

CITY MANAGER'S OFFICE MEMORANDUM
#22-2021

DATE: June 28, 2021
TO: Honorable Mayor Meredith Leighty and City Council Members
FROM: Heather Geyer, City Manager *hmg*
SUBJECT: CB-1973 – Creation of a Religious Buffer Zone

PURPOSE

To consider CB-1973, an ordinance on first reading amending the Municipal Code and creating a new Section 9-4-16, concerning the prevention of passage to and from a religious facility, also referred to as a religious buffer zone.

BACKGROUND

City Council directed City Attorney Corey Hoffmann to draft the attached ordinance to further protect religious institutions and their members from harassment and discrimination. The ordinance seeks to balance a person's right to access religious facilities against another person's right to protest under the First Amendment. This ordinance prohibits a person from "knowingly obstructing another person's entry to or exit from a religious institution," by creating a religious buffer zone. An individual who knowingly approaches another person within 8 feet of another person must have that person's consent for the purpose of passing a leaflet or handbill, displaying a sign or engaging in oral protest within the public right-of-way. This activity cannot take place within 100 feet of any entrance door to a religious facility.

The public right-of-way, as defined in the ordinance, includes any street, sidewalk, trail, path, alley, parkway, curb, median, jersey wall, traffic island, or any other publicly-owned property intended for the use for pedestrian, recreation or vehicular travel. The penalty for violation of the ordinance would be a civil infraction.

BUDGET/TIME IMPLICATIONS

There are no financial or time impacts to the City. If CB-1973 is approved on first reading, a public hearing and second reading of the proposed ordinance will be scheduled for July 12, 2021.

STAFF RECOMMENDATION

Staff recommends approval of CB-1973 on first reading.

STAFF REFERENCE

If Council members have any questions, please contact Heather Geyer, City Manager, at hgeyer@northglenn.org or 303.450.8706.

CB-1973 – Creation of a Religious Buffer Zone

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1973
Series of 2021

Series of 2021

A BILL FOR AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 9 OF THE NORTHGLENN MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION 9-4-16 CONCERNING PREVENTION OF PASSAGE TO AND FROM A RELIGIOUS FACILITY

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

Section 1. Article 4 of Chapter 9 of the Northglenn Municipal Code is amended by the addition thereto of a new Section 9-4-16 entitled "Preventing Passage to and from a Religious Facility" to read as follows:

Section 9-4-16. Preventing Passage to and from a Religious Facility.

- (a) Legislative Findings. The First Amendment of the U.S. Constitution protects each persons' right to practice their own religion. The City recognizes that access to Religious Facilities within the City is critical to protecting such interests. The City further recognizes that a person's right to access Religious Facilities must be balanced against another person's right to protest. The City therefore declares that it is appropriate to enact legislation that prohibits a person from knowingly obstructing another person's entry to or exit from a Religious Institution.
- (b) Definitions.
- "Public Right of Way" means any street, sidewalk, trail, path, alley, parkway, curb, median, jersey wall, traffic island, or any other publicly-owned property intended for the use of pedestrian, recreational, or vehicular travel.
- "Religious Facility" means a facility that operates for the advancement of a theological philosophy and practices the rituals associated with the beliefs, faith, or creed of a religious society, congregation, or religious denomination.
- (c) Preventing Passage Prohibited. No person shall knowingly approach another person within eight (8) feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest with such other person in the public right-of-way within a radius of one hundred (100) feet from any entrance door to a Religious Facility.
- (d) Penalty. Any violation of this section is a civil infraction, punishable according to Section 1-1-10(a)(3) of the Municipal Code, as amended, or is a nuisance, punishable according to this Chapter, or both. In no case shall a violation of this section be deemed to be punishable by jail time. The penalty set forth in Section 1-1-10(a)(2) of the Municipal Code does not apply.

INTRODUCED, READ, AND ORDERED POSTED this ____ day of _____,
2021.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____,
2021.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney