

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2026 - 271

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS ESTABLISHING CHILD SAFETY ZONES, PROHIBITING SEX OFFENDERS FROM GOING IN, ON, OR WITHIN CHILD SAFETY ZONES, AND ESTABLISHING REGULATIONS REGARDING RESIDENCY OF SEX OFFENDERS; PENALTIES AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Sandy Oaks (“City”) is a Type A general-law city incorporated and operating under Chapter 22 of the Local Government Code and the laws of the State of Texas; and

WHEREAS, the City Council seeks to promote the health, safety, and general welfare of the community within the city limits; and

WHEREAS, section 341.906 of the Local Government Code provides for limitations on registered sex offenders in general-law municipalities authorizing the governing body of a general law municipality to restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the municipality by ordinance; and

WHEREAS, the City Council finds that establishing child safety zones and residency restrictions for sex offenders, with certain defenses, would further protect the public health, safety, and welfare in the City;

WHEREAS, section 54.001 of the Local Government Code provides the governing body of a municipality may enforce each rule, ordinance, or police regulation of the municipality and may punish a violation of a rule, ordinance, or police regulation;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS THAT:

SECTION 1. FINDINGS OF FACT. The recitals set forth above in this Ordinance are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. DEFINITIONS. For purposes of this Ordinance, the following terms, words, and the derivation thereof shall have the meaning given herein.

- A. “Child” means any person under the age of seventeen (17).
- B. “Child safety zone” means a premises where children commonly gather. The term includes a school, day-care facility, playground, public or private youth center, public swimming pool, video arcade facility, or other facility that regularly holds events primarily for children. The term does not include a church, as defined by Section 544.251 of the Insurance Code.

- C. "City" means the City of Sandy Oaks, Texas, a Type A general-law municipality.
- D. "Database" means the Texas Department of Public Safety's Sex Offender Registry.
- E. "Day-care facility" means a facility licensed by the state, which provides care, training, education, custody, treatment, or supervision for children for less than twenty-four (24) hours a day.
- F. "Playground" means any outdoor facility that is not on the premises of a school and that (1) is intended for recreation; (2) is open to the public; and (C) contains three or more play stations intended for the recreation of children, such as slides, swing sets, and teeterboards.
- G. "Premises" means real property and all buildings and appurtenances pertaining to the real property.
- H. "Residence, permanent" means the place within the City that a person registers or verifies under Article 62.152, Texas Code of Criminal Procedure, as the person's residence.
- I. "Residence, temporary" means place where a person 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 a 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.
- J. "School" means a private or public elementary or secondary school or a day-care center, as defined by Section 42.002 of the Human Resources Code.
- K. "Sex offender" means an individual who is required to register as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure.
- L. "Video arcade facility" means any facility that: (1) is open to the public, including persons who are 17 years of age or younger; (2) is intended primarily for the use of pinball or video machines; and (3) contains at least three pinball or video machines.
- M. "Youth center" means any recreational facility or gymnasium that: (1) is intended primarily for use by persons who are 17 years of age or younger; and (2) regularly provides athletic, civic, or cultural activities.

SECTION 3. ESTABLISHING CHILD SAFETY ZONES AND PROHIBITING SEX OFFENDERS FROM GOING IN, ON, OR WITHIN CHILD SAFETY ZONES.

- A. Child safety zones are hereby established as a premises where children commonly gather as defined under Section 2, Definitions, of this Ordinance.
- B. It is unlawful for a registered sex offender to knowingly or intentionally go in, on, or within 1,000 feet of a child safety zone in the City.

SECTION 4. AFFIRMATIVE DEFENSES. It is an affirmative defense to prosecution under Section 3 of this Ordinance that:

- A. The registered sex offender was in, on, or within a specified distance of a child safety zone for a legitimate purpose, including transportation of a child that the registered sex offender is legally permitted to be with, transportation to and from work, and other work-related purposes.
- B. The person required to register on the database has been exempted by a court order from registration as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure.
- C. The person required to register on the database has had the offense for which the sex offender registration was required reversed on appeal or pardoned.
- D. The person's duty to register on the database has expired.
- E. The information on the database is incorrect, and the person listed on the database can provide evidence to show such error.
- F. The person can establish a defense to prosecution pursuant to Texas Penal Code Chapter 62 or relevant criminal provision.

