
CITY COUNCIL WORKSHOP AGENDA

Notice is hereby given that the Rockport City Council will hold a workshop meeting on Tuesday, August 25, 2015, at 1:30 p.m. The meeting will be held at Rockport City Hall, 622 E. Market, Rockport, Texas. The matters to be discussed and acted upon are as follows:

Opening Agenda

1. Call meeting to order.

Public Hearing

2. Conduct the first public hearing for City of Rockport 2015 Property Tax Rate for taxpayers to have an opportunity to express their views on the increase; the City of Rockport will adopt the budget and tax rate for Fiscal Year 2015-2016 on September 15, 2015, at 6:30 p.m. at City Hall located at 622 E. Market Street, Rockport, Texas.

Regular Agenda

3. Hear and deliberate on presentation of the Condrey and Associates classification and compensation plan.
4. Hear and deliberate on proposed sex offender ordinance.
5. Adjournment.

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213, ext. 225 or FAX (361) 790-5966 or email citysec@cityofrockport.com for further information. Braille is not available. The City of Rockport reserves the right to convene into executive session under Government Code 551.071-551.074 and 551.086.

Certification

I certify that the above notice of meeting was posted on the bulletin board at City Hall, 622 E. Market Street, Rockport, Texas on Friday, August 21, 2015, by 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*, *Coastal Bend Herald*, and *Corpus Christi Caller Times*.


Teresa Valdez, City Secretary

CITY COUNCIL AGENDA
Workshop Meeting: Tuesday, August 25, 2015

AGENDA ITEM: 2

Conduct the first public hearing for City of Rockport 2015 Property Tax Rate for taxpayers to have an opportunity to express their views on the increase; the City of Rockport will adopt the budget and tax rate for Fiscal Year 2015-2016 on September 15, 2015 at 6:30 p.m. at City Hall located at 622 E. Market Street, Rockport, Texas.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: State statute requires the City to conduct two public hearings on the proposed *ad valorem* tax rate if the rate is above the effective tax rate, i.e. the tax rate results in any additional revenue above the current year. The proposed tax rate of \$0.364858 is \$0.033677 higher than the effective rate and therefore requires two public hearings. The second public hearing is scheduled for the September 8, 2015, regular meeting. The accompanying public notice was published in the August 15, 2015, edition of *The Rockport Pilot*.

FISCAL ANALYSIS: See accompanying tax rate analysis table.

RECOMMENDATION: Not an action item.

NOTICE OF 2015 TAX YEAR PROPOSED PROPERTY TAX RATE FOR CITY OF ROCKPORT

A tax rate of \$0.364858 per \$100 valuation has been proposed for adoption by the governing body of City of Rockport. This rate exceeds the lower of the effective or rollback tax rate, and state law requires that two public hearings be held by the governing body before adopting the proposed tax rate.

PROPOSED TAX RATE	\$0.364858 per \$100
PRECEDING YEAR'S TAX RATE	\$0.335179 per \$100
EFFECTIVE TAX RATE	\$0.331181 per \$100
ROLLBACK TAX RATE	\$0.364858 per \$100

The effective tax rate is the total tax rate needed to raise the same amount of property tax revenue for City of Rockport from the same properties in both the 2014 tax year and the 2015 tax year.

The rollback tax rate is the highest tax rate that City of Rockport may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

YOUR TAXES OWED UNDER ANY OF THE ABOVE RATES CAN BE CALCULATED AS
FOLLOWS:

$$\text{property tax amount} = (\text{rate}) \times (\text{taxable value of your property}) / 100$$

For assistance or detailed information about tax calculations, please contact:

Jeri D. Cox
Tax Assessor-Collector, Aransas County
Aransas County Tax Office
319 N. Church St.
Rockport, TX 78382
361-790-0160
jcox@aransascounty.org

You are urged to attend and express your views at the following public hearings on the proposed tax rate:

First Hearing: August 25, 2015 at 1:30 pm at City Hall, 622 E. Market St., Rockport TX 78382.

Second Hearing: September 8, 2015 at 6:30 pm at City Hall, 622 E. Market St., Rockport TX 78382.

ROCKPORT CITY COUNCIL
Workshop Meeting: Tuesday, August 25, 2015

AGENDA ITEM: 3

Hear and deliberate on presentation of the Condrey and Associates classification and compensation plan.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: The City of Rockport's compensation plan has not been thoroughly evaluated in a number of years for competitiveness in the labor market or for equity between positions, among other things. At the May 26, 2015, regular meeting Council authorized Condrey and Associates to conduct a study and update the classification and compensation plan. The objectives of the study included:

1. Reviewing and revising the current classification system and pay plan for all city employees;
2. Collecting salary data; and
3. Producing a recommended pay plan based on job analysis, job evaluation, and wage survey data.

Condrey Analyst Mark Knowles will give the presentation, discuss implementation and maintenance options, and be available to answer any questions.

FISCAL ANALYSIS: Between the three percent merit amount and the five percent comp plan implementation in Q2, the FY 2015-2016 budget includes \$323,181 total personnel costs for those items. The proposed budget is also a little over \$99,000 to the positive. The implementation costs identified in the study do not include the cost of benefits, which should be an estimated \$82,094 (27.08 percent), for a total implementation cost of \$385,248.

STAFF RECOMMENDATION: Not an action item.

ROCKPORT CITY COUNCIL
Workshop Meeting: Tuesday, August 25, 2015

AGENDA ITEM: 4

Hear and deliberate on proposed sex offender ordinance.

SUBMITTED BY: City Manager Kevin Carruth

APPROVED FOR AGENDA: PKC

BACKGROUND: The idea of placing residency restrictions on registered sex offenders was discussed at the January 20, 2015, planning workshop and the consensus was to draft an ordinance for consideration. The proposed ordinance would establish a 1,000-foot child safety zone around public and private child care facilities, parks, and schools (see ordinance for definitions). Options noted in other communities include:

1. Buffer zones of up to 3,000 feet;
2. Inclusion of churches in the child safety zones;
3. Including private swimming pools in the child safety zones; and
4. Prohibiting registered sex offenders from residing within the established distance (e.g. 1,000 feet) from another sex offender.

Detective James Wilson and Chief Tim Jayroe will present the ordinance. Please see the accompanying ordinance, map, and ordinances from other communities in the area and region for more information.

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Not an action item.

Rockport

Chapter 66

ARTICLE IV. - SEX OFFENDER RESIDENCE LOCATION RESTRICTIONS

Sec. 66.70. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning described to them in this article, except where the context clearly indicates a different meaning:

Child means an individual younger than seventeen (17) years of age.

Child care facility as defined by V.T.C.A., Human Resources Code § 42.002, and shall include a foster home, a foster group home, a day-care center, a group day-care home, an agency foster group home, and an agency foster home, also defined by V.T.C.A., Human Resources Code § 42.002.

Child safety zone means schools, public library, amusement arcades, video arcades, indoor and outdoor amusement centers, park, amusement parks, public or commercial and semi-private swimming pools, child care facility, public youth soccer, or baseball field, skate park or rink, public or private athletic center, public or private youth center, movie theater, bowling alley, or offices for Child Protective Services.

Park means any land, including movements to the land, that is administered, operated, owned, or managed by a public entity for the use of the general public as a recreational area, as well as any land, including improvements to the land, which are privately owned and used frequently by children on a public, commercial, or semi-private basis.

Residence means 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 a place where the person routinely abides, lodges or resides for a period of four (4) or more consecutive or nonconsecutive days in any month.

School means a private or public preschool, elementary or secondary school.

Sex offender means 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 Chapter 62, Texas Code of Criminal Procedure.

Sec. 66.71. - Offenses.

- (a) It is an offense for a sex offender to intentionally, knowingly, recklessly, or with criminal negligence establish a residence within one thousand (1,000) feet of a child safety zone.
- (b) The distance of one thousand (1,000) feet 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 child safety zone.

Sec. 66.72. - Exceptions.

