

**ORDINANCE NO. 990-2022**

**AN ORDINANCE OF THE CITY OF DICKINSON AMENDING ARTICLE IX, "REGULATION OF SEX OFFENDER RESIDENCY", OF CHAPTER 12, "OFFENSES—MISCELLANEOUS", OF THE CITY OF DICKINSON CODE OF ORDINANCES, BY AMENDING SECTION 12-153, "SEX OFFENDER RESIDENCY PROHIBITION, PENALTY, AND EXCEPTIONS", PROVIDING FOR AN UPDATED DISTANCE REQUIREMENT IN COMPLIANCE WITH TEXAS STATE LAW; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS,  
THAT:

**Section 1.** That Section 12-153, "Sex offender residency prohibition, penalty, and exceptions", of Chapter 12, "Offenses—Miscellaneous", Article IX, "Regulation of Sex Offender Residency", is hereby amended as follows with additions being underlined and bolded and deletions being struck through:

**CHAPTER 12 – OFFENSES—MISCELLANEOUS**

**ARTICLE IX. – REGULATION OF SEX OFFENDER RESIDENCY**

**Sec. 12-153. – Sex offender residency prohibition, penalty, and exceptions.**

- (a) If a person is required by Chapter 62 of the Texas Code of Criminal Procedure to register with a local law enforcement agency because of a violation involving a victim who was less than seventeen (17) years of age, or because of a reportable conviction of any of the following: possession of child pornography V.T.C.A., Penal Code § 43.26(a), possession with intent to promote child pornography V.T.C.A., Penal Code § 43.26(e), or online solicitation of a minor V.T.C.A., Penal Code § 33.021, it is unlawful for that person to establish a permanent residence, establish a temporary residence, or to be a recurring visitor at a residence, located within ~~two thousand (2,000)~~ **one thousand (1,000)** feet of any premises where children commonly gather including but not limited to, a school, day care center, playground, public or private youth center, public swimming pool or video arcade facility, as those terms are defined in V.T.C.A., Health and Safety Code §§ 341.064 and 481.134 and V.T.C.A., Human Resources Code § 42.002.
- (b) For the purpose of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, as described herein, or in the case of multiple residences on one property, measuring from the nearest wall of the building or structure occupied or the parking/driveway, which ever is closer to the nearest property line of the premises where children commonly gather as described herein. A map generally depicting the prohibited areas or zones is attached to this article for representation purposes. The city shall review this map at least annually for changes and make such map available for public inspection at the Dickinson

Police Department.

- (c) In cases of a dispute over measured distances, it shall be incumbent upon the person(s) challenging the measurement to prove otherwise.
- (d) Any person, firm or corporation that violates this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in accordance with the general penalty section 1-5 of the Code of Ordinances.
- (e) Nothing in this article shall be interpreted to modify or reduce the state's child safety ban. A person, as described in subsection (a), residing within ~~two thousand (2,000)~~ **one thousand (1,000)** feet of those places where children commonly gather, as specified herein, does not commit a violation of this article if any of the following apply:
  - (1) The person established the permanent or temporary residence and has complied with all the sex offender registration laws of the State of Texas prior to the date of the adoption of this article;
  - (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 commonly gather, as specified herein, within ~~two thousand (2,000)~~ **one thousand (1,000)** feet of the person's permanent or temporary residence was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the State of Texas; or
  - (5) The person proves that the information on the database is incorrect and that, if corrected, this chapter would not apply to the person.

**Section 2.** All portions of the City of Dickinson Code of Ordinances not in conflict with this Ordinance remain in effect.

**Section 3.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Dickinson, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 4.** All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 5.** This Ordinance shall become effective on June 28, 2022.

PASSED AND APPROVED in Dickinson, Texas this 28<sup>th</sup> day of June, 2022.

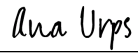
CITY OF DICKINSON, TEXAS



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Sean Skipworth, Mayor

ATTEST:



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Ana Urps, City Secretary

APPROVED AS TO FORM:



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Justin Pruitt  
City Attorney