

Ordinance No. 2024-24
Village of Salado
County of Bell
November 7, 2024

ORDINANCE NO. 2024-24

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, TO ESTABLISH CHILD SAFETY ZONES AND DISTANCE RESTRICTIONS FOR REGISTERED SEX OFFENDERS; AND INCLUDING THE FOLLOWING: FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code § 51.032, the Board of Aldermen (the “Board”) of the Village of Salado, Texas (the “Village”) is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village; and

WHEREAS, the Board finds and declares that sex offenders may pose a serious threat to public safety; and

WHEREAS, the Board finds that the recidivism rate for released sex offenders is significant, especially for those who commit crimes against children; and

WHEREAS, the Board finds that restrictions on the proximity of sex offenders to schools or other facilities are a demonstrable way to prevent recidivism; and

WHEREAS, the Board finds that establishing an ordinance to restrict the property available for the residence of registered sex offenders provides better protection for the safety of children within the Village; and

WHEREAS, in 2017 the Texas Legislature adopted House Bill 1111, which became effective September 1, 2017, which adds Section 341.906 to Chapter 341 of the Texas Local Government Code, expressly authorizing the governing body of a general law municipality such as the Village to restrict registered sex offenders from being within a certain distance of a child safety zone within the Village; and

WHEREAS, it is deemed in the best interest of the Village for the health, safety, and welfare of its citizens that an ordinance be established to regulate child safety zones and distance restrictions for registered sex offenders within the Village; and

WHEREAS, the Board desires to establish the child safety zones and distance restrictions for registered sex offenders in order to protect the healthy, safety, and welfare of the residents of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

SECTION I. ENACTMENT PROVISIONS

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The Child Safety Zone Ordinance.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

SECTION II. ADOPTION

Ordinance No. 2024-24 is hereby adopted as follows:

A. Definitions

For the purposes of this Ordinance, the following words, terms, and derivations thereof shall have the meanings given herein.

Child safety zone – a premise where children commonly gather. The term includes a school, daycare facility, playground, public or private youth center, public swimming pool, video game arcade facility, or other facility that routinely holds events primarily for the attendance of children. The term does not include a church, as defined in Section 544.251 of the Texas Insurance Code.

Playground, premise, school, video arcade facility, and youth center – facilities with the meanings as adopted in Section 481.134 of the Texas Health and Safety Code.

Registered sex offender – an individual who is required to register as a sex offender pursuant to Chapter 62 of the Code of Criminal Procedure.

B. Offense

It is an offense for a registered sex offender to go in, on, or within 1,000 feet of a child safety zone in the Village of Salado.

C. Measurements; Map

1. For the purposes of measuring the distances pursuant to this Ordinance, the requirement shall be measured by following a straight line from the outer line of the child safety zone property.
2. A map depicting the child safety zones within the Village shall be created by the Village and maintained by the Village police department. The Village shall review the map annually for changes. The map shall be available to the public at the Village Police Department and shall be posted on the Village website.

D. Culpable Mental State Not Required

Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this Ordinance.

E. Affirmative Defense

It is an affirmative defense to prosecution of an offense under this Ordinance that the registered sex offender was in, on, or within 1,000 feet 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 or from work, and other work-related purposes.

F. Exemptions

1. A registered sex offender who established residency in a residence located within 1,000 feet of a child safety zone established before the effective date of this ordinance is exempt from the effect of this ordinance; however, the exemption only applies:
 - A. To areas necessary for the registered sex offender to have access to and live in the residence; and
 - B. To the period that the registered sex offender maintains residency in such residence.
2. A registered sex offender may seek an exemption from the application of this ordinance by submitting a request in writing to the Police Chief specifying the background, reason, and scope of the requested exemption. The Police Chief may seek additional information from the requestor, and shall issue a written determination on the requested exemption within ten (10) business days from the filing of the request. The requestor may appeal to the Board of Aldermen from the determination of the Police Chief by filing the appeal in writing with the City Secretary within ten (10) days of the Police Chief's determination.

G. Penalty

Any person, firm, corporation, agent, or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an

amount not to exceed \$500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION III. RESERVATION OF RIGHTS

All rights and remedies of the Village of Salado, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting the streets and roadways of the Village which existed at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, the same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION IV. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION V. SEVERABILITY CLAUSE

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Alderman of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION VI. REPEALER CLAUSE

The provisions of this ordinance shall 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 inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

SECTION VII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

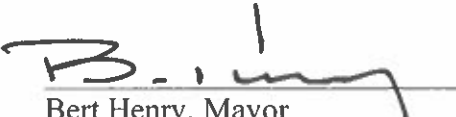
SECTION VIII. NOTICE AND MEETING CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION IX. PUBLICATION

This Ordinance shall become effective immediately upon the date of its publication as required by § 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

PASSED AND APPROVED on SECOND READING this, the 21st day of November, 2024, by a vote of 4 (ayes) to 0 (nays) and 0 abstentions vote of the Board of Aldermen of the Village of Salado, Texas.


Bert Henry, Mayor

ATTEST:


Debra Bean, Village Secretary

Approved to Form:

Josh Katz, Village Attorney



Village of Salado
Child Safety Zones

Legend
 Child Safety Zone
 School Safety Zone