A person does not commit an offense under section 18-81 if the person:

- (1) Is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution located within one thousand, five hundred (1,500) feet of the real property comprising a child safety zone;
- (2) Has established and continues to maintain the residence prior to the effective date of this article;

- 42 (3) Has established and continues to maintain the residence prior to the effective date of this article
43 and, subsequently, a child safety zone is constructed or located within one thousand (1,000)
44 feet of the sexual offender's residence;
- 45 (4) Is under eighteen (18) years of age or a ward under a guardianship who resides with a parent or
46 guardian;
- 47 (5) Has been exempted by a court order from registration as a sex offender under Chapter 62,
48 Texas Code of Criminal Procedure; or
- 49 (6) Has had the offense for which the sex offender registration was required, reversed on appeal, or
50 pardoned.

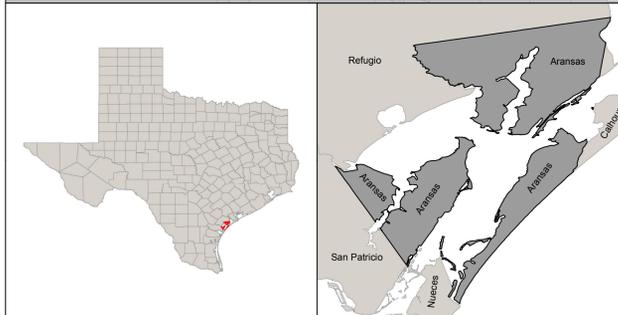
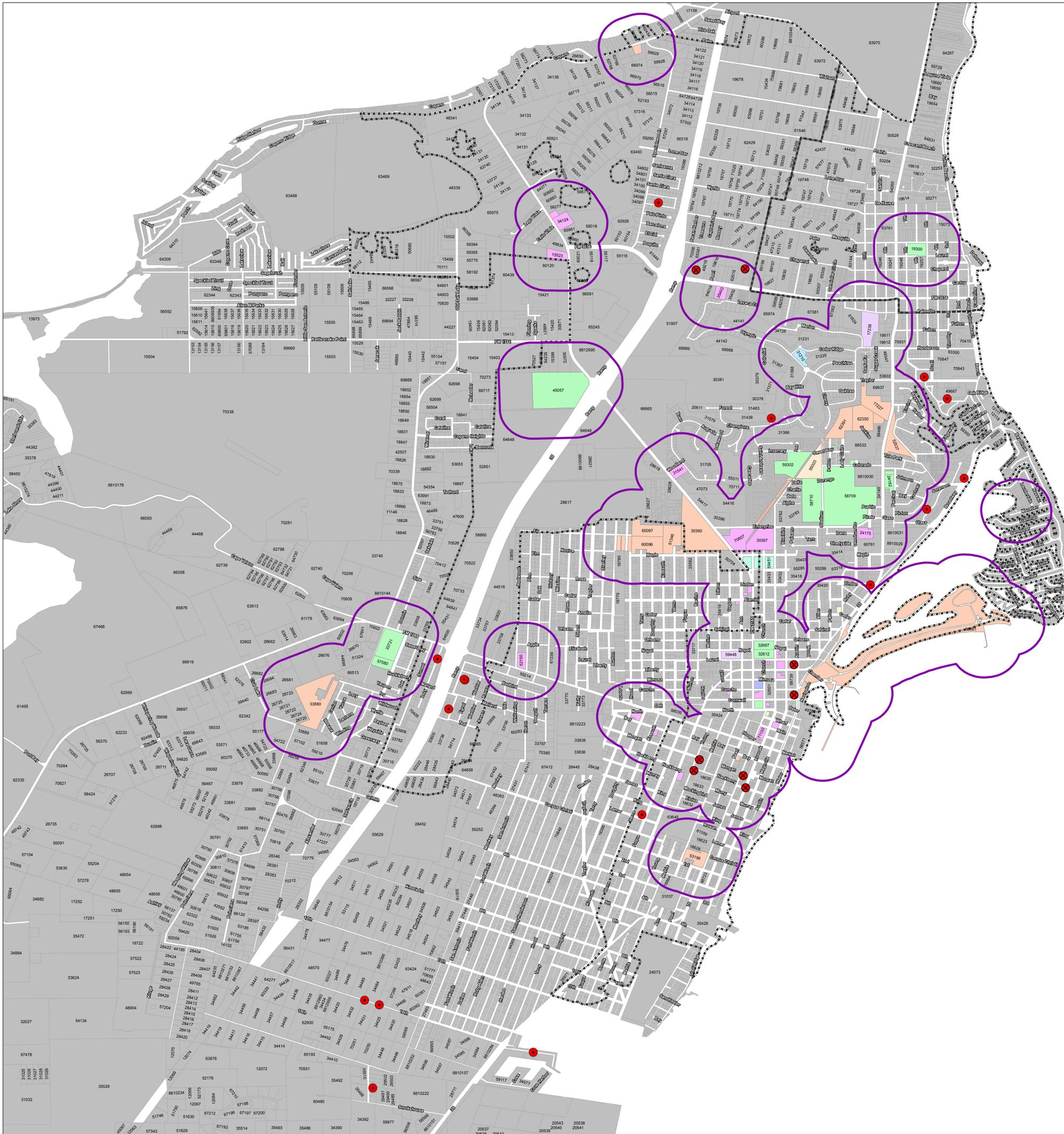
51

52 **Sec. 66.72. - Penalties.**

53 A person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and
54 upon conviction, shall be fined a sum not to exceed five hundred dollars (\$500.00) for each offense, and
55 each and every day such violation shall continue or exist, shall be deemed a separate offense.

56

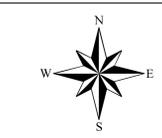
57 **Secs. 66.73—66.80. - Reserved.**



HB 1147 Disclaimer
 This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Rockport & Fulton

Sex Offender Buffer Zones



Legend

- Offender Location OUTSIDE Buffer Zone (17)
- ⊗ Offender Location INSIDE Buffer Zone (8)
- 1000ft Buffer Zone
- ▭ City Limits

Property Type

■ Athletic Fields (2)	■ Day Care Center (2)
■ Churches (29)	■ Libraries (1)
■ Crisis Center (0)	■ Parks (56)
■ Youth Center (2)	■ Schools (16)
■ Swimming Pools (2)	■ Skate Parks (1)
■ Other Parcels	

0 375 750 1,500 2,250 3,000 Feet
 1 inch = 1,250 feet



August 2015

Aransas Pass

ARTICLE VII. - SEX OFFENDER RESIDENCE LOCATION RESTRICTIONS

Sec. 18-80. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning described to them in this article, except where the context clearly indicates a different meaning:

Child means an individual younger than seventeen (17) years of age.

Child care facility as defined by V.T.C.A., Human Resources Code § 42.002, and shall include a foster home, a foster group home, a day-care center, a group day-care home, an agency foster group home, and an agency foster home, also defined by V.T.C.A., Human Resources Code § 42.002.

Child safety zone means private and public primary and secondary schools, public library, amusement arcades, video arcades, indoor and outdoor amusement centers, park, amusement parks, public or commercial and semi-private swimming pools, child care facility, public youth soccer, or baseball field, skate park or rink, public or private youth center, movie theater, bowling alley, or offices for Child Protective Services.

Park means any land, including movements to the land that is administered, operated, or managed by the City of Aransas Pass, County of San Patricio, County of Aransas or County of Nueces for the use of the general public as a recreational area, or any land, including improvements to the land that includes a swimming pool, any type of public or private golf course and any other recreational facilities that are privately owned and used frequently by children.

Residence means a place where a person abides, lodges, or resides for a period of four (4) or more days in the aggregate, during any calendar year.

Sex offender means 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 Chapter 62, Texas Code of Criminal Procedure.

([Ord. No. 4057, 12-16-13](#))

Sec. 18-81. - Offenses.

(a) It is an offense for a sex offender to intentionally, knowingly, recklessly, or with criminal negligence establish a residence within one thousand, five hundred (1,500) feet of a child safety zone.

(b) It is an offense for a sex offender to intentionally, knowingly, recklessly, or with criminal negligence establish a residence within one thousand, five hundred (1,500) feet of a residence of another sex offender.

(c) The distance of one thousand, five hundred (1,500) feet shall be measured on a straight line from the closest boundary line of the sex offenders residence to the closest boundary line of the child safety zone.

([Ord. No. 4057, 12-16-13](#))

Sec. 18-82. - Exceptions.

