POLICE MEMORANDUM
#21-2022

DATE: July 11, 2022

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager

FROM: James S. May, Jr., Chief of Police
Randall L. Darlin, Deputy Chief of Police

SUBJECT: CB-1988 – Prohibited Residency of Sex Offenders

PURPOSE
To consider CB-1988, an ordinance on second reading that would amend Chapter 4 of the Municipal Code by adding a new Article 3 entitled Prohibited Residency of Sex Offenders.

BACKGROUND
The State of Colorado enacted the Colorado Sex Offender Registration Act effective July 1, 2002. The act mandates that individuals convicted of an unlawful sexual offense as defined in the act register with the local law enforcement agency in each jurisdiction in which they reside. Local law enforcement agencies must accept the registration unless that location or residence violates a State law or local ordinance.

The proposed ordinance identifies restrictions on establishing permanent or temporary residency within the City for an individual who has been found to be a sexually violent predator pursuant to 18-3-414.5 C.R.S.; or any person required to register under the Colorado Sex Offender Registration Act, C.R.S. Section 16-22-101, et seq., who has been: (i) convicted of a felony for an offense requiring registration, (ii) has multiple convictions for offenses requiring registration, or (iii) whose offense(s) requiring registration involved multiple victims.

The restrictions prohibit an individual who has been convicted under the above statutes from establishing a permanent residence or temporary residence within:

- 750 feet of any school
- 500 feet of any park, playground, licensed daycare center, recreation center or swimming pool (other than pools located at private, single-family residences)
- Any property located adjacent to a designated public or private school bus stop

BUDGET/TIME IMPLICATIONS
There are no time or financial impacts to the City. The proposed ordinance was first brought to Council for discussion on March 28, 2022. The item was discussed a second time on June 13, 2022 and brought before council for first reading on June 27, 2022.

STAFF RECOMMENDATION
Staff recommends approval of CB-1988 on second reading.

STAFF REFERENCE
If Council members have any questions, please contact:

- James S. May, Jr., Chief of Police, at jmay@northglenn.org or 303.450.8967
- Randall L. Darlin, Deputy Chief of Police, at rdarlin@northglenn.org or 303.450.8964

ATTACHMENT
1. Presentation

ATTACHMENT 1

PROHIBITED RESIDENCY OF SEX OFFENDERS

James S. May Jr., Chief of Police

Co-Presenter:

- Randall L. Darlin, Deputy Chief of Police

Council Presentation

July 11, 2022

CITY OF Northglenn

PURPOSE

To consider CB-1988, an ordinance on second reading that would amend Chapter 4 of the Municipal Code by adding a new Article 3 entitled Prohibited Residency of Sex Offenders.

PROPOSED ORDINANCE

Restricts the permanent or temporary residence of any person:

- **Who has been found to be a sexually violent predator pursuant to 18-3-414.5 C.R.S.**
- **Required to register under the Colorado Sex Offender Registration Act, C.R.S. Section 16-22-101, who has been:**
  - (i) Convicted of a felony for an offense requiring registration – or -
  - (ii) Has multiple convictions for offenses requiring registration – or -
  - (iii) Whose offense(s) requiring registration involved multiple victims

PROHIBITED DISTANCES

CONT'D

Prohibits registered sex offenders from establishing a permanent or temporary residence:

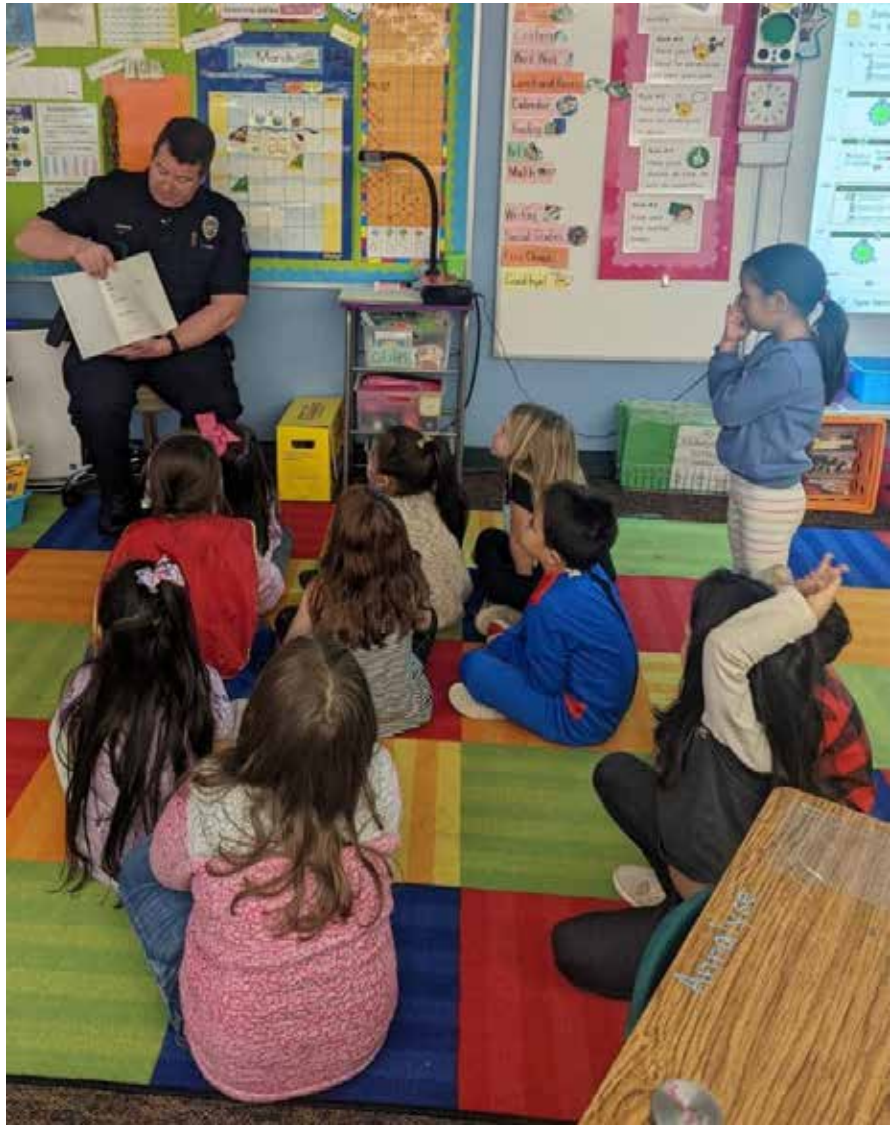
- **Within 750 feet of any school**
- **Northglenn currently has 12 schools within the community.**

- **Within 500 feet of:**
  - Parks
  - Playgrounds
  - Licensed day care centers
  - Rec center or swimming pool
  - Adjacent to any designated public or private bus stop

PROHIBITED DISTANCES

CONT'D

750 feet from any public or private school



PROHIBITED DISTANCES

CONT'D

500 feet from any park

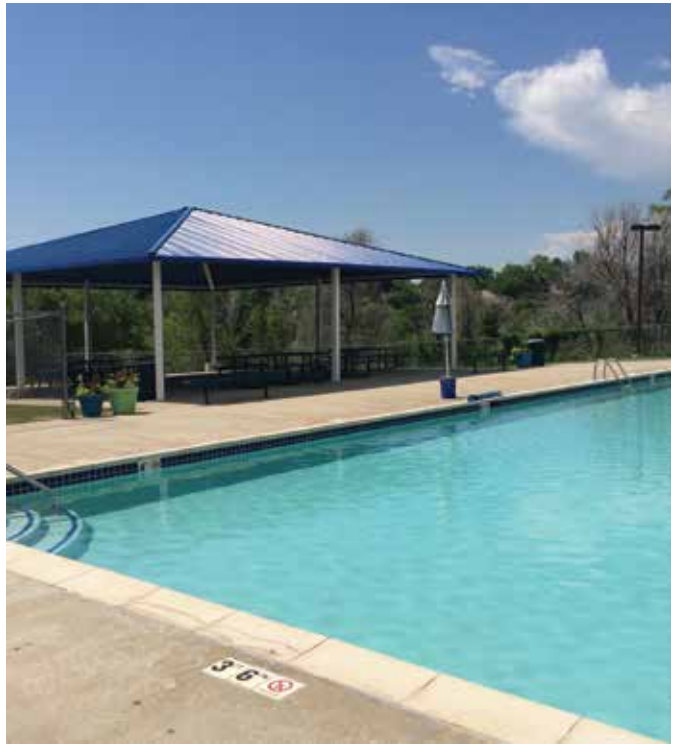
500 feet from any day care center

500 feet from any playground

PROHIBITED DISTANCES

CONT'D

500 feet from any recreation center



500 feet from any public pool

Property adjacent to a school bus stop

EXCEPTIONS

- Any residence established prior to the passage of this ordinance
- Any person placed into a residence pursuant to a State of Colorado foster care program
- A facility that is prohibited under the ordinance which is opened after the residency has been established

QUESTIONS?

Randall L. Darlin

Deputy Chief of Police

303.450.8964

rdarlin@northglenn.org

Council Presentation

July 11, 2022

CITY OF Northglenn

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S BILL | ORDINANCE NO.

No. CB-1988 Series of 2022 | Series of 2022

A BILL FOR AN ORDINANCE AMENDING CHAPTER 4 OF THE NORTHGLENN MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE 3 ENTITLED "PROHIBITED RESIDENCY OF SEX OFFENDERS"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Chapter 4 of the Northglenn Municipal Code is amended by the addition of a new Article 3 entitled, "Prohibited Residency of Sex Offenders" to read as follows:

ARTICLE 3
PROHIBITED RESIDENCY OF SEX OFFENDERS

Section 4-3-1. Findings and Intent.

A. The City Council hereby finds that sexual predators and the specified sex offenders who use physical violence or who prey on children present an extreme threat to the public safety. Sexual predators and the specified sex offenders have a high rate of recidivism, making the cost of sex offender victimization to society at large extremely high. Removing such offenders from regular proximity to places where children are located and limiting the frequency of contact is likely to reduce the risk of an offense.

B. This Article is intended to serve the City's compelling interest to promote, protect and improve the public health, safety and welfare by creating areas, around locations where children regularly congregate in concentrated numbers, where sexual predators and specified sexual offenders are prohibited from establishing temporary or permanent residence.

Section 4-3-2. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

A. Permanent Residence: A place where a person abides, lodges, or resides for five (5) or more consecutive days.

B. Registered Sex Offender: Any person who has been found to be a sexually violent predator pursuant to 18-3-414.5 C.R.S.; or any person required to register under the Colorado Sex Offender Registration Act, C.R.S. Section 16-22-101, et. seq. who has been: (i) convicted of a felony for an offense requiring registration,

(ii) has multiple convictions for offenses requiring registration, or (iii) whose offense(s) requiring registration involved multiple victims.

C. Temporary Residence: A place where a person abides, lodges, or resides for a period of five (5) or more days in the aggregate during any calendar year and which is not the person's permanent residence, or a place where a person routinely abides, lodges, or resides for a period of five (5) or more consecutive or nonconsecutive days in any month and which is not the person's permanent address.

Section 4-3-3. Prohibitions.

A. It shall be unlawful for any Registered Sex Offender to establish a permanent residence or temporary residence within seven hundred fifty (750) feet of any school, and five hundred (500) feet of any park, playground, licensed day care center, recreation center or swimming pool (other than pools located at private, single-family residences), or any property located adjacent to any designated public or private school bus stop.

B. Persons otherwise subject to this Article who had established a residence which would be in violation of the distance requirements set forth in subsection (a) above on or before the effective date of the Ordinance from which this Section derives, are hereby exempted from the provisions set forth herein in relation to such residence.

C. It is unlawful to let or rent any portion of any property, place, structure, trailer or other vehicle with the knowledge that it will be used as a permanent or temporary residence by any person prohibited from establishing such permanent or temporary residence pursuant to this Article.

Section 4-3-4. Exceptions.

A person is not guilty of a violation of this Section if:

A. The person established the permanent or temporary residence prior to the effective date of this Article; provided, however, that this exception shall not apply if the person committed the offense, for which registration under the Colorado Sex Offender Registration Act is required, after the effective date of this Article;

B. The person is placed in the residence pursuant to a State of Colorado foster care program; or

C. The school, designated public or private school bus stop, licensed day care center, park, playground, swimming pool, or recreation center was opened after the person established the permanent or temporary residence, and is not replacing an existing school, designated public or private school bus stop, licensed day care center, park, playground, swimming pool, or recreation center.

Section 4-3-5. Measurement.

For purposes of determining the minimum distance separation required herein, the measurement shall be made by following a straight line from the outer property line of the property on which the school, licensed day care center, park, playground, swimming pool or recreation center is located to the nearest point on the outer property line of the property on which the permanent or temporary residence is located.

INTRODUCED, READ, AND ORDERED POSTED this 27th day of June, 2022.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2022.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney