

**REGULAR MEETING OF CITY COUNCIL**

**MAY 21ST, 2012**

**PRESENT:** Billy John Murphy Mayor  
Greg Drennan Alderman Place 1  
April Couch Alderman Place 2  
Donnie Hayes Alderman Place 3  
Justin Hart Alderman Place 3  
Dianna Sursa Alderman Place 4  
Jeff Irvin Alderman Place 5

**STAFF:** Mark Anderson City Manager  
Jocelyn Perez City Secretary  
Matt Daffern Director of Public Works  
Marie Farbro Chief of Police  
Tonia Eberhardt EMS Director  
Alan Wells Fire Chief  
Patrick Lambert Police Officer

**GUESTS:** Rhonda Hart

**ITEM #1: CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE, WELCOME GUESTS**

Mayor, Billy Murphy called the meeting to order at 6:02 P.M., Council Member Hayes gave the invocation, and lead the pledge. Mayor Murphy took time to thank all guests for coming.

**ITEM #2: RESOLUTION CANVASSING THE RETURNS AND DECLARING RESULTS OF THE GENERAL ELECTION HELD MAY 12<sup>TH</sup>, 2012 : APPROVED**

**RESOLUTION NO. 05212012**

**A RESOLUTION CANVASSING THE RETURNS OF THE GENERAL ELECTION HELD MAY 12, 2012 FOR ALDERMAN PLACE II, ALDERMAN PLACE III, AND ALDERMAN PLACE V**

**WHEREAS**, notice of said election was actually given as required by law; and conformity with the election was duly and legally held on the 12<sup>th</sup> day of May, 2012, in conformity with the election laws of the State of Texas, and the result of said election have been certified and returned by the proper Judge and Clerks of said election: and

**WHEREAS**, this City Council on May 21<sup>st</sup>, 2012 considered the returns of said election which was held on the 12<sup>th</sup> day of May 2012; and

**WHEREAS**, it appears to the Council and Council so finds that said election was in all respects lawfully held; and

**WHEREAS**, it appears to the Council and the Council so finds that the result of said election have been tabulated and certified to the Council and that such tabulation is correct.

**NOW, THEREFORE, BE IT RESOLVED** City Council of the City of Stinnett, Texas;

That the tabulation of votes cast in the General Election held on the 12<sup>th</sup> day of May 2012, made and certified to are as follows:

<u>Alderman Place II</u>		<u>Alderman Place III</u>		<u>Alderman Place V</u>	
April Couch	137	Justin Hart	162	Jeff Irvin	195
Kim Johnston	76	Donnie Hayes	55		
<b>TOTAL VOTES</b>	<b>213</b>	<b>TOTAL VOTES</b>	<b>217</b>	<b>TOTAL VOTES</b>	<b>195</b>

These results are hereby adopted as the official tabulation of the votes cast at said election.

II.

That said election was duly called; that notice of said election was given in accordance with law and that said election was held in accordance with law.

III.

That the official canvass of the returns of said election reflects that:

*April Couch was duly elected as Alderman Place II and*

*Justin Hart was duly elected as Alderman Place III and*

*Jeff Irvin was duly elected as Alderman Place V, at said election.*

IV.

That said named parties are hereby declared duly elected to their respective offices to the taking of their oaths of office and filing bond as provided for by the laws of the State of Texas.

Resolved by the City Council of the City of Stinnett, Texas on the 21<sup>st</sup> day of May 2012.

The City of Stinnett, Texas

Attest:

\_\_\_\_\_

Billy Murphy, Mayor

\_\_\_\_\_  
Jocelyn Perez, City Secretary

### **ITEM #3: OATH OF OFFICE ADMINISTERED TO NEWLY ELECTED COUNCIL MEMBERS**

City Secretary Jocelyn Perez administered the Oath of Office to the Following newly Elected Council Members:

Alderman Place II      April Couch

Alderman Place III     Justin Hart

Alderman Place V       Jeff Irvin

### **ITEM #4: MONTHLY REPORTS**

**Maintenance:**                      Director of Public Works, Matt Daffern reported the following:

88 Work Orders Completed

13 Disconnects

16 Occupant Changes

1 Sewer Call

7 Meter Changes

2 Cut for Non-Payment

**E.M.S.:** 13 Call Outs  
8 Transports to GPCH  
4 No Transports  
One Canceled Call

**Fire Department:** Fire Chief Alan Wells reported the following:

The Fire Department needs to update some reports with the State Fireman's and Fire Marshal's Organization. He also reported to the Council that he was still waiting for the Title on the truck donated from the County.

**Police Department:** Police Chief, Marie Farbro reported the following:

Contacts – 54  
Calls for Service – 157  
Accidents – 1  
Agency Assists – 3  
Arrests – 2  
E.M.S. – 6

**C.D.C.:** (No Report)

**City Manager:** City Manager Mark Anderson reported the following:

Well #3: In order to address the discoloration continuance, we are putting some special coated column pipe in the portion that stands in water at the bottom. Hopefully, this will minimize/reduce the “red discoloration” and allow us to run this well to its full potential. Cost associated with this is \$15,220.

Trash Truck: The 2008 unit is not worthy of putting any more maintenance investment into. Thus, we are reviewing getting a replacement chassis and transfer the existing compactor unit to it.

Gas System: TML Rep. Sammy Russo will be here on May 23<sup>rd</sup> for our Annual Review.

Storm Sewer Project / 9<sup>th</sup> St.: Curb & Gutter work near completion, with the street sealcoating to occur in a couple weeks or so.

Sealcoating Streets: We met with contractor & engineer this past week on this, with work on this to begin in 2 to 4 weeks. We may go in with the County on 1<sup>st</sup> Street.

**ITEM #5: MINUTES FROM THE REGULAR MEETING APRIL 16, 2012. – APPROVED**

Following review of the minutes of the regular meeting April 16, 2012, motion was made by Council Member Drennan, seconded by Council Member Sursa, to approve the minutes as submitted. The motion carried by the following vote:

Ayes: All members present voted aye.  
Nays: None.

**ITEM #6: APRIL 2012 PAYMENT TRANSACTIONS - APPROVED**

The expenditures for April 2012 were submitted for the consideration of the Council. A motion was made by Council Member Sursa, seconded by Council Member Irvin, to approve payment of the expenditures for April 2012. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**ITEM #7: 3<sup>rd</sup> Reading of City Ordinance No: 324 Amending Ordinance No: 316 An Ordinance Providing for the Furnishing of Gas, Water, Sewer and Sanitation Services by the City of Stinnett, Texas, and the Rates to be Charged for Such Services.)**

Mayor Billy Murphy presented the 3<sup>rd</sup> Reading of City Ordinance No: 324. Copies were distributed to guests present.

***ORDINANCE NO. 324***

***AN ORDINANCE PROVIDING FOR THE FURNISHING OF GAS, WATER, SEWER AND SANITATION SERVICES BY THE CITY OF STINNETT, TEXAS, AND THE RATES TO BE CHARGED FOR SUCH SERVICES; PROVIDING FOR AND REGULATING DEPOSITS AND PAYMENTS FOR SUCH UTILITY SERVICES; PROVIDING FOR THE EXTENSION OF UTILITY LINES TO CUSTOMERS AND FOR UTILITY TAP FEES; PROVIDING FOR CERTAIN ADMINISTRATIVE PROCEDURES AND SERVICE CHARGES; REVOKING ALL PRIOR ORDINANCES PERTAINING THERETO; AND PROVIDING THAT SHOULD ANY SECTION OF OR PART OF ANY SECTION OF THIS ORDINANCE BE HELD VOID, THE REMAINING PORTIONS SHALL NOT BE AFFECTED.***

***WHEREAS, the City Council of the City of Stinnett, Texas, finds it desirable to improve (1) the furnishing of gas, water, sewer and sanitation services to its customers, (2) the extension of such utility lines to its customers, (3) the payments for such services and the deposits for utility services, (4) administrative procedures and service charges for these utility services; and (5) the service areas for each of the services provided by the City of Stinnett, and***

***WHEREAS, the City Council of said City has determined that it is in the best interest of the City and its customers to revoke all prior ordinances and establish one ordinance providing for and regulating such matters;***

***THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STINNETT, TEXAS;***

***I.***

***1.01.***

***GAS SERVICE***

*The following schedule of monthly rates and charges for natural gas service furnished by the City shall be and such is hereby adopted and established:*

- (1) First 1,000 cubic feet or minimum charge inside city limits shall be \$5.50 plus the city cost of gas and shall be \$10.50 plus the city cost of gas for customers outside of City limits.*
  - (2) All over 1,000 cubic feet, per 1,000 cubic feet \$3.85*
  - (3) All over 1,000 cubic feet, per 1,000 cubic feet outside city limits \$4.25*
- Above the cost of the gas as purchased by the City, to be adjusted monthly if necessary.*

**1.02.**

**WATER SERVICE**

*The following schedule of monthly rates and charges for water service furnished by the City shall be and such is hereby adopted and established:*

- (1) Minimum charge for customers inside City Limits with gas service will be charged \$12.50 customers with no gas service will be charged \$15.50. All customers who reside outside of the City Limits will be charged \$15.50.*
- (2) Per 1,000 gallons \$2.50*
- (3) Per 1,000 gallons outside city limits \$3.25*

**1.03.**

**SEWER SERVICE**

*The following schedule of monthly rates and charges for sewer service furnished by the City shall be and such is hereby adopted and established:*

- (1) Residential Service \$12.50*
- (2) Commercial Service (Based upon B.O.D. loading)*
  - (a) General \$17.50*
  - (b) Car Wash \$32.50*

(c)	<i>PSPCISD Contract</i>	\$102.50
(d)	<i>Hutchinson County Contract</i>	\$77.50
(e)	<i>Motels</i>	\$27.50

**1.04.**

***SANITATION SERVICES***

*The following schedule of monthly rates and charges for sanitation service furnished by the City shall be and such is hereby adopted and established:*

(1)	<i>Single-Family Residence</i>	\$20.50
	<i>Outside City Limits</i>	\$30.50
(2)	<i>Business Charge</i>	
	<i>1 container 1 time per week</i>	\$44.50
	<i>1 container 2 times per week</i>	\$84.50
	<i>1 container 3 times per week</i>	\$125.50
	<i>2 containers 1 time per week</i>	\$81.65
	<i>2 containers 2 times per week</i>	\$162.65
	<i>2 containers 3 times per week</i>	\$203.65
	<i>3 containers 1 time per week</i>	\$121.65
	<i>3 containers 2 times per week</i>	\$242.65
	<i>3 containers 3 times per week</i>	\$283.65

*If more than one business shares a container the cost is to be split by the businesses using the container.*

*For resumption of service, there shall be a \$35.00 dumpster reset fee. For Service outside the City Limits, there shall be a \$35.00 deposit required.*

## **II.**

### **2.01.**

#### **GAS SERVICE**

*Along with the application for gas service from the City, the applicant shall pay to the City a deposit in the amount of \$100.00 for each residential service, \$150.00 for commercial service. If more than one dwelling is receiving service through the same meter, each dwelling must pay a deposit of \$100.00. Failure to give such deposits may result in the cutting off of service to all dwellings using the meter. Each dwelling will be charged the minimum for any connection to a utility.*

### **2.02.**

#### **WATER SERVICE**

*Along with the application for water service from the City, the applicant shall pay to the City a deposit in the amount of \$50.00 for each residential services, \$100.00 for commercial service. If more than one dwelling is receiving service through the same meter, each dwelling must pay a deposit of \$50.00. Failure to give such deposits may result in the cutting off of service to all dwellings using the meter. Each dwelling will be charged the minimum for any connection to a utility.*

### **2.03.**

#### **REFUND OF DEPOSIT**

*Any deposit made to the City for utility service shall be held by the City until the utility service for which the deposit was made shall be terminated. Upon termination of such service, the customer shall be entitled to a refund of such deposit, less any amount which is due owing to the City for providing any utility service.*

### **2.04.**

## **SECOND DISCONNECT**

*In the event that any City utility customer has utility services terminated and disconnected for the second time for failure to pay charges, or administrative fees when due, such customer shall be required to deposit with the City the additional amount equal to the cost of new service in addition to existing deposits before such utility service will be resumed.*

**2.05.**

## **DEPOSIT REQUIREMENTS**

*The City of Stinnett, in agreement with Texas Revenue Recovery Association requires that any individual over the age of 18 years of age be identified as part of a household. Failure to identify can result in disconnection of services.*

## **III.**

## **EXTENSIONS**

**3.01.**

## **SCOPE OF PROVISIONS**

*The provisions of this article shall be applicable only to and for those extensions of gas, water and sewer lines in the right-of-way on the City side of the meter which will be designated by the City Council. This section shall not be construed to exclude the payment of the standard tapping charges or deposits which may be required.*

