

BY AUTHORITY

ORDINANCE NO. 10