

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL PROVISIONS

131. SYNTHETIC DRUGS AND PARAPHERNALIA

132. SEX OFFENDERS

CHAPTER 130: GENERAL PROVISIONS

Section

- 130.01 Protesting funerals prohibited
- 130.02 Discharge of firearms prohibited

- 130.99 Penalty

• **130.01 PROTESTING FUNERALS PROHIBITED.**

(A) It is the intent of this section to serve the village=s compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the village by creating areas around locations where military, fire fighters, police, emergency medical service personnel, and any and all first responders funerals are taking place to provide a safe and quiet area for families to mourn their loss.

(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 area the funeral service is taking place.

(C) It shall be unlawful for any person to participate in a protest within 1,000 feet of any funeral within the village.

(Ord. 440, passed 4-19-2011) Penalty, see ' 130.99

• **130.02 DISCHARGE OF FIREARMS PROHIBITED.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AIR GUN. Any device designed, made, or adapted to expel a projectile through a barrel by means of compressed air, compressed gas, springs, or any other means.

FIREARM. Any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance, or any device readily convertible to that use.

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(B) *Prosecution.* In any prosecution under this section in the municipal court of the village, or any other court of competent jurisdiction, the complaint charging the violation of this section need not negative the existence of any exception contained herein, but the existence of the same may be raised by the defendant in any such prosecution by way of defense.

(C) *Discharge of firearms prohibited; exceptions.*

(1) From and after the effective date of this section, it shall be unlawful for any person to discharge a firearm within the corporate limits of the village.

(2) It is an exception to the application of division (C)(1) above if the person discharging such firearm is a peace officer, within the meaning of Tex. Code of Criminal Procedure Art. 2.12 (1965), and such person is actually engaged in the performance of his or her official duties as such, or the person discharging such firearm is actually engaged in the defense of his or her person or property or the person or property of a third person.

(D) *Discharge of air guns prohibited; exceptions.*

(1) From and after the effective date of this section, it shall be unlawful for any person to discharge any air gun within the corporate limits of the village.

(2) It is an exception to the application of division (D)(1) above if the air gun in question is not capable of discharging a projectile at a velocity of 300 feet per second or more.
(Ord. 96, passed 6-19-1978) Penalty, see ' 130.99

' 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99 of this code of ordinances.

(B) Any person who violates ' ' 130.01 and 130.02 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500 and each day any such violation continues or occurs shall constitute a separate offense.
(Ord. 96, passed 6-19-1978; Ord. 440, passed 4-19-2011)

CHAPTER 131: SYNTHETIC DRUGS AND PARAPHERNALIA

Section

- 131.01 Purpose
- 131.02 Definitions
- 131.03 Display or exchange of restricted products
- 131.04 Use or possession of restricted products
- 131.05 Use or possession of restricted paraphernalia device
- 131.06 Defenses to prosecution

- 131.99 Penalty

▸ **131.01 PURPOSE.**

The purpose of this chapter is to prohibit the sale, attempted sale, delivery, gift, or barter of restricted smoking materials and products, as defined herein, to any individual in the village limits and to prohibit the purchase, possession, or use of restricted smoking materials and products, and ingestion paraphernalia devices, as defined herein, by any individual within the village limits.
(Ord. 436, passed 11-22-2010)

▸ **131.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON. An individual, corporation, partnership, wholesaler, retailer, or any licensed or unlicensed business.

RESTRICTED INGESTION PARAPHERNALIA DEVICE. Paraphernalia, equipment, or utensil that is used, or intended to be used, in ingesting, inhaling, or otherwise introducing an illegal smoking material and product into the human body, including:

(1) A metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without a screen, permanent screen, hashish head, or punctured metal bowl;

- (2) A water pipe;
- (3) A carburetion tube or device;
- (4) A smoking or carburetion mask;
- (5) A chamber pipe;
- (6) A carburetor pipe;
- (7) An electric pipe;
- (8) An air-driven pipe;
- (9) A chillum;
- (10) A bong; or
- (11) An ice pipe or chiller.

RESTRICTED SMOKING MATERIAL AND PRODUCT. Any substance, whether described as tobacco, herbs, incense, spice, or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked, which includes any one or more of the following chemicals:

(1) *Salvia divinorum* or *salvinorum* A; all parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or extracts;

(2) 2-[(1R, 3S)-3-hydroxycyclohexyl]-5-(2-methylcatan-2-yl) phenol (also known as CP47, 497) and homologues;

(3) (6aS, 10aS)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methylcatan-2-yl)-6a, 7, 10, 10a-tetra-hydrobenzo [c] chormen-1-ol (also known as HU-211 or Dexanabinol);

(4) 1-Pentyl-3-(1-naphthoyl) indole (also known as JWH-018);

(5) 1-Butyl-3-(1-naphthoyl) indole (also known as JWH-072);

(6) 1-Pentyl-3-(4-memoxynaphthoyl) indole (also known as JWH-081);

(7) Synthetic cannabinoids, synthetic cannabinoid mimicking compounds, or substances containing the HU-210 compound; or

(8) (a) Products containing any of the above substances currently that are marketed under the following commercial names: AK-2®, AK-2 SUMMIT®, AK-2 SEX®, AK2 ULTRA®, AK2

BLONDE@, AK2 CITRON@, AK2 ORISHA@, AK2 AMAZONIAN SHELTER@, AK2 THAI DREAM@, AGENIE@, ADASCENTS@, AZOHAI@, ASAGE@, ASPICE@, AKO KNOCK-OUT 2@, ASPICE GOLD@, @SPICE DIAMOND@, ASPICE SILVER@, AYUCATAN FIRE@, AYUCATAN GOLD@, ASOLAR FLARE@, APEP SPICE@, APOT-POURRI@, ABOMBAY BLUE@, AHUSH@, ASWERVE@, AFIRE N= ICE@, ADIABLO@, ASPICY GREEN@, ASKUNK@, ASENSE@, ASALVIA DIVINORUM@, AND AMOE-JOE-PLATINUM@.

(b) This definition also includes any and all new products that may be marketed under different names if those new products contain any of the chemical components identified in the preceding definitions.

(Ord. 436, passed 11-22-2010)

▪ **131.03 DISPLAY OR EXCHANGE OF RESTRICTED PRODUCTS.**

It shall be unlawful for any person to sell, offer for sale, deliver, barter, give, or publicly display any illegal smoking material and product to anyone within the corporate limits of the village.

(Ord. 436, passed 11-22-2010) Penalty, see ' 131.99

▪ **131.04 USE OR POSSESSION OF RESTRICTED PRODUCTS.**

It shall be unlawful for any person to use or possess any restricted smoking material and product within the corporate limits of the village.

(Ord. 436, passed 11-22-2010) Penalty, see ' 131.99

▪ **131.05 USE OR POSSESSION OF RESTRICTED PARAPHERNALIA DEVICE.**

It shall be unlawful for any person to have in his or her possession any restricted ingestion paraphernalia device with the intent to use it to inject, ingest, inhale, or otherwise introduce into the human body a restricted smoking material and product.

(Ord. 436, passed 11-22-2010) Penalty, see ' 131.99

▪ **131.06 DEFENSES TO PROSECUTION.**

(A) It shall be a defense to prosecution for a violation under this chapter if the use of the restricted smoking material(s) and product(s) is under and pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act in the state.

(B) It shall be a defense to prosecution under this chapter if the person charged with a violation can provide proper and complete historic documentation that the use of the restricted smoking material(s) and products(s) was undertaken solely for religious purposes, or as the activity of an organized religious denomination in which the person has been identified to have a long-standing historic membership as supported by documentation from clergy or a spiritual leader recognized by the state.
(Ord. 436, passed 11-22-2010)

• **131.99 PENALTY.**

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and subject to a fine upon conviction in municipal court, and shall be subject to the penalties for a violation of this chapter governing public health.
(Ord. 436, passed 11-22-2010)

CHAPTER 132: SEX OFFENDERS

Section

- 132.01 Short title
- 132.02 Purpose
- 132.03 Definitions
- 132.04 Location of residence restrictions
- 132.05 Prohibition against renting and leasing
- 132.06 Posting of signs required
- 132.07 Conflict with statutes

- 132.99 Penalty

▪ **132.01 SHORT TITLE.**

This chapter shall be known and may be cited as the ASexual Offender Chapter of the Village of Jones Creek, Texas@.
(Ord. 398, passed 3-20-2007)

▪ **132.02 PURPOSE.**

The Mayor and Village Council make the following findings and express the following intent.

(A) Repeat sexual offenders, sexual offenders that use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat offenses, and most commit many offenses.

(B) The cost of sexual offender victimization to society at large, while incalculable, is clearly exorbitant.

(C) The intent of this chapter is to serve the village=s compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens thereof by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residences.
(Ord. 398, passed 3-20-2007)

• **132.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERMANENT RESIDENCE. A place where the person abides, lodges, or resides for 14 or more consecutive days.

SEXUAL OFFENDER. A person who has been convicted by a court of competent jurisdiction of a violation of Tex. Penal Code ' ' 20.04(a)(4), 21.08, 21.11, 22.011, 22.021, 25.02, 30.02(d), 43.25, or 43.26, regardless of whether the adjudication was deferred, in which the victim of the offense was less than 17 years of age, and because of such conviction the person is required to register with local law enforcement for inclusion in the Department of Public Safety Sex Offender Database.

TEMPORARY RESIDENCE. A place where the person abides, lodges, or resides for a period of 14 or more days, in the aggregate, during any calendar year and which is not the person=s permanent address, or a place where the person routinely abides, resides, or lodges for a period of four or more consecutive or nonconsecutive days in any month and which is not the person=s permanent residence.
(Ord. 398, passed 3-20-2007)

• **132.04 LOCATION OF RESIDENCE RESTRICTIONS.**

(A) It shall be unlawful for any person who is a sexual offender to establish a permanent residence or a temporary residence within 1,000 feet of any premises where children commonly gather, including, but not being limited to, a primary or secondary public or private school, a daycare facility, playground, park, ball park, public or private youth center, public swimming pool, or video arcade facility, as those terms are defined in Tex. Health and Safety Code Art. 481.134.

(B) For the purpose of determining the minimum distance separation, the requirement shall be measured 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 in division (A) above.

(C) It shall be an affirmative defense to a prosecution for a violation of division (A) above if:

- (1) The person is a minor;
- (2) The person accused was a minor when the person committed the offense and was not

convicted as an adult;

(3) The permanent or temporary residence of the person accused was established before the effective date of this chapter and that person had complied with all the sex offender registration laws of the state prior to the effective date of this chapter; or

(4) The premise where children commonly gather, as specified herein, within 1,000 feet of the permanent or temporary residence of the person accused, was opened after the person accused established that person=s permanent or temporary residence and the person accused had complied with all the sex offender registration laws of the state prior to the opening of the premises where children commonly gather.

(Ord. 398, passed 3-20-2007) Penalty, see ' 132.99

' 132.05 PROHIBITION AGAINST RENTING AND LEASING.

It shall be unlawful for the owner, lessee, or occupant of any place, structure, manufactured dwelling, mobile home, camping trailer, or other conveyance, with knowledge that it will be used as a temporary or permanent residence of such person, to rent or lease the same, or any part thereof, to a sexual offender if such place, structure, manufactured dwelling, mobile home, camping trailer, or other conveyance is located within 1,000 feet of any premises where children commonly gather including, but not being limited to, a public or private school, a daycare facility, playground, public or private youth center, public swimming pool, or video arcade facility, as those terms are defined in Tex. Health and Safety Code Art. 481.134.

(Ord. 398, passed 3-20-2007) Penalty, see ' 132.99

' 132.06 POSTING OF SIGNS REQUIRED.

Every sexual offender, as defined in ' 132.03, shall display a sign with at least two-inch lettering on all accessible exteriors of his or her residence, as well as post a sign with a least two-inch lettering along the sidewalk leading to each entrance of such residence fronting on a public street or, if there is no sidewalk, at the property line directly in front of each entrance of such residence fronting on a public street, stating ASEXUAL OFFENDER RESIDENCE@. Such sexual offender shall keep each sign posted from 4:00 p.m. on each October 31 to 7:00 a.m. on each November 1.

(Ord. 398, passed 3-20-2007) Penalty, see ' 132.99

' 132.07 CONFLICT WITH STATUTES.

(A) Nothing contained in this chapter shall cause any rights heretofore vested to be altered, affected, or impaired in any way and all such rights may be hereafter enforced as if this chapter had not been adopted.

(B) This chapter is cumulative of, and in addition to, all other ordinances of the village on the same subject and all such ordinances are hereby expressly saved from repeal. Provided however, where this chapter and another ordinance conflict or overlap, whichever imposes the more stringent regulations or penalties, as the case may be, shall prevail.

(Ord. 398, passed 3-20-2007)

• **132.99 PENALTY.**

Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction therefor, assessed a fine of not more than \$500; and each day such violation continues and each part of any day any such violation occurs shall constitute a separate offense.

(Ord. 398, passed 3-20-2007)