**3.02.**

## **COSTS**

*In the extension of any existing water line cost will be designated by the City Council.*



**3.03.**

**LOCATION AND GRADE OF PIPE**

*The location and size of pipe to be used in any water sewer extension, as well as the grade thereof, shall be determined by the City.*

**3.04.**

**CONSTRUCTION**

*The City reserves the right to do and perform all the work and construction required in gas, water and sewer extension, and to inspect any such construction performed by others. All material used and work performed shall be approved and in conformity with City standards and specifications.*

**IV.**

**PAYMENT OF UTILITY CHARGES**

**4.01.**

**DUE DATE**

*The charges fixed and prescribed by this ordinance for the provision of utility services shall be due and payable in the office of the City Secretary on or before the fifteenth (15<sup>th</sup>) day following the date bills therein shall be mailed. In the event that such charges are not paid in full by such date, a penalty of ten per cent (10%) of the amount due and payable shall be added to such charges. In the event that such charges are not paid in full by 1:00 pm on the twenty-fifth (25<sup>th</sup>) day of the month following the date bill therein are mailed a service charge of twenty dollars (\$20.00) will be assessed. All deposits, tap fees and all other administrative fees assessed under the provisions of this ordinance shall be payable immediately.*

**Note: Cut-off-of-Service**

When the (25<sup>th</sup>) falls on a Friday, Saturday, or Sunday, cut-offs shall not occur until the following business day at 10:00 a.m. All penalties / late fees are still applicable and in force.

4.02.

#### **RETURNED CHECKS**

*In the event a customer tenders payment for service by check and the same is refused by the paying bank, the bill shall be declared delinquent and the City shall forthwith notify the customer, either in person or by written notice of the refused check. Each customer who tenders the City a check which is refused by the paying bank shall be assessed an additional service charge of twenty-five dollars (\$25.00). If the customer shall fail to immediately redeem such check, service shall be disconnected and an additional service charge of twenty dollars (\$20.00) will be assessed.*

4.03.

#### **CASH PAYMENTS**

*The City reserves the right to refuse payment by check, and require payment in cash for the following:*

- (1) Any customer who has previously made any payment to the City of Stinnett by an insufficient check; or*
- (2) Any customer whose utility account with the City is overdue.*

4.04.

#### **DISCONNECT OF SERVICE**

*In the event that any City utility customer does not pay all applicable utility charges on or before the twenty-fifth (25<sup>th</sup>) day after the same are due, or fails to pay any administrative fees or charges upon demand, the City Secretary or the Utility Billing Clerk are authorized by the City Council of the City of Stinnett to disconnect or terminate or cause to be disconnected all utility services furnished such customer.*

4.05.

#### **RESUMPTION OF SERVICE**

*Any utility customer whose utility services have been disconnected or terminated for the nonpayment of the charges and fees therefore may have such utility services resumed by paying all charges and fees due by him to the City and in addition thereto, have the requisite amount on deposit with the City.*

**4.06.**

***THEFT OF SERVICES***

*Any utility customer whose utility services have been disconnected or terminated for nonpayment of the charges and fees and turn such services back onto such dwelling will be charged with theft of services through the Stinnett Police Department.*

**V.**

***SERVICE CHARGES***

**5.01.**

***WATER AND SEWER TAP FEES***

*The following schedule shall apply for tap fees and such is hereby adopted and established.*

(1) *Water Tap Fee – The following shall be made by the City for each and every water tap connection made to the City’s water mains:*

a) *5/8”x 3/4” meter* *\$225.00*

b) *1” meter* *\$500.00*

c) *1 1/2” and over meter – cost to be determined by the City upon current costs to the City at the time the tap connection is made. Among the factors to be considered is the size of the line and whether the line can be tapped by the City.*

(2) *Sewer Tap Fee* *\$225.00*

**5.02.**

## **GAS TAP FEE**

*The following charges shall be made by the City of each and every gas tap connection made to the City's gas supply lines:*

- |     |   |          |
|-----|---|----------|
| (1) | 5 Lt. Meter   | \$225.00 |
| (2) | <i>Larger than 5 Lt. Meter – Cost to be determined by the City upon current cost to the City at the time the tap connection is made. Among factors to be considered is the size of the line and whether the line can be tapped by the City.</i> |          |

### **5.03.**

## **METER READING**

*In the event a customer requests that the City reread utility meter, the City shall perform the service free of charge once in a calendar year; except that, if the meter has been read twice by the City during the billing period and prior to such customer request, then the City may charge a fee of \$5.00 for reading the meter as requested. If one (1) or more additional readings are made at the request of the customer during the same billing period, the City shall charge an additional \$5.00 per reading. If, upon reading, the City's previous reading is determined to have been incorrect, the fee such correct reading shall be waived.*

### **5.04.**

## **RECONNECT FEES**

- (1)** *The following fees shall be charged for any and every call to turn utilities on or off for the purpose of repairs or resumption of service. Also, for gas service reconnects, which must include a gas pressure test, customers must contact City Hall before noon Monday thru Friday, in order for said test to be conducted during staff work hours:*

*During Office – Maintenance Hours:* **\$25.00**

*After Office – Maintenance Hours:* **\$40.00**

(2) *In addition, the following fees shall be charged by the City for any and every service call to turn utilities on or off after a disconnection for nonpayment:*

*During Office – Maintenance Hours:* **\$25.00**

*After Office – Maintenance Hours:* **\$40.00**

## **VI.**

### **SERVICE CALLS**

#### **6.01.**

##### **GAS SERVICE AREA**

*The area to be serviced by the gas system of the City of Stinnett is the area within the City limits of the City of Stinnett. Any service provided outside this area must be approved by the City Council of the City of Stinnett.*

#### **6.02.**

##### **WATER SERVICE**

*The area to be serviced by the water system of the City of Stinnett is the area within the City limits of the City of Stinnett and will include the areas known as Uptergrove Acres and Srpaddin Acres. Any service provided outside this area must be approved by the City Council of the City of Stinnett.*

#### **6.03.**

##### **SEWER SERVICE**

*The area to be serviced by the sewer system of the City of Stinnett is the area within the City limits of the City of Stinnett where sewer is available. Any service provided outside this area must be approved by the City Council of the City of Stinnett. The City of Stinnett at its discretion for repetitive sewer calls that are found not to be in the city's sewer main will result in a service charge of not less than \$20.00.*

6.04.

**SANITATION SERVICE**

*The area to be serviced by the sanitation system of the City of Stinnett is the area within the City limits of the City of Stinnett. Any service provided outside of this area must be approved by the City Council of the City of Stinnett.*

**IX.**

**EFFECTIVE DATE**

**THIS ORDINANCE, AND THE RATES, CHARGES AND ADMINISTRATIVE PROCEDURES AND FEES PROVIDED HEREIN, SHALL BE EFFECTIVE AS OF ITS PUBLICATION PURSUANT TO THE TEXAS LOCAL GOVERNMENT CODE.**

**PASSED AND APPROVED AND ENACTED ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_.**

**CITY OF STINNETT, TEXAS**

\_\_\_\_\_  
**Billy John Murphy, Mayor**

**ATTEST**

\_\_\_\_\_  
**Jocelyn Perez, City Secretary**

A motion was made by Council Member Hart, seconded by Council Member Sursa, to accept the 3<sup>rd</sup> reading of City Ordinance No. 324. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**ITEM #8: 2<sup>nd</sup> Reading of City Ordinance No: 325 Creating City Ordinance Number 325, Sexual Offender Safety Zone, of the Code of Ordinances of the City of Stinnett, Texas.**

Mayor Billy Murphy presented the 2<sup>nd</sup> Reading of City Ordinance No: 325. Copies were distributed to guests present.

ORDINANCE NO. 325

AN ORDINANCE PERTAINING TO Ordinance 325, OFFENSES AND NUISANCES, CREATING CITY ORDINANCE NUMBER 325, SEXUAL OFFENDER SAFETY ZONE, OF THE CODE OF ORDINANCES OF THE CITY OF STINNETT, TEXAS.

AN ORDINANCE TO ADOPT SEXUAL OFFENDER RESIDENCY RESTRICTIONS; TO PROHIBIT CERTAIN PERSONS SUBJECT TO THE SEX OFFENDER REGISTRATION ACT AND DEFINED AS SEXUAL OFFENDERS, FROM RESIDING WITHIN 500 FEET OF SPECIFIED LOCATIONS WITHIN THE CITY OF Stinnett; RESTRICTING SEXUAL OFFENDERS' ACCESS TO PARKS AND CHILD CARE FACILITIES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR PENALTIES, SEVERABILITY AND SUPERSEDING OR REPEALING ANY CONFLICTING ORDINANCES.

