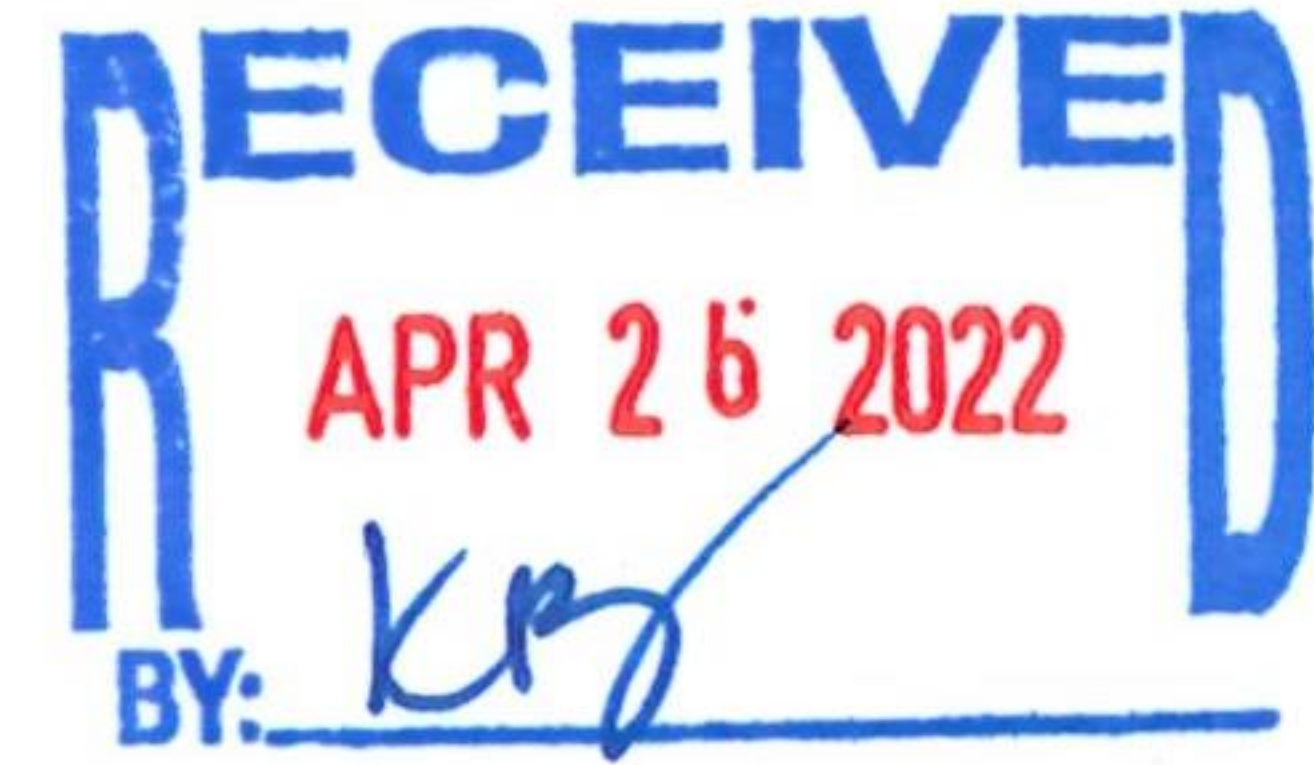


Notice of Appeal to City Ordinance 2038



Address in question is as follows  
565 Bancroft rd  
Keller TX 76248

On April 19th I was told by Detective Jensen that due to the above city ordinance I would not be able to stay at my parents address. I was told that the property now falls inside of a 1000ft protected zone.

This places my family and myself in a very difficult position. My parents had counted on my assistance in maintaining the property and assisting with my mother who is unable to get out of bed without assistance. The address was approved and I had lived at this address before, during a 30 day window provided by my plea agreement. At which time I had this address established as my home address, and also registered with the city of keller at that time.