A person does not commit an offense under section 18-81 if the person:

(1) Is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution located within one thousand, five hundred (1,500) feet of the real property comprising a child safety zone;

(2) Has established and continues to maintain the residence prior to the effective date of this article;

- 44 (3) Has established and continues to maintain the residence prior to the effective date of this article
45 and, subsequently, a child safety zone is constructed or located within one thousand, five hundred
46 (1,500) feet of the sexual offenders residence;
- 47 (4) Is under eighteen (18) years of age or a ward under a guardianship who resides with a parent or
48 guardian;
- 49 (5) Has been exempted by a court order from registration as a sex offender under Chapter 62, Texas
50 Code of Criminal Procedure; or
- 51 (6) Has had the offense for which the sex offender registration was required, reversed on appeal, or
52 pardoned.

53 ([Ord. No. 4057, 12-16-13](#))

54 Sec. 18-83. - Penalties.

55 A person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and
56 upon conviction, shall be fined a sum not to exceed five hundred dollars (\$500.00) for each offense, and
57 each and every day such violation shall continue or exist, shall be deemed a separate offense.

58 ([Ord. No. 4057, 12-16-13](#))

59 Secs. 18-84—18-89. - Reserved.

Fulton

ARTICLE IV. - SEX OFFENSES

FOOTNOTE(S):

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Editor's note—Ord. No. 257, §§ 1—4, adopted May 7 2013, set out provisions to the Code but did not specify the manner of inclusion. For purposes of classification, and at the editor's discretion, these provisions have been included as article IV, §§ 30-79—30-82.

Secs. 30-64—30-78. - Reserved.

Sec. 30-79. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning described to them in this article, except where the context clearly indicates a different meaning:

"Child" means an individual younger than seventeen (17) years of age.

"Day-care facility" includes a "child-care institution", a "day-care center" and or a "group day-care home", as those terms are defined by V.T.C.A., Human Resources Code § 42.002.

"Park" means any land, including improvements to the land that is administered, operated, or managed by the Town of Fulton for the use of the general public as a recreational area, or any land, including improvements to the land that includes a swimming pool, a golf course and other recreational facilities that is privately owned and used frequently by children.

"Residence" means a place where a person abides, lodges, or resides for a period of four (4) or more days in the aggregate, during any calendar year.

"Sex offender" means 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 Vernon's Ann., CCP Chapter 62.

"School" means a private or public elementary or secondary school.

Sec. 30-80. - Offenses.

(a) It is an offense for a sex offender to intentionally, knowingly, recklessly, or with criminal negligence establish a residence within three thousand (3,000) feet of the real property comprising a school, day-care facility, or park.

(b) It is an offense for a sex offender to intentionally, knowingly, recklessly, or with criminal negligence establish a residence within three thousand (3,000) feet of a residence of another sex offender.

(c) The distance of three thousand (3,000) feet 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 school, day-care facility, park or another sex offender.

Sec. 30-81. - Exceptions.

A person does not commit an offense under this article if the person:

(1) Is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution located within three thousand (3,000) feet of the real property comprising a school, day-care facility, or park;

- 41 (2) Has established and continues to maintain the residence prior to the effective date of this article;
42 (3) Has established and continues to maintain the residence prior to the effective date of this article
43 and, subsequently, a school, day-care facility, or park, is constructed or located within three
44 thousand (3,000) feet of the sexual offender's residence;
- 45 (4) Is under eighteen (18) years of age or a ward under a guardianship, who resides with a parent or
46 guardian;
- 47 (5) Has been exempted by a court order from registration as a sex offender under Vernon's Ann.
48 CCP Chapter 62; or
- 49 (6) Has had the offense for which the sex offender registration was required, reversed on appeal, or
50 pardoned.

51 Sec. 30-82. - Penalties.

52 Any person who violates this article shall be guilty of a misdemeanor and, upon conviction thereof,
53 shall be subject to a fine of not more than \$500.00.

Goliad

ARTICLE 8.05 SEX OFFENDER RESIDENCY

Sec. 8.05.001 Purpose

The purpose of this article is to prohibit the residency of certain registered sex offenders within 1,000 feet of a school or day care facility, where children are known to congregate regularly, thus extending the protections afforded the community under article 42.12 (13B) of the Texas Code of Criminal Procedure beyond that period which the registered sex offender is under supervision of the state or county. (Ordinance 2009-530, sec. 1.0, adopted 11/17/09)

Sec. 8.05.002 Definitions

The following words, terms and phrases, when used in this article, shall have the meaning defined as follows, except where the context clearly indicates a different meaning:

Child. An individual younger than seventeen (17) years of age.

Day care facility. Includes a "child-care institution," a "daycare center," and/or a "group daycare home," as those terms are defined by section 42.002, Human Resources Code.

Residence. A place where a person abides, lodges or resides for a period of four or more days in the aggregate, during any calendar year.

School. A private or public elementary or secondary school.

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 chapter 62, Texas Code of Criminal Procedure.

(Ordinance 2009-530, sec. 2.0, adopted 11/17/09)

Sec. 8.05.003 Offenses

(a) It is an offense for a sex offender to intentionally, knowingly, recklessly or with criminal negligence establish a residence within one thousand (1,000) feet of the real property comprising a school, day care facility, park or playground.

(b) The distance of one thousand (1,000) feet 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 school, day care facility, park or playground.

(Ordinance 2009-530, sec. 3.0, adopted 11/17/09)

Sec. 8.05.004 Exceptions

A person does not commit an offense under section 8.05.003 if the person:

32 (1) Is required to serve a sentence at a jail, prison, juvenile facility or other
33 correctional institution located within one thousand (1,000) feet of the real property
34 comprising a school, day care facility, park or playground;

35 (2) Is unable to find housing outside the area immediately surrounding the public
36 housing development owned and operated by the Goliad Housing Authority and is
37 eligible to reside in such housing under federal and state regulations;

38 (3) Has established and continues to maintain the residence prior to the effective
39 date of this article;

40 (4) Has established and continues to maintain the residence prior to the effective
41 date of this article and, subsequently, a school, day care facility, park or playground
42 is constructed or located within one thousand (1,000) feet of the sexual offender's
43 residence;

44 (5) Is under eighteen (18) years of age or a ward under a guardianship, who resides
45 with a parent or guardian;

46 (6) Has been exempted by a court order from registration as a sex offender under
47 chapter 62, Texas Code of Criminal Procedure; or

48 (7) Has had the offense for which the sex offender registration was required reversed
49 or pardoned.

50 (Ordinance 2009-530, sec. 4.0, adopted 11/17/09)

51 **Sec. 8.05.005 Penalty**

52 Any person who violates this article shall be guilty of a misdemeanor and, upon conviction
53 thereof, shall be fined an amount allowed by state law for violation(s) of city ordinances or, as the
54 case may be, laws of the state, each day of such violation constituting a separate offense.
55 (Ordinance 2009-530, sec. 5.0, adopted 11/17/09)

Paris

ARTICLE VII. - RESIDENTIAL RESTRICTIONS OF SEX OFFENDERS

Sec. 21-200. - Regulation of sex offenders.

The city council of the City of Paris finds that sex offenders who are required to register under state law present a threat to the health, safety and welfare of children. It is the intent of this article 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 establishing temporary or permanent residency.

(Ord. No. 2010-038, § 2, 9-27-10)

Sec. 21-201. - Definitions.

For the purposes of this article, the following terms, words and the derivations thereof shall have the meaning given herein:

Child means any person under the age of seventeen (17).

Child care facility means a facility licensed, certified, or registered by the Texas Department of Human Resources to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the twenty-four-hour day, whether or not the facility is operated for profit or charges for the services it offers.

Child care institution means a child care facility that provides for more than twelve (12) children twenty-four (24) hours a day, including facilities known as children's homes, halfway houses, residential treatment centers, emergency shelters, and therapeutic camps.

Child safety zone means public parks or playgrounds, private and public schools, public library, public swimming pools, child care facility, child care institution, day care center, public or private youth soccer or baseball field, crisis center or shelter, skate park, public or private youth center, and offices for child protective services.

Database means 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 police department.

Day care center means a child care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven (7) or more children under fourteen (14) years of age for less than twenty-four (24) hours a day, but at least two (2) hours a day, three (3) or more days a week.

