

CITY OF ROCKWALL

ORDINANCE NO. 08-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING ORDINANCE NO. 06-31, DULY PASSED BY THE CITY COUNCIL ON AUGUST 6, 2006, WHICH AMENDED CHAPTER 18 OF THE CODE OF ORDINANCES TO PROVIDE FOR REGULATION OF SEX OFFENDER RESIDENCY; TO PROVIDE ADDITIONAL AREAS WHERE CHILDREN GATHER; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That Chapter 18, Article V of the Code of Ordinances which provides for regulation of sex offender residency is hereby amended in Section 18-70 (B) 1. to hereafter read as follows:

B. Offenses.

1. Sex Offender Residency Regulations. 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 sixteen (16) years of age, it is unlawful for that person to establish a permanent residence or temporary residence within one thousand feet (1,000') of any premise where children commonly gather, which, for purposes of this Ordinance, shall be a private or public park, private or public playground, private or public school or day care center, public or private youth center, public swimming pool or video arcade facility, as such terms are defined in the City's Unified Development Code, as it exists or may be amended, home owners association swimming pools or commercial pools located in residential subdivisions. For the purposes of defining a premise, any portion of a property, on which a residence is established, that adjoins or is located within the one thousand feet (1,000') shall be included in these regulations. If any term used herein is not defined in the City's Unified Development Code, the term(s) shall have the meaning ascribed by Section 481.134, Texas Health and Safety Code, as it exists or may be amended. For the purposes of this Ordinance, the above premises are depicted on a map of the City which is attached hereto and labeled Exhibit A. In addition, planted street medians shall not be considered as public parks.

Section 2. Penalty. Any person violating any provision of this Ordinance, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in accord with the General Provisions of the Code of Ordinances, and each and every day such violation continues shall be considered a separate offense; provided, however, such penal provision shall not preclude a suit to enjoin such violation.

Section 3. Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.


Section 4. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

Section 5. Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law and it is so ordained.


PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 21st day of April, 2008.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary

APPROVED AS TO FORM:


Pete Eckert, City Attorney



1st Reading: 04/07/08

2nd Reading: 04/21/08