

CITY OF SACHSE
CODE OF ORDINANCES

Chapter 12

MISCELLANEOUS REGULATIONS

Sec. 12-3. Regulation of sex offender residency.

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

Minor shall mean a person younger than 17 years of age.

Permanent residence shall mean a place where a person abides, lodges, or resides for 14 or more consecutive days.

Premise where children commonly gather shall mean a public park, private or public school, day care center as such terms are defined in the Comprehensive Zoning Ordinance of the City of Sachse, any public or non-profit recreational facility, video arcade facility, or children's oriented eating establishments, as those terms are defined in Article 481.134 of the Health and Safety Code of the State of Texas. For the purposes of this section, planted street medians are not public parks.

Temporary resident shall mean a place where a person abides, lodges, or resides for a period of 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 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 a minor as defined herein, it is unlawful for that person to establish a permanent residence or temporary residence within 1,000 feet of any "premise where children commonly gather."

(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 a minor as defined herein.

(2) 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, or, in the case of multiple residences on one property, measuring from the nearest property line of the premises to the nearest property line of the premises where children commonly gather, as described herein.

- (3) A map depicting the prohibited areas shall be maintained by the City of Sachse. The city shall review the map at least annually for changes. Said map will be available to the public at the Sachse 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 chapter.
- (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, as specified herein, within 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 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.
- (f) *Penalty.* An offense under this article shall be deemed to be a misdemeanor and, upon conviction, is punishable by a fine not to exceed \$500.00 for each offense.
(Ord. No. 2238, § 1, 9-18-06)