

ORDINANCE NO. 2066

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, SECTION 10-1460 – APPEALS; BY NAMING THE CHIEF OF POLICE AS THE APPROVAL OR DENIAL AUTHORITY OF SAID APPEALS; 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 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, Section 10-1460 – Appeals, which shall read as follows:

ARTICLE IX. – SEX OFFENDER RESIDENCY RESTRICTIONS

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; and

(2) the City Secretary forwards the submitted documentation to the City Council, City Manager, and Chief of Police; and

(3) the Chief of Police conducts a review, during which he or she may review any pertinent information and may accept oral and written statements from any person; and

(4) following the review, the Chief of Police will approve or deny the appeal; if an exemption is granted, it may be unconditional or limited to a certain address and/or period of time; and

(5) the judgement made by the Chief of Police shall be final.

(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.

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 5 to 0 this the 17th day of May, 2022.

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