SECTION 5. EXEMPTIONS.

- A. A person who is required to register as a sex offender may petition the City Council, in writing, for an exemption from the requirements of this Ordinance.
- B. The City Council may authorize an exemption from this Ordinance when, in its opinion, under hardship will result from compliance of an individualized recidivist assessment indicates an exemption should be granted. In granting an exemption, the City Council shall take into account the probable effect the exemption will have upon the public health, safety and welfare of the City.
- C. The City Council shall make findings based on specific facts of each case and shall document such findings in the official minutes of the Council meeting.

SECTION 6. SEXUAL OFFENDERS RESIDENCE PROHIBITION. It is unlawful for a sex offender to establish a permanent residence or temporary residence within 1,000 feet of any child safety zone.

SECTION 7. AFFIRMATIVE DEFENSES. It is an affirmative defense to prosecution under Section 6 of this Ordinance, that a person who has a permanent residence or temporary residence within 1,000 feet of a child safety zone:

- A. Established the permanent residence or temporary residence and complied with all the sexual offender registration laws of the State prior to the effective date of this Ordinance.
- B. Established the permanent residence or temporary residence and complied with all

the sexual offender registration laws of the State prior to the date a new child safety zone is established.

- C. The person required to register on the database has been exempted by a court order from registration as a sex offender under chapter 62 of the Texas Code of Criminal Procedure.
- D. The person required to register on the database has had the offense for which the sex offender registration was required reversed on appeal or pardoned.
- E. The person's duty to register on the database has expired.
- F. The information on the database is incorrect, and the person listed on the database can provide evidence to show such error.
- G. It is not a defense to prosecution under this section that a person, who is required to register as a sex offender under the Texas Code of Criminal Procedure, was allowed by mistake or error of the City to reside in a permanent residence or temporary residence that is within 1,000 feet of any child safety zone.
- H. That the person can establish a defense to prosecution pursuant to Texas Penal Code Chapter 62 or relevant criminal provision.

SECTION 8. PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO REGISTERED SEX OFFENDERS. It is unlawful to sublet or rent any place, structure or part thereof, manufactured home, trailer, or any 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 Ordinance, if such place, structure, or part thereof, manufactured home, trailer, or other conveyance is located within 1,000 feet from a child safety zone, as defined above.

SECTION 9. MEASUREMENT.

- A. For the purposes of Section 3 of this Ordinance, measurement is made in a straight line, without regard to intervening structures or objects, from the nearest property line of the child safety zone.
- B. For the purposes of Sections 6 and 8 of this Ordinance, measurement is made in a straight line, without regard to intervening structures or objects, from the nearest portion of the permanent residence or temporary residence to the nearest property line of the child safety zone.
- C. In cases of dispute over measured distances, it shall be incumbent upon the person(s) challenging the measurement to prove otherwise.

SECTION 10. PENALTIES. Any person found guilty of violating this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed the maximum amount of \$500.00. Each day that a violation exists shall constitute a separate offense.

SECTION 11. REPEALING OF CONFLICTING ORDINANCES. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances that are directly inconsistent with or in direct conflict with any of the provisions of this ordinance are hereby expressly repealed but only to the extent of any such inconsistency or conflict.


SECTION 12. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance for any reason is held invalid, illegal, or incapable of being enforced, such section, subsection, sentence, clause, or phrase shall be excluded to the extent of such invalidity, illegality, or unenforceability; all other sections, subsections, sentences, clauses, or phrases hereof shall remain in full force and effect.

SECTION 13. OPEN MEETING. It is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551 of the Texas Government Code.

SECTION 14. EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication as required by section 52.011 of the Local Government Code.

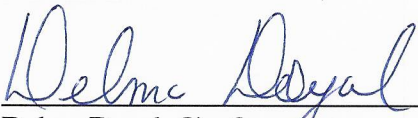
PASSED AND APPROVED on this 26th day of March, 2026.

CITY OF SANDY OAKS, TEXAS



Michael Martinez, Jr., Mayor

ATTEST:



Delma Doyal, City Secretary