

ORDINANCE NO. 2018-4211

AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, AMENDING CHAPTER 18, ARTICLE VII-SEX OFFENDER RESIDENCE LOCATION RESTRICTIONS, SEC. 18-82-EXCEPTIONS OF THE CODE OF ORDINANCES; PROVIDING A REPEALER CLAUSE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS:

SECTION 1: Chapter 18, Article VII-Sex Offender Residence Location Restrictions, Sec. 18-82-Exceptions, of the Code of Ordinances is hereby amended to read as follows:

“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;
- (3) Has established and continues to maintain the residence prior to the effective date of this article and, subsequently, a child safety zone is constructed or located within one thousand, five hundred (1,500) feet of the sexual offender's residence;
- (4) Is under eighteen (18) years of age or a ward under a guardianship who resides with a parent or guardian;
- (5) Has been exempted by a court order from registration as a sex offender under Chapter 62, Texas Code of Criminal Procedure;
- (6) Has had the offense for which the sex offender registration was required, reversed on appeal, or pardoned;
- (7) Section 18-81(d) does not apply:
 - (i) To a sex offender who is the parent or legal guardian of a person under eighteen (18) years old while the child is present within the child safety zone or bus stop; or
 - (ii) To a sex offender while the sex offender is using the services of a government owned public library or involved in the services of the Texas Department of Family and Protective Service - Child Protective Services Division; or
 - (iii) To a sex offender actively exercising his or her constitutionally protected right (ie. Attending church or religious worship, attending a government held public meeting, or engaged in a free speech event)
- (8) Has a medical condition or is the legal care provider for one with a medical condition that requires residency in violation of this chapter, and only when an approval waiver has been granted by the Chief of Police or City Council.”

SECTION 2: All ordinances or parts thereof in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall take effect immediately upon approval and passage.

PASSED, APPROVED AND ORDAINED this the 19th day of March, 2018.

CITY OF ARANSAS PASS, TEXAS

BY: RAMIRO GOMEZ, MAYOR

ATTEST:

Mary Juarez, City Secretary

APPROVED AS TO LEGAL FORM:

Allen S. Lawrence, Jr., City Attorney