

## **REGULATION OF SEX OFFENDER RESIDENCY.**

**PERMANENT RESIDENCE.** A place where the person abides lodges or resides for 14 or more consecutive days.

**TEMPORARY RESIDENCE.** A place where the 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 the 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.

*(C) Sex offender residency prohibition; penalty; and exceptions.*

(1) If a person is required to register on the Department of Public Safety's sex offender database because of a violation involving a victim who was less than 17 years of age, it is unlawful for that person to establish a permanent residence or temporary residence within 2,500 feet of any premises where children commonly gather, including a playground, school, day care facility, video arcade facility, public or private youth center or public swimming pool, public park, as those terms are defined in Tex. Health and Safety Code Art. 481.134. It shall be prima facie evidence that this section applies to such person if the person's record appears on the database and the database indicates that the victim was less than 17 years of age.

(2) For the purpose 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, or in the case of multiple residences on one property, measuring from the nearest wall of the building or structure occupied or the parking/driveway, whichever is closer to the nearest property line of the premises where children commonly gather, as described herein.

(3) It is unlawful to stop, sit, park stand or loiter for any period of time exceeding the amount of time reasonably necessary to engage in legitimate activity within 2,500 feet of such facilities and locations as designated in this section.

(4) (a) Nothing in this section shall be interpreted to modify or reduce the state's Child Safety Zone, being Tex. Gov't Code § 508.187.

(b) A person, as described in division (C)(1) above, residing within 2,500 feet of those places where children commonly gather does not commit a violation of this section if any of the following apply:

1. The person established the permanent or temporary residence and has complied with all the sex offender registration laws of the state, prior to the date of the adoption of this section; **and has not established another permanent or temporary residence at any time afterwards.**
2. The person was a minor when he or she committed the offense and was not convicted as an adult;
3. The person is a minor;

4. The premises where children commonly gather, as specified herein, within 2,500 feet of the person's permanent or temporary residence was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the state; and/or

5. The person proves that the information on the database is incorrect and that, if corrected, this chapter would not apply to the person.

*(D) Property owners prohibited from renting real property to sex offenders.* It is unlawful to let or rent any 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 chapter, if such place, structure or part thereof, manufactured home, trailer or other conveyance is located within 2,500 feet, as defined in division (C)(2) above, of any premises where children commonly gather, including a playground, school, day care facility, video arcade facility, public or private youth center, or public swimming pool, as those terms are defined in Tex. Health and Safety Code Art. 481.134.

(1998 Code, § 78-86) (Ord. 07-10, passed 2-21-2007; Ord. 07-12, passed 3-7-2007) Penalty, see § 130.99