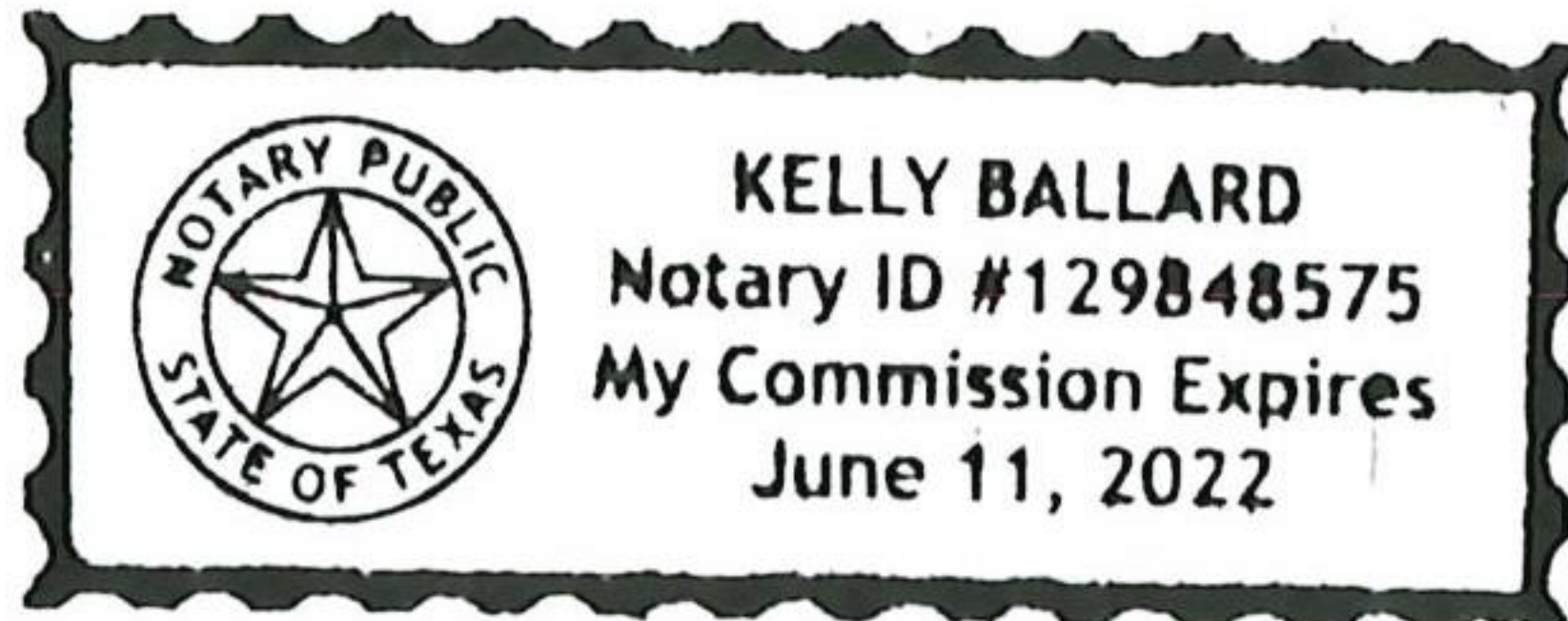
This has been my address most of my life, and I have nowhere else to reside, and now my parents are faced with the prospect of selling their house they have lived in since 1983.

I respectfully request an exemption be made in this case.

Thank You  
Signed  
Vernon Dorrrough Lee

State of Texas  
County of Tarrant

This instrument was acknowledged before me on this 26 day of April 2022, by Vernon Dorrrough Lee

  
Notary Public's Signature





565 Bancroft Rd, Keller, TX, 762 X

Show search results for 565 Bancroft...

Bourland Rd

Stegall Rd

na Dr

Valle Vista Ct

Valle Vista Ln

Bourland Rd

Bancroft Rd

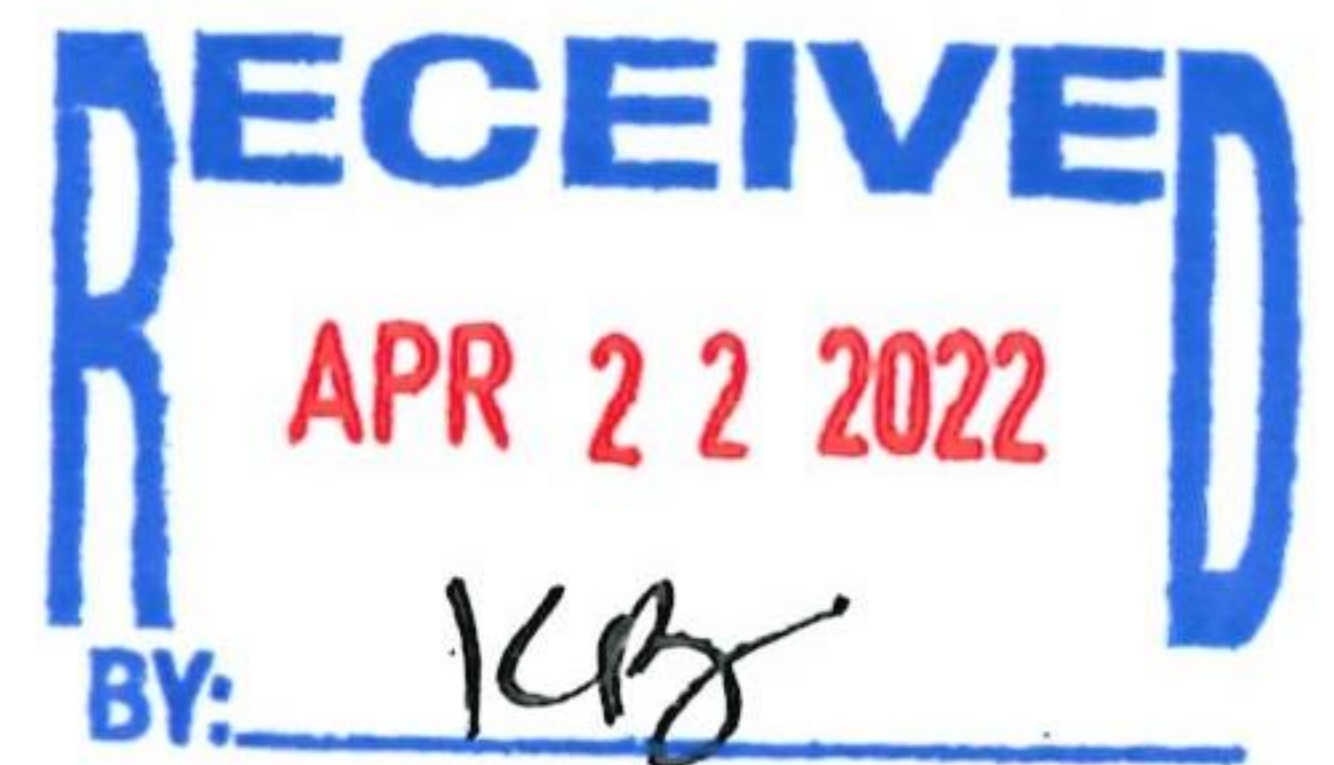
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Notice of Appeal to City Ordinance 2038

Address in question is as follows  
565 Bancroft Rd  
Keller TX 76248

On April 19th 2022 our son who was released on parol on April 15 2022 contacted the Keller police requesting to activate is sex offender registration as orderd by the state. He was told later that day that our address now falls inside of the new city ordinance required 1000 ft safety zone. This introduces several problems for us.

We had counted on our son's assistance in taking care of the property, and my wife who requires assistance getting out of bed. We have lived in our house since 1983 when we built it. and had no idea these changes had been made. Consequently our son had parol review the address and everyone approved of the location. This change has left our son nowhere to live, and us without the help we had counted on.

Also this has been our sons mailing address for the last six years, and he previously had registered here as part of his plea agreement 6 years ago where he had 30 days to get his affairs in order before reporting for incarceration.

Enclosed is a copy of our son's drivers license listing this address dated 3/30/2017

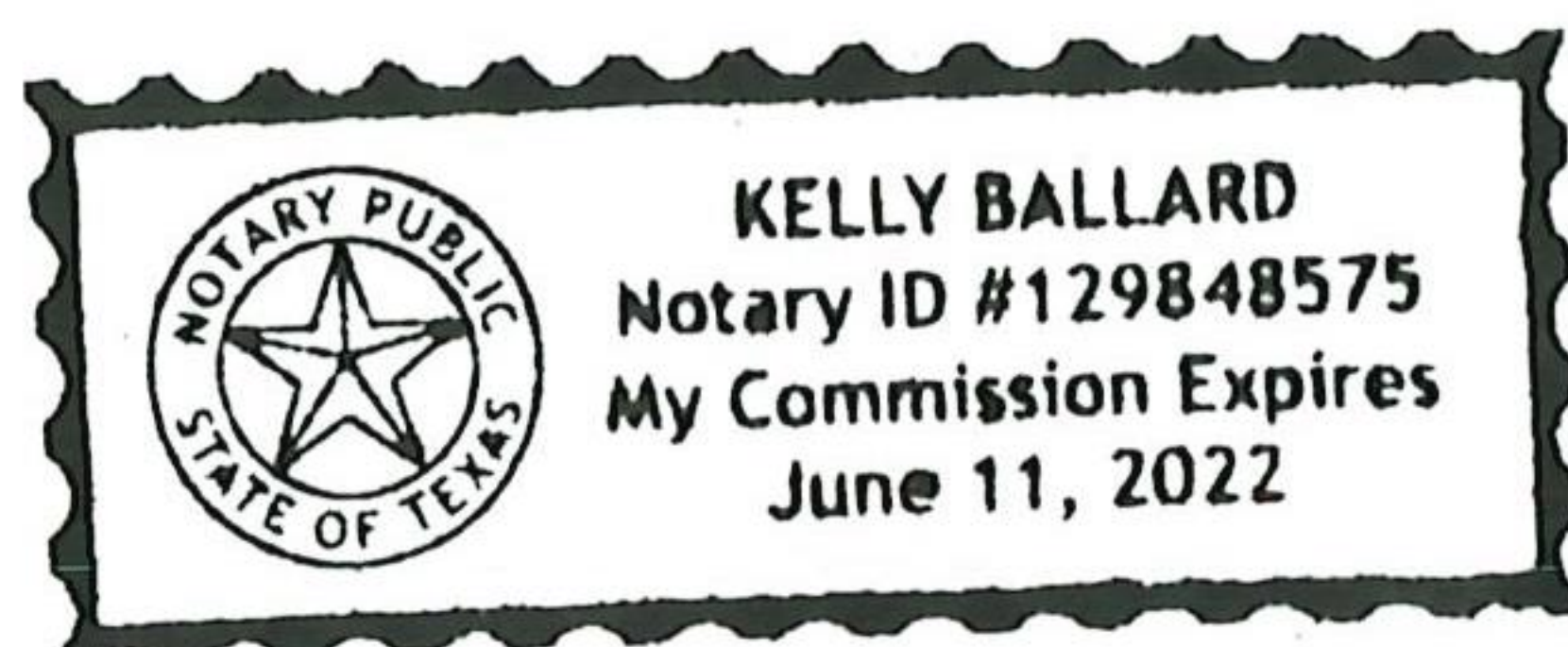
We respectfully request an exemption be made in this case due to the following.

This places our family in a hard ship, and his address had previously been established.

Thank you  
Signed  
William David Lee

State of Texas  
County of

This instrument was acknowledged before me on this 22 day of April 2022, by William David Lee

  
Notary Public's Signature



ORDINANCE NO. 2038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE CITY OF KELLER CODE OF ORDINANCES CHAPTER 10, MISCELLANEOUS PROVISIONS BY ADDING ARTICLE IX – SEX OFFENDER RESIDENCY RESTRICTIONS; PROHIBITING CERTAIN REGISTERED SEX OFFENDERS FROM RESIDING WITHIN A CERTAIN DISTANCE WHERE CHILDREN COMMONLY GATHER; DISPENSING WITH A CULPABLE MENTAL STATE; PROVIDING A REPEALING CLAUSE; PROVIDING A MAXIMUM PENALTY OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Keller, Texas (the "City"), is a home-rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, the City of Keller City Council (the City Council) finds and determines the City Council deems the passage of this ordinance as necessary to protect the public, health, safety, and welfare; and

WHEREAS, the City Council finds and determines that the regulations herein are necessary and proper for carrying out its power to protect the government interest, welfare, and good order of the City; and

WHEREAS, the City Council finds and determines that child sex offenders who are required to register within the Texas State Sex Offender Registry represent a serious threat to public safety; and

WHEREAS, the City Council has endeavored to protect the health, safety, and welfare of the public from the negative impacts associated with child sex offenders; and

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

WHEREAS, the City Council finds and determines that persons convicted of offenses that involve either physical contact with minors or preparatory steps towards physical contact with minors are a greater risk to the safety of children who gather near areas where such offenders reside; and

WHEREAS, the City Council finds and determines that the City has a legitimate interest in the protection of children and that the following restrictions are enacted to provide further protection for children in the City by minimizing sex offenders' access and proximity to areas where children gather; and

WHEREAS, it is not the intent of the City Council to impose a criminal penalty, but rather to serve the City's interest in protecting the health, safety, and welfare of the public by prohibiting convicted child sexual offenders from residing in specified areas near locations where children commonly gather; and



WHEREAS, the provisions of this ordinance do not prohibit registered sex offenders from residing in the City; and

WHEREAS, the City has a compelling interest to promote, protect and improve the health, safety, and welfare of the citizens of the City by creating areas around locations where children regularly congregate or may congregate in concentrated numbers wherein certain registered sex offenders are prohibited from establishing temporary or permanent residency; and

WHEREAS, it is the determination by the City Council that every effort should be made to protect its citizens from harm at the hands of certain sex offenders, and that the City's children are worthy of protection to the greatest extent afforded under the law; and

WHEREAS, the City finds that the protection of children is paramount to creating a safe environment in which to live, work, and play in our community; and

WHEREAS, the City finds that the adoption and enforcement of this ordinance will help foster a partnership with the community by protecting the family and maintaining Keller as the place to live, visit, and conduct business; and

WHEREAS, in considering this Ordinance, the City Council relies on the entirety of its experiences and knowledge; and

WHEREAS, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance, including but not limited to the Open Meetings Act.

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

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, the City of Keller Code of Ordinances Chapter 10, Miscellaneous Provisions is amended by adding Article IX – Sex Offender Residency Restrictions, which shall read as follows:

ARTICLE IX. – SEX OFFENDER RESIDENCY RESTRICTIONS

Sec. 10-1400 – Definitions

For the purpose of this article the following terms have the definitions herein ascribed to them:

- (1) *Child* means any person under the age of seventeen (17).
- (2) *Child-care facility* means a facility licensed, certified, or registered by the Texas Department of Family and Protective Services to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-



hour day, whether or not the facility is operated for profit or charges for the services it offers.

- (3) *Child safety zones* means premises where children commonly gather, regardless of whether they are inside or outside the City of Keller limits, and includes:
  - (a) any school whether public, private or religiously affiliated; and
  - (b) public libraries, amusement arcades, video arcades, indoor and outdoor amusement centers, amusement parks, public or commercial and semi-private swimming pools, child-care facilities, public or private youth sports athletic fields, crisis centers or shelters, skate parks or rinks, public or private youth centers, movie theaters, bowling alleys, conservation areas, jogging trails, equestrian trails, hiking trails, bicycle trails, recreational centers, public playgrounds, and scouting facilities.
- (4) *Database* means the Texas Department of Public Safety's Sex Offender Database pursuant to the Sex Offender Registration and Notification Act, Texas Code of Criminal Procedure, Chapter 62, or the sex offender registration files maintained by the sex offender registration officer of the police department.
- (5) *Halloween* means a holiday, typically celebrated but not limited to October 31st, when children and their families go door-to-door to collect candy or treats.
- (6) *Permanent residence* means a place where a person abides, lodges, or resides for twelve (12) or more consecutive days.
- (7) *Sex Offender* means a person who is required to register as a sex offender under the Sex Offender Registration and Notification Act, Texas Code of Criminal Procedure, Chapter 62 because of an offense involving a child.
- (8) *Temporary residence* means either a place where a person abides, lodges, or resides for a period of 12 or more days during any calendar year, and is not the person's permanent address, or a place where a person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent address.

#### Sec. 10-1410 – Prohibited Areas

- (a) It is unlawful for a sex offender to establish a permanent or temporary residence within 1,000 feet of a child safety zone.
- (b) This section applies to all sex offenders, as defined by this Article, regardless of the individual's reported risk level or whether the individual has been assigned a reported risk level.

#### Sec. 10-1420 – Offenses

- (a) No person shall 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 according to the terms of this article, if such place, structure, or part thereof, manufactured home, trailer or other conveyance is located within 1,000 feet from a child safety zone.

(b) It shall be unlawful for a sex offender to have an outdoor street-facing light(s) aglow or hand out treats during Halloween.

#### Sec. 10-1430 – City Notification Required

At least seven days prior to establishing permanent or temporary residence in the City, a sex offender shall notify the Keller Police Department in writing and provide the following information:

- (1) the name of the registered sex offender; and
- (2) the address of the residence to which the person intends to move.

#### Sec. 10-1440 – Measurements

To determine the minimum distance separation, the requirement shall be measured by following a straight line from the nearest portion of the property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather.

#### Sec. 10-1450 – Prosecution of violations

(a) Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this article.

(b) All of the following are affirmative defenses to a violation of this article:

- (1) the person required to register on the database established the permanent or temporary residence and has complied with all of the sex offender registration laws of the state, before the date of the adoption of this ordinance;
- (2) the person required to register on the database was a minor when he or she committed the offense requiring such registration and was not convicted as an adult;
- (3) the person required to register on the database is a minor, as defined by Texas Penal Code;
- (4) the premises where children commonly gather, as specified herein, within 1,000 feet of the permanent or temporary residence was opened after the person established the permanent or temporary residence and the person has complied with all sex offender registration laws of the state; or
- (5) the information on the database is incorrect, and, if corrected, this section would not apply to the person who was incorrectly or improperly listed on the database.



Sec. 10-1460 – Appeals

(a) A sex offender may appeal the application of the requirements of this article by filing a letter of appeal with the City Secretary.

(b) An appeal may be granted only when special circumstances arise and the following procedures are followed:

- (1) the individual appealing the applicability of this ordinance provides a written and notarized letter of appeal, along with any supporting documentation, to the City Secretary;
- (2) the City Secretary forwards the submitted documentation to the Mayor or the mayor's designee, and upon receiving the letter of appeal, schedules a public hearing before the City Council;
- (2) the City Council conducts a public hearing, during which they may review any pertinent information and may accept oral and written statements from any person; and
- (3) following the public hearing, the City Council, by majority vote, grants an exemption, which may be unconditional or limited to a certain address and/or period of time.

(c) It is not required that the letter of appeal contain any information considered confidential by law.

(d) Examples of special circumstances in support of an appeal may include, but are not limited to, staying with family due to medical problems, natural disasters, or court-ordered housing assignment.

Sec. 10-1470 – Penalty

Any person, firm, or corporation who violates, disobeys or omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this article is in violation of a Class C Misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) for each offense. Each day that a violation occurs or is permitted to occur shall constitute a separate offense.

Section 3: THAT this Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Keller, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of other ordinances, in such event the conflicting provisions of the other ordinances are hereby repealed.

Section 4: THAT any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon final conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00). Each and every day any such violation continues shall constitute a separate offense and shall be punishable as such hereunder.



Section 5: THAT if any section, paragraph, clause, phrase, or provision of this Ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not effect any of the remaining provisions of this Ordinance.

Section 6: THAT, this Ordinance shall become effective upon its adoption and publication provided by law.

AND IT IS SO ORDAINED.

Passed and approved by a vote of 7 to 0 this the 19th day of October, 2021.



CITY OF KELLER, TEXAS

BY:   
Armin R. Mizani, Mayor

ATTEST:

  
Kelly Ballard, City Secretary

Approved as to Form and Legality:

  
L. Stanton Lowry, City Attorney





Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
 Modesto Bee  
 Raleigh News & Observer  
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 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
10931	173412	Print Legal Ad - IPL0049595		\$58.32	1	33 L

Attention: Kelly Ballard  
 CITY OF KELLER  
 PO BOX 770  
 KELLER, TX 762440770

### THE STATE OF TEXAS COUNTY OF TARRANT

Before me, a Notary Public in and for said County and State, this day personally appeared Amanda Grisham, Bid and Legal Coordinator for the Star-Telegram, published by the Star-Telegram, Inc. at Fort Worth, in Tarrant County, Texas; and who, after being duly sworn, did depose and say that the attached clipping of an advertisement was published in the above named paper on the listed dates:

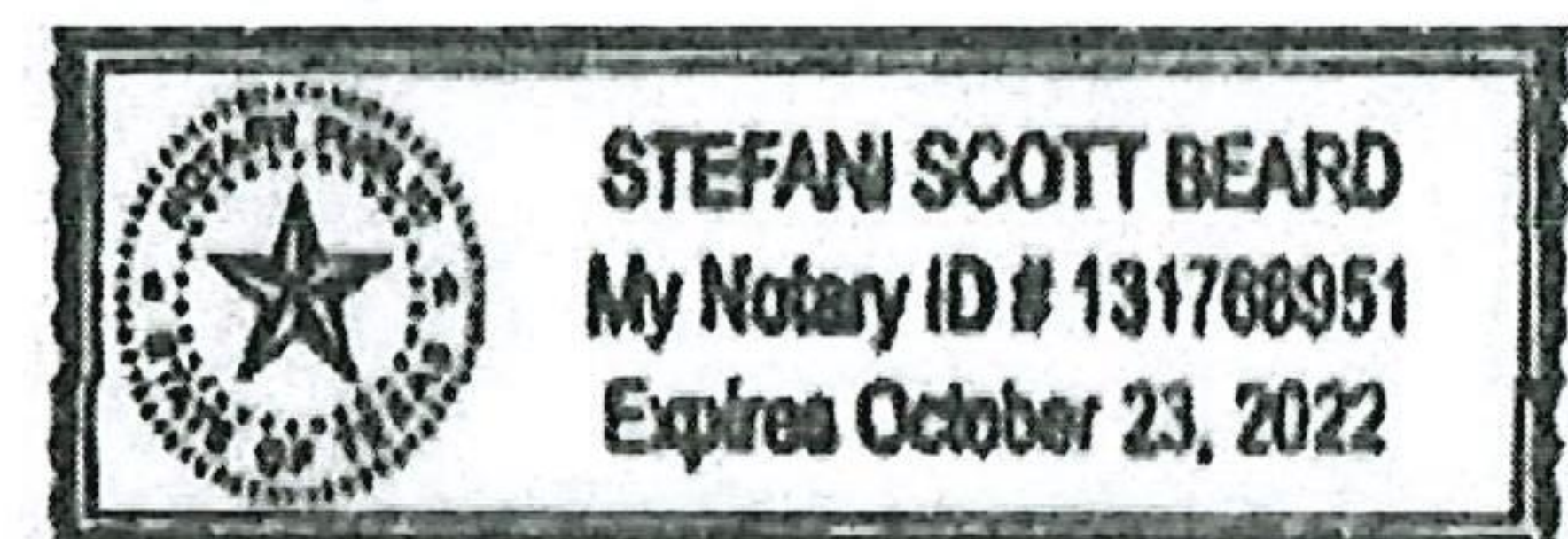
No. of Insertions: 1  
 Beginning Issue of: 11/16/2021  
 Ending Issue of: 11/16/2021

*Amanda Grisham*

Sworn to and subscribed before me this 16th day of November in the year of 2021

*Stefani Beard*

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!

**ORDINANCE NO. 2038**  
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**ORDINANCE NO. 2038**  
 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE CITY OF KELLER CODE OF ORDINANCES CHAPTER 10, MISCELLANEOUS PROVISIONS BY ADDING ARTICLE IX - SEX OFFENDER RESIDENCY RESTRICTIONS; PROHIBITING CERTAIN REGISTERED SEX OFFENDERS FROM RESIDING WITHIN A CERTAIN DISTANCE WHERE CHILDREN COMMONLY GATHER; DISPENSING WITH A CULPABLE MENTAL STATE; PROVIDING A REPEALING CLAUSE; PROVIDING A MAXIMUM PENALTY OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE. THAT any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon final conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00). Each and every day any such violation continues shall constitute a separate offense and shall be punishable as such hereunder. Passed and approved by a vote of 7 to 0 this the 19th day of October, 2021. IPL0049595 Nov 16 2021