

CITY OF HEATH  
ORDINANCE NO. 081021D

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS, AMENDING TITLE XIII, CHAPTER 134: SEX OFFENDER RESIDENCY OF THE CODE OF ORDINANCES IN SECTION 134.02, OFFENSES; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**SECTION 1:** That Section 134.02(A) of the Code of Ordinances – Sex Offender Residency Regulations is hereby repealed and in lieu thereof Section 134.02(A) shall read as follows:

“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 seventeen (17) 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 public park or playground or private or public school or day care center, public or private youth center, public swimming pool or video arcade facility. If any term used herein is not defined in the City’s Comprehensive Zoning Ordinance, 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, planted street medians are not public parks.”

**SECTION 2:** That Section 134.02(B)(1) of the Code of Ordinances is hereby repealed and in lieu thereof Section 134.02(B)(1) shall read as follows:

“It shall be prima facie evidence that this Ordinance applies to such a person if that person’s record appears on the Database and the Database indicates that the victim was less than seventeen (17) years of age.”

**SECTION 4: Savings/Repealing.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance.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 5: 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 6: Effective Date.** This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HEATH, TEXAS on this 21<sup>st</sup> day of October 2008.

  
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John Ratcliffe, Mayor

ATTEST: Stephanie Galanides  
Stephanie Galanides, City Secretary