Park or playground means 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.

Permanent residence means a place where the person abides, lodges or resides for fourteen (14) or more consecutive days.

School means a private or public preschool, private or public elementary school or private or public secondary school, which shall include private or public home-schools.

Sex offender means an individual who has been convicted of or placed on deferred adjudication for a sexual offense involving a person under seventeen (17) years of age for which the individual is required to register as a sex offender under state law.

43 Temporary residence means a place where a person abides, lodges or resides for a period of fourteen
 44 (14) or more days in the aggregate, during any calendar year and which is not the person's permanent
 45 address, or a place where the person routinely abides, lodges or resides for a period of four (4) or more
 46 consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

47 (Ord. No. 2010-038, § 2, 9-27-10)

48 Sec. 21-203. - Sex offender prohibition.

49 It is unlawful and an offense for a sex offender to establish a permanent residence or temporary
 50 residence within one thousand (1,000) feet of the real property comprising a school, child care facility, child
 51 care institution, day care center, park or playground or other places defined herein as a child safety zone.

52 (Ord. No. 2010-038, § 2, 9-27-10)

53 Sec. 21-204. - Evidentiary matters.

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

57 (b) The distance of one thousand (1,000) feet shall be measured on a straight line from the closest
 58 boundary line of the sex offender's residence to the closest boundary line of the school, child care
 59 facility, child care institution, park or playground or other places defined herein as a child safety zone.

60 (c) In the case of multiple residences on one (1) property, measuring from the nearest property line of the
 61 residences to the nearest property line of the school, child care facility, child care institution, park or
 62 playground or other places defined herein as a child safety zone.

63 (d) In cases of a dispute over measured distances, it shall be incumbent upon the person (s) challenging
 64 the measurement to prove otherwise.

65 (e) A map depicting the prohibited areas shall be created by the city and maintained by the city police
 66 department. The city shall review the map annually for changes. Said map will be available to the
 67 public at the city police department or available on the city website or city police department website.

68 (Ord. No. 2010-038, § 2, 9-27-10)

69 Sec. 21-205. - Exceptions.

70 The following exceptions shall be an affirmative defense to prosecution for a violation of this article:

71 (1) The person required to register in/on the database established the permanent residence or
 72 temporary residence and residency has been consistently maintained and the person has
 73 complied with all of the sex offender registration laws of the State of Texas, prior to the date of
 74 the adoption of this article; or

75 (2) The place defined herein as a child safety zone and within one thousand (1,000) feet of the
 76 permanent or temporary residence of the person required to register on/in the database was
 77 opened after the person established the permanent or temporary residence and complied with all
 78 sex offender registration laws of the state; or

79 (3) The information on/in the database is incorrect, and, if corrected, this section would not apply to
 80 the person who was erroneously listed on/in the database; or

81 (4) The person required to register on/in the database was a minor when he or she committed the
 82 offense requiring such registration and was not convicted as an adult; or

- 83 (5) The person required to register is required to serve a sentence at a jail, prison, juvenile facility or
84 other correctional institution located within one thousand (1,000) feet of the real property
85 comprising a school, child care facility, child care institution, day care center, park or playground
86 or other places defined herein as a child safety zone; or
- 87 (6) The person required to register is under eighteen (18) years of age or a ward under a
88 guardianship, who resides with a parent or guardian; or
- 89 (7) The person required to register has been exempted by a court order from registration as a sex
90 offender under state law; or
- 91 (8) The person required to register has had the offense for which the sex offender registration was
92 required reversed on appeal or pardoned; or
- 93 (9) The person's duty to register on/in the database has expired.

94 Nothing in this provision shall require any person to sell or otherwise dispose of any real estate or
95 home acquired or owned prior to the conviction of the person as a sex offender.

96 (Ord. No. 2010-038, § 2, 9-27-10)

97 Secs. 21-206—21-259. - Reserved.

Port Aransas

Sec. 13-4. - Regulation of sex offender residency.

(a) Definitions. For the purposes of this section, the following terms, words, and the derivations thereof shall have the meanings given herein.

Permanent residence means a place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.