WHEREAS, the Mayor and the City Council of the City of Stinnett, Texas are deeply concerned about the numerous and recent occurrences in our state and elsewhere, whereby convicted sex offenders who have been released from custody repeat the unlawful acts for which they had been originally convicted; and

WHEREAS, the Mayor and the City Council of the City of Stinnett, Texas find from the evidence that recidivism for released sexual offenders is alarmingly high, especially for those who commit their crimes on children; and

WHEREAS, the Mayor and City Council of the City of Stinnett, Texas desire to establish an ordinance which provides maximum protection of the lives and persons of the City of Stinnett, Texas; and

WHEREAS, Article 42.12(13B) of the Texas Code of Criminal Procedure, provides a 1000 foot safety zone for children, as a condition of probation for those convicted of certain sexual offenses; and

WHEREAS, prohibiting certain sexual offenders from living within 500 feet of specified locations and limiting their contact with children at parks and child care facilities will reduce the amount of incidental contact sexual offenders have with children; and

WHEREAS, reducing the amount of incidental contact will decrease the opportunity for certain sexual offenders to commit new sexual offenses against children; and

WHEREAS, the laws of the State of Texas, including those found in Chapter 51 of the Texas Local Government Code provide the City authority to adopt ordinances for the good government, peace, order and welfare of the municipality;

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

THAT, Stinnett City Ordinance 325, Offenses and Nuisances, is hereby amended by adding City Ordinance 325, Sexual Offender Safety Zone, to read as follows:

## **SEXUAL OFFENDER SAFETY ZONE**

### **Findings and Intent**

(a) Repeat sexual offenders, sexual offenders that use physical violence and sexual offenders who prey on children present an extreme threat to the public safety. Sexual offenders are likely to use physical violence and to repeat their offenses and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(b) It is the intent of this ordinance to serve as the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens, particularly children, by prohibiting certain sexual offenders from establishing temporary or permanent residence in certain areas where children are known to regularly congregate and to restrict certain sexual offenders access to parks, public swimming pools, child care facilities, public or private youth centers, and video arcade facilities.

### **Definitions**

The following terms and phrases when used in this ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Child or Children. Means any person(s) less than seventeen (17) years of age.

Child care facility. Means day nurseries and family day care homes, as defined in Article 42.002, Human Resources Code of the State of Texas.

Convicted or conviction. Means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction of a similar offense includes, but is not limited to: a conviction by a federal or military tribunal, including a court-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in any sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

Legal guardian or guardian. Shall mean biological or adoptive parent of a child, or a person who is responsible for the care and maintenance of said child pursuant to Texas Statutes or similar laws of another jurisdiction.

Minor. A minor is a person younger than seventeen (17) years of age.

Park. Means public parks, public swimming pools and ball fields, school athletic facilities and playgrounds, and youth centers whether public or private where children under the age of seventeen (17) are known to regularly congregate.

Permanent residence. Means a place where a person abides, lodges, or resides for fourteen (14) or more consecutive days.

Reside or residence. Means to have a place of permanent or temporary residence.

School. Means a public or private kindergarten, elementary, middle or secondary (high) school.

Sexual offender. For the purposes of this ordinance, shall be any person required to register on the Texas Department of Public Safety's Sex Offender Database because of a violation involving a victim who was less than seventeen (17) years of age as required by Chapter 62, Texas Code of Criminal Procedure.

Sexual offense. Means a conviction under Article 21.08, Article 21.11, Article 22.011, Article 22.021, Article 25.02, Article 43.05, Article 43.25 or Article 43.26, Penal Code, Texas Statutes, or similar law of another jurisdiction in which the victim of the sexual offense was less than seventeen (17) years of age.

Temporary residence. Means a place where the 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 place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

#### **Sexual Offenders Residence Prohibition; Exceptions**

(a) It is unlawful for any person who has been convicted of a violation of Article 21.08, Article 21.11, Article 22.011, Article 22.021, Article 25.02, Article 43.05, Article 43.25 or Article 43.26, Penal Code, Texas Statutes, regardless of whether the adjudication was deferred, in which the victim of the offense was less than seventeen (17) years of age, to establish a permanent or temporary residence within 500 feet of any premises where children are known to regularly congregate, including but not limited to, a school or school athletic facility, day care facility, park, public or private youth center, public swimming pool, or video arcade facility, as those terms are defined in Article 481.134, Health and Safety Code, Texas Statutes.

(b) The 500 foot distance shall be measured in a straight line from the outer boundary of the real property that comprises a sexual offender's residence to the nearest boundary line of any premises where children are known to regularly congregate, including but not limited to, a school, day care facility, playground, public or private youth center, public swimming pool, or video arcade facility. The distance may not be measured by a pedestrian route or automobile route, but instead by the shortest distance between the two points.

(c) The City of Stinnett Police Department shall develop and update as needed a map of known locations where children regularly congregate, including but not limited to, a school, day care facility, playground, public or private youth center, public swimming pool, or video arcade facility. This map shall be used by the Police Department and made available to sexual offenders during the registration process. The revision date of the map used during the registration process of each sexual offender shall be maintained by the Police Department, ensuring the exception in City Ordinance 325, as locations are updated on the map.

(d) Exceptions. A person residing within 500 feet of those places where children are known to regularly congregate, as specified herein does not commit a violation of the Article if any of the following apply:

- (1) The person established the permanent or temporary residence prior to the dated adoption of this ordinance and has complied with all the sex offender registration laws of the State of Texas.
- (2) The person was a minor when he/she committed the offense and was not convicted as an adult.



- (3) The person is a minor.
- (4) The premises where children are known to regularly congregate, as specified herein, within 500 feet of the person's residence was opened after the person established the permanent or temporary residence, and the person has complied with all the sex offender registration laws of the State of Texas.
- (e) Stinnett City Ordinance 325 herein shall not apply to a sexual offender who is convicted of a subsequent offense as an adult after residing at an established permanent or temporary residence within 500 feet of where children are known to regularly congregate, as specified herein.

**Sexual Offender Access to Parks, Public Swimming Pools, Child Care Facilities, Public or Private Youth Centers and Video Arcade Facilities**

- (a) It is unlawful for a sexual offender convicted of a sexual offense, as defined in City Ordinance 325, to knowingly be present in a public park or swimming pool, when a child under the age of seventeen (17) years is present, unless the sexual offender is the parent or legal guardian of a child present in the park or swimming pool.
- (b) It is unlawful for a sexual offender convicted of a sexual offense, as defined in City Ordinance 325, to knowingly enter or remain at a child care facility or on its premises unless the sexual offender:
  - (1) Is dropping off or picking up a child registered at the facility and is the parent or legal guardian of said child.
  - (2) Remains under the supervision of a facility supervisor or his/her designee while on the facility premises.
- (c) It is unlawful for a sexual offender convicted of a sexual offense, as defined in City Ordinance 325, to knowingly be present in public or private youth center or video arcade facility when a child under the age of seventeen (17) years is present, unless the sexual offender is the parent or legal guardian of a child present in the center or facility.

**Penalties**

A violation of any provision of this article shall be a misdemeanor, and any person, firm or corporation convicted hereunder, shall be punished as specified in Section 1.01.009, General Penalty for Violation of Code.

**Repealer**

All Articles, sections, subsections, sentences, clauses or provisions in conflict herewith and the same are hereby repealed.

**Severability**

If any section, subsection, sentence, clause or provision of the City Ordinance 325 is held invalid, the remainder of this Article shall not be affected by such invalidity.

**Intent**

The sections of this Article may be re-numbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to Article, section or other appropriate word.

**INTRODUCED this the \_\_\_\_ day of \_\_\_\_\_, 2012.**

**PASSED AND APPROVED this the \_\_\_\_ day of \_\_\_\_\_, 2012.**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Manager**

\_\_\_\_\_  
**City Attorney**

A motion was made by Council Member Irvin, seconded by Council Member Hart, to accept the 2<sup>nd</sup> reading of City Ordinance No. 325. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

**ITEM #9: EXECUTIVE SESSION**

Council went into Executive Session @ 7:18 p.m.

**ITEM #10: ACTION FROM EXECUTIVE SESSION: NONE**

Council reconvened into open Session @ 8:37 p.m. There was no action from Executive Session.

**ITEM #11: ADJOURN**

Motion was made by Council Member Sursa, seconded by Council Member Drennan, to adjourn the meeting. The motion carried by the following vote:

Ayes: All members present voted aye.

Nays: None.

Meeting adjourned @ 8:38 p.m.

---

Billy Murphy  
Mayor

ATTEST

---

Jocelyn Perez  
City Secretary