

ORDINANCE NO.: 2013-F

AN ORDINANCE FOR THE CITY OF LIVERPOOL, BRAZORIA COUNTY, TEXAS
SETTING RULES AND REGULATIONS FOR SEXUAL OFFENDERS IN THE CITY OF
LIVERPOOL; AND REGULATING RESIDENCE AND SETTING PENTALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVERPOOL,
BRAZORIA COUNTY, TEXAS:

SECTION 1: PURPOSE

Repeat sexual offenders, sexual offenders that use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender's victimization to society at large, while incalculable, clearly exorbitant.

It is the intent of this ordinance to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City of Liverpool by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residences.

SECTION 2: DEFINITIONS

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

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

"Temporary residence" means a place where the sexual offender 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, 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.

"Premises where children commonly gather" means all public or semi[public parks, private and public schools, public library, amusement arcades, video arcades, indoor and outdoor amusement centers, amusement parks, public or semi-public swimming pools, child care facility, child care institution, and recreational field, crisis center or shelter, skate park or rink, public or private youth center, movie theater, bowling alley, scouting facilities and offices for child protective services.

“Semi-public” means any facility restricted for use by residents, members, or registered guests and that is intended to be used for and is operated solely for, including, but not limited to, and in conjunction with:

- A. Hotels, motels, apartments, condominiums, bed and breakfasts or similar facilities associated with lodgings
- B. Camps or manufactured home parks
- C. Membership clubs, churches or associations.

Nothing in this ordinance shall be construed as applying to any pool. Constructed at a one or two family dwelling, and maintained by an individual for the sole use of the household and house guests.

SECTION 3: PROVISIONS

If a person is required to register on the Department of Public Safety’s Sex Offenders Database because of a violation involving a victim who was less than seventeen (17) years of age, it is unlawful for the person to establish a permanent residence or temporary residence within two thousand (2,000) feet of any premises where children commonly gather, including but not limited to, a school, day care facility, playground, public or private youth center, public swimming pool, video arcade facility, parks, baseball fields, basketball courts, churches that are holding children oriented events, children’s oriented eating establishment, or any children oriented events that are held at City Hall (which includes the pavilion located on City property). It shall be prima facie evidence that this ordinance applies to such a person if the person’s record appears on the database and the database indicates that the victim was less than seventeen (17) years of age.

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 or temporary residence by any person prohibited from establishing such permanent or temporary residence pursuant to the terms of this ordinance, if such place, structure or part thereof, manufactured home, trailer or other conveyance, is located within two thousand (2,000) feet of any premises where children commonly gather, including but not limited to, a school, day care facility, playground, public or private youth center, public swimming pool, video arcade facility, parks, baseball fields, basketball courts, churches that are holding children oriented events, children’s oriented eating establishment, or any children oriented events that are held at City Hall (which includes the pavilion located on City property).

A sexual offender, as described in this ordinance, shall on each October 30th and 31st between the hours of 4:00 P.M. and 11:00 P.M., display a sign with at least two-inch (2”) lettering on all accessible exterior doors of his/her residence as well as posting a sign with at least two-inch (2”) lettering along the walkway leading to the front door of the residence, stating “Sexual Predator Residence” Said sex offender may not

participate in the holiday. Said sex offender must keep their porch light off so that no child will approach the house for this holiday.

SECTION 4: EXCEPTIONS

A person residing within two thousand (2,000) feet of those places where children commonly gather, as specified herein does not commit a violation of this ordinance if any of the following apply:

- A. The person established the permanent or temporary residence and has complied with all the sex offender registration laws of the State of Texas, prior to the date of this ordinance.
- B. The person was a minor when he/she committed the offense and was not convicted as an adult.
- C. The person is a minor.
- D. The premises where children commonly gather, as specified herein, within two thousand (2,000) feet of the person's permanent or temporary residence was opened after the person established the permanent or temporary residence and complied with all the sex offender registration laws of the State of Texas.
- E. The person proves that the information on the database is incorrect and that, if corrected, this ordinance will not apply to the person.
- F. The person is under any order of a court of pre-eminent jurisdiction in the State of Texas or the Texas Department of Criminal Justice Parole Board permitting the person to reside at a location within two thousand (2,000) feet, as defined in this ordinance, of any premises where children commonly gather.

SECTION 5: ENFORCEMENT

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.

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.

In the case of semi-public, multi-residential properties, the exclusionary zone applies with the boundary of property lines of the subject property.

Any person, firm or corporation who violates this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

SECTION 6: VARIANCES

Variances from the terms of this ordinance shall not be contrary to the public interest but may be granted where, owing to special conditions, or when a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. Any person aggravated by any interpretation of the residency provisions for sex offender's, shall have the right to make an appeal or request for variance, to the City Council. Such appeal or request for variance shall be submitted by written notice to the City Secretary and addressed to the Mayor and the City Council asking for a hearing by the City Council. Action of the City Council shall be final. Prior to rendering a decision on any appeal or variance request, the City Council may seek advice of Counsel.

SECTION 7: SEVERABILITY

Should any section, provision, or part of this ordinance be declared unconstitutional or void by a court of competent jurisdiction, such decision shall in no way affect the validity of the remaining parts, and for this purpose said parts are severable. The City Council hereby declares that it would be passed those parts of this ordinance which are valid and omitted any parts which may be unconstitutional at the time of the passage of this ordinance.

ORDINANCE NUMBER: 2013-F

PASSED AND APPROVED THIS 8th **DAY OF** July, 2013.



Bill Strickland, Mayor

ATTEST:



Raquel Fernandez, City Secretary