Temporary residence means 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 a place where a person routinely abides, resides, or lodges for a period of four (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

(b) Offenses. For each person required to register on the Texas Department of Public Safety's Sex Offender Database (the "database") because of a violation involving a victim who was less than seventeen (17) years of age, it is unlawful for that person to establish a permanent residence or temporary residence within one thousand (1,000) feet of the following premises where children commonly gather: playgrounds, public and private youth centers, private and public elementary and secondary schools, video arcades, as those terms are defined in Article 481.134 of the Health and Safety Code of the State of Texas, and the public parks in the City known as the Community Park and Roberts Point Park, and child day care centers licensed by the State.

(c) Evidentiary matters; measurements.

(1) It shall be prima facie evidence that this section 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.

(2) For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the nearest property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather.

(3) A map depicting the prohibited areas shall be created by the city and maintained by the Port Aransas Police Department. The city shall review the map annually for changes. Said map will be available to the public at the Port Aransas Police Department.

(d) Culpable mental state not required. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this section.

(e) Affirmative defenses. It is an affirmative defense to prosecution that any of the following conditions apply:

(1) 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 section.

(2) 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.

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

(4) The premises where children commonly gather was opened after the person established the permanent or temporary residence and said person complied with all sex offender registration laws of the State of Texas.

(5) 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.

(Ord. No. 2007-01, § 1, 1-18-07)

Portland

ARTICLE XI. - RESIDENCE RESTRICTIONS ON REGISTERED SEX OFFENDERS

Sec. 11-190. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning described to them in this article, except where the context clearly indicates a different meaning:

"Child" means an individual younger than seventeen (17) years of age.

"Day-care facility" includes a "child-care institution", a "day-care center" and or a group day-care home", as those terms are defined by Section 42.002, Human Resources Code.

"Park" means any land, including improvements to the land that is administered, operated, or managed by the City of Portland for the use of the general public as a recreational area, or any land, including improvements to the land that includes a swimming pool, a golf course and other recreational facilities that is privately owned and used frequently by children.

"Residence" means a place where a person abides, lodges, or resides for a period of four (4) or more days in the aggregate, during any calendar year.

"Sex offender" means 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 Chapter 62, Texas Code of Criminal Procedure.

"School" means a private or public elementary or secondary school.

(Ord. No. 1164, § 1, 1-16-07)

Sec. 11-191. - Offenses.

- (a) It is an offense for a sex offender to intentionally, knowingly, recklessly, or with criminal negligence establish a residence within one thousand (1,000) feet of the real property comprising a school, day-care facility, or park.
- (b) It is an offense for a sex offender to intentionally, knowingly, recklessly, or with criminal negligence establish a residence within one thousand (1,000) feet of a residence of another sex offender.
- (c) The distance of one thousand (1,000) feet 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 school, day-care facility, park or another sex offender.

(Ord. No. 1164, § 1, 1-16-07; Ord. No. 1188, § 1, 4-1-08)

Sec. 11-192. - Exceptions.

A person does not commit an offense under section 11-191 if the person:

- (1) Is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution located within one thousand (1,000) feet of the real property comprising a school, day-care facility, or park;
- (2) Has established and continues to maintain the residence prior to the effective date of this article;

- 38 (3) Has established and continues to maintain the residence prior to the effective date of this article
39 and, subsequently, a school, day-care facility, or park, is constructed or located within one
40 thousand (1,000) feet of the sexual offender's residence;
- 41 (4) Is under eighteen (18) years of age or a ward under a guardianship, who resides with a parent or
42 guardian;
- 43 (5) Has been exempted by a court order from registration as a sex offender under Chapter 62, Texas
44 Code of Criminal Procedure; or
- 45 (6) Has had the offense for which the sex offender registration was required, reversed on appeal, or
46 pardoned.

47 (Ord. No. 1164, § 1, 1-16-07)

48 Sec. 11-193. - Penalties.

49 Any person who violates this article shall be guilty of a misdemeanor and, upon conviction thereof,
50 shall be subject to a fine of not more than five hundred dollars (\$500.00).

51 (Ord. No. 1164, § 1, 1-16-07)

52 Secs. 11-194—11-199. - Reserved.