiter on a public way within three hundred (300) feet of any "premises where children commonly gather" as defined in Section 1.

(e) A sex offender shall not, on each October 30 and 31 (or any other date set by the city for trick-or-treating) 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.

Sec. 3. Evidentiary matters; measurements.

(a) It shall be prima facie evidence that this article applies to such a person if that person's record appears on the database and the database indicates that the victim was less than seventeen (17) years of age.

(b) For the purposes 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 herein above. In the case of multiple residences on one (1)

property, measurement is from the nearest property line of the residence premises following a straight line to the nearest property line of the premises where children commonly gather.

(c) A map depicting the prohibited areas shall be maintained by the City of Lorena. The city shall review the map annually for changes. Said map will be available to the public at the Lorena City Hall.

(d) A sex offender may apply for an exemption for this article by submitting an application of an exemption to the city secretary, in the form supplied by the city, that shows the sex offender established residency in a residence located within 1,000 feet of a child safety zone before the date of the ordinance from which this subsection derives was adopted. This exemption:

- (1) Only applies to areas necessary for the registered sex offender to have access to and live in the residence; and
- (2) Is only effective during the period the sex offender maintains residency in the residence.

Sec. 4. Culpable mental state not required.

Neither allegation nor evidence of a culpable mental state is required for the proof of the offense defined by this article under Section 2.

Sec. 5. Affirmative defenses.

It is an affirmative defense to prosecution that any of the following conditions apply:

(a) The person required to register on the database established the permanent or temporary residence, and has complied with all of the sex offender registration laws of the State of Texas, prior to the date of the adoption of this article.

(b) 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.

(c) The person required to register on the database is a minor.

(d) The premises where children commonly gather, as specified herein, within one thousand (1,000) feet of the permanent or temporary residence of the person required to register on the database was opened after the person established the permanent or temporary residence

and the person has complied with all sex offender registration laws of the State of Texas.

(e) The information on the database is incorrect, and, if corrected, this section would not apply to the person who was erroneously listed on the database.

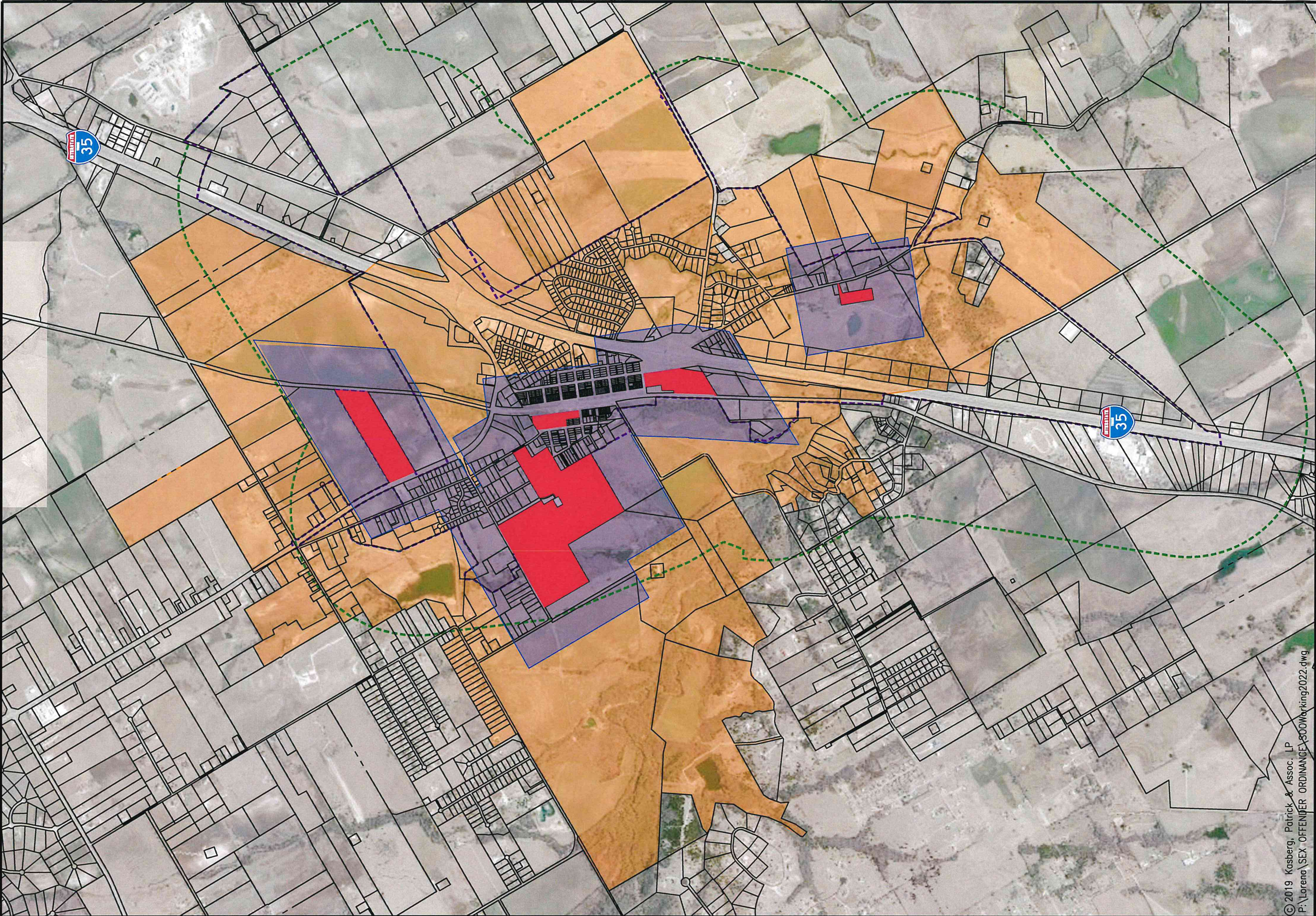
(f) The person is required by lawful order to reside at a noncompliant location as a condition of probation or parole. {The city reserves the right to petition the applicable court or agency to modify the order}.

Sec. 6. Penalty

Any person, firm or corporation violating a provision of this article shall be guilty of a Class C misdemeanor and, upon conviction of such violation, shall be punished by a penalty of fines not to exceed five hundred dollars (\$500.00) for each offense. Each day the violation continues is a separate offense.

Sec. 7. No duty assumed.

In undertaking the enforcement of this article, the City of Lorena is assuming an undertaking only to promote the general health, safety and welfare of its citizens. The City of Lorena is not assuming any duty or obligation, nor is it imposing any duty and/or obligation on its officers and/or employees, nor is it liable in money damages or otherwise to any person who claims that the City of Lorena and/or one (1) of its officers and/or employees breached any such obligation and the breach proximately caused injury.



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- LORENA CITY LIMITS
- LORENA ETJ
- REGULATING AREAS
- 1000' ZONE
- CLEAR ZONE

CITY OF LORENA, TEXAS

SEX OFFENDER ORDINANCE CLEAR ZONES

