

ORDINANCE NO. 752

AN ORDINANCE OF THE CITY OF MANOR, TEXAS AMENDING ORDINANCE NO. 421 AND CHAPTER 8 OFFENSES AND NUISANCES, SECTION 8.03 SEX OFFENDER RESIDENCY, CHANGING DESIGNATED CITY STAFF, AMENDING VARIANCE PROCESSES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Manor, Texas (the “City”) is a home-rule municipality; and

WHEREAS, the City Council of the City of Manor, Texas (the “City Council”) finds and declares that certain sex offenders are a serious threat to public safety and have a compelling interest to protect children from such individuals; and

WHEREAS, the City Council finds that the recidivism rate for certain released predator sex offenders is alarmingly high, especially for those who commit their crimes against children; and

WHEREAS, the City of Manor Code of Ordinances provides a 2,000 foot safety zone for residency of individuals convicted of certain sexual offenses requiring them to be registered on the Texas Department of Public Safety's Public Sex Offenders Database; and

WHEREAS, the City Council finds that amendments to staffing requirements and variance timeframes will enable a more efficient process for the oversight of the residency requirements and the variance process.

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

SECTION 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

SECTION 2. Evidentiary Matters; Measurements. The City Council hereby amends Section 8.03.004(d) to read as follows:

“(d) A map depicting the 2,000-foot child safety zones shall be maintained by the City. With input from the Manor Police Department Detective over Sex Offender Registration, the Development Services Director or their designee shall review, update or modify the map as deemed necessary. The map will be available to the public at the Manor Police Department and on the City’s website.”

SECTION 3. Request for Variance. The City Council hereby amends Section 8.03.006 (b) through (d) in their entirety to read as follows:

“(b) A request for a variance from the terms of this article shall be submitted in writing to the Manor Police Department Detective over Sex Offender Registration or their designee and shall include the following information:

- (1) The person's name and address;
- (2) The offense(s) requiring registration on the Database for which the person was convicted;
- (3) Date(s) of conviction(s);
- (4) The specific grounds supporting the person's request for a variance; and
- (5) Any other information requested by the City.

(c) The Chief of Police may grant a variance request based upon the grounds set forth in Section 6. The Chief of Police shall issue a written ruling on a variance request within thirty (30) business days of receiving a completed application. The Chief of Police's ruling may be appealed to the City Council by submitting a written request for appeal to the City Secretary within ten (10) days from the date of the Chief of Police's ruling or the deadline for issuance of a ruling, in the event the Chief of Police does not make a ruling within the required time period. Upon receipt of a written appeal, the City Secretary shall schedule the appeal for the next regularly scheduled City Council meeting for which notice can be lawfully posted.

(d) In addition to the grounds set forth herein, the City Council may grant a variance if it finds that the facts and circumstances demonstrate that the Registrant's temporary or permanent residence within the child safety zone will not be a danger to children. A variance requested under this subsection (d) may be granted by the City Council only. A person who seeks a variance under this section shall apply for a variance as provided in subsection (b) of this section. Upon receipt of a completed application, the Manor Police Department shall process it and submit it to the City Secretary to schedule. The City Secretary shall schedule the variance request for the next regularly scheduled City Council meeting for which notice can be lawfully posted by the City Secretary. The person requesting the variance shall be notified of the City Council's decision in writing.”

SECTION 4. Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern. This Ordinance amends Ordinance No. 421.

SECTION 5. Savings Clause. All rights and remedies of the City of Manor are expressly saved as to any and all requirements of the provisions of any ordinances affecting council compensation within the City which have accrued at the time of the effective date of this ordinance.

SECTION 6. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

SECTION 7. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph, or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 8. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

[signatures follow on next page]

PASSED AND APPROVED on this 18th day of June 2024.

THE CITY OF MANOR, TEXAS

Dr. Christopher Harvey, Mayor

ATTEST:

Lluvia T. Almaraz, City Secretary