

ORDINANCE NO. 853

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF EVERMAN, BY AMENDING CHAPTER 10, "HEALTH, SAFETY AND NUISANCES," ARTICLE X "SEX OFFENDER RESIDENCY AND CHILD SAFETY ZONES;" PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND, IN CASES OF ENDANGERMENT TO PUBLIC HEALTH AND SAFETY, A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has previously adopted provisions governing sex offender residency and child safety zones; and

WHEREAS, the City desires to update those provisions to enlarge protections for children by prohibiting residency of sex offenders within 2,000 feet of child safety zones; and

WHEREAS, the City Council of the City of Everman finds it to serve the health, safety and general welfare of the City to approve this ordinance amending and updating the provisions related to sex offender residency and child safety zones;

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

SECTION 1. Chapter 10, "Health, Safety and Nuisances," Article X "Sex Offender Residency and Child Safety Zones" is hereby amended by amending sections 10-173 through 10-176 to read as follows:

"Sec. 10-173 – Sex offender prohibition

- (a) It is an offense for a sex offender to establish a permanent residence or temporary residence within two thousand (2,000) feet of a child safety zone.
- (b) . . .
- (c) . . .
- (d)

Sec, 10-174 – Property owners prohibited from renting real property to registered sex offenders

It is unlawful to let, 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 chapter, if such place, structure, or part thereof, manufactured home, trailer, or other conveyance is located within two thousand (2,000) feet, as defined in section 10-175, from a child safety zone, as defined in section 10-172.

Sec. 10-175 – Evidentiary matters

- (a) ...
- (b) ...
- (c) ...
- (d) The distance of two thousand (2,000) feet from a child safety zone shall be measured on a straight line from the closest boundary line of the sex offender's residence to the closest boundary line of the child safety zone property.
- (e) ...
- (f) ...
- (g) ...

Sec. 10-176 – Exceptions

- (a) ...
- (b) The child safety zone, as specified herein, within two thousand (2,000) feet of the permanent or temporary residence of the person required to register on/in 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.
- (c) ...
- (d) ...
- (e) The person required to register is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution located within two thousand (2,000) feet of a child safety zone.
- (f) ...
- (g) ...
- (h) ...
- (i) ...
- (j)”

SECTION 2. All ordinances of the City of Everman, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 3. Should any section, paragraph, sentence, subdivision, clause, phrase, or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City.

SECTION 4. This ordinance shall take effect immediately upon its passage and adoption and the publication of the caption as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Everman, Texas, on this the _____ day of May 2026.

APPROVED:

Ray Richardson, Mayor

Attest:

Approved as to form:

Mindi Parks, City Secretary
4934-9030-5193, v. 1

Victoria Thomas, City Attorney