

## ORDINANCE

**AN ORDINANCE OF THE CITY OF BURLESON, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF BURLESON, TEXAS, AS AMENDED, BY AMENDING SECTION 54-151 “OFFENSES” OF ARTICLE VIII “REGULATION OF SEX OFFENDER RESIDENCY” OF CHAPTER 54 “MISCELLANEOUS OFFENSES” TO PROHIBIT CERTAIN SEX OFFENDERS FROM RESIDING WITHIN 2,000 FEET OF CERTAIN PREMISES WHERE CHILDREN COMMONLY GATHER; AMENDING THE CODE OF ORDINANCES, CITY OF BURLESON, TEXAS, AS AMENDED, BY AMENDING SECTION 54-154 “AFFIRMATIVE DEFENSES” OF ARTICLE VIII “REGULATION OF SEX OFFENDER RESIDENCY” OF CHAPTER 54 “MISCELLANEOUS OFFENSES” TO ALLOW AN AFFIRMATIVE DEFENSE FOR CERTAIN SEX OFFENDERS RESIDING WITHIN 2,000 FEET OF CERTAIN PREMISES WHERE CHILDREN COMMONLY GATHER IF THE PREMISES WAS ESTABLISHED AFTER THE RESIDENCY WAS LAWFULLY ESTABLISHED; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Burleson, Texas (the “City”), is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City passed Ordinance No. B-803-13 on February 18, 2013, providing for the regulation of sex offender residency, codified in Article VIII “Regulation of Sex Offender Residency” of Chapter 54 “Miscellaneous Offenses” of the Code of Ordinances, City of Burleson, Texas, as amended; and

**WHEREAS**, the City seeks to protect the health, safety, and welfare of its citizens by amending Article VIII “Regulation of Sex Offender Residency” of Chapter 54 “Miscellaneous Offenses” of the Code of Ordinances, City of Burleson, Texas, as amended, as provided herein; and

**WHEREAS**, the City has the authority pursuant to its police powers as a home rule municipal corporation to adopt and enforce ordinances and regulations to protect the health, safety, and welfare of the public; and

**WHEREAS**, the City Council finds that protecting children from sexual abuse and predatory behavior is a legitimate and compelling governmental interest; and

**WHEREAS**, pursuant to Chapter 62 of the Texas Code of Criminal Procedure, the Texas Legislature has established a system of registration for persons convicted of certain sexual offenses, including individuals convicted of sexual offenses against children; and

**WHEREAS**, persons required to register as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure for offenses against children present a high risk of recidivism and a particular danger to children; and

**WHEREAS**, the City Council desires to reduce opportunities for contact between registered sex offenders and children by restricting where such offenders may reside in relation to areas where children commonly gather within City limits; and

**WHEREAS**, the City Council finds that establishing child safety zones at 2,000 feet around areas where children commonly gather will serve to protect children and promote the public safety and welfare;

**WHEREAS**, the City Council finds that this ordinance is not intended to impose additional punishment on those required to register as sex offenders but to serve the civil and regulatory purposes of protecting children and preventing future victimization; and

**WHEREAS**, the City Council finds that establishing child safety zones at 2,000 feet around areas where children commonly gather will not completely prohibit registered sex offenders from residing within the City of Burleson; and

**WHEREAS**, the City Council, prior to the adoption of this ordinance, held a public hearing on the ordinance on May 18, 2026, and considered the public testimony, Police Department recommendations, and relevant research regarding offender proximity and risk reduction; and

**WHEREAS**, the City Council has determined that the restrictions imposed by this ordinance are rationally related to legitimate public safety objectives and do not violate the constitutional rights of affected individuals; and

**WHEREAS**, the City Council finds this ordinance to be reasonable and necessary to protect the health, safety, and welfare of the public;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, THAT:**

**Section 1.**

Section 54-151, "Offenses," of Article VIII, "Regulation of Sex Offender Residency," of Chapter 54, "Miscellaneous Offenses," of the Code of Ordinances, City of Burleson, Texas, as amended, is hereby amended by altering the text of subsection (a) to read as follows:

**§ 54-151 Offenses.**

“(a) For each person required to register as a sex offender pursuant to Chapter 62, Code of Criminal Procedure, on the Texas Department of Public Safety's Sex Offender Database (the "database") because of a reportable conviction or adjudication involving a victim younger than 17 years of age, it is unlawful for that person to establish a permanent residence or temporary residence within 2,000 feet of any defined premises where children commonly gather, including a playground, school, day care center, video arcade facility, public or private youth center, park, or community swimming pool, as those terms are defined in V.T.C.A., Health and Safety Code § 481.134 or as defined above.”

...

### **Section 2.**

Section 54-154, “Affirmative Defenses,” of Article VIII, “Regulation of Sex Offender Residency,” of Chapter 54, “Miscellaneous Offenses,” of the Code of Ordinances, City of Burleson, Texas, as amended, is hereby amended by altering the text of subsection (4) to read as follows:

### **§ 54-154 Affirmative Defenses.**

...

“(4) The premises where children commonly gather within 2,000 feet of the permanent or temporary residence of the person required to register on the database was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the State of Texas.”

...

### **Section 3.**

The findings set forth above in the recitals of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

### **Section 4.**

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

### **Section 5.**

This ordinance shall be cumulative of all provisions of ordinances of the City, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

### **Section 6.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable and if any phrase, clauses, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in its ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**Section 7.**

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense in accordance with Section 1-14 of the Code of Ordinances, City of Burleson, Texas. Each day that a violation exists shall constitute a separate offense.

**Section 8.**

All rights and remedies of the City of Burleson, Texas, are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Burleson, Texas, or any other ordinances of the City, that have accrued 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, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

**Section 9.**

The City Secretary of the City is hereby directed to publish the caption and penalty clause of this ordinance as required by Section 36 of the City's home rule Charter.

**Section 10.**

This ordinance shall be in full force and effect from and after its passage and publication, and it is so ordained.

AND IT IS SO ORDAINED.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**First Reading:** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

**Final Reading:** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

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Amanda Campos, City Secretary

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E. Allen Taylor, Jr., City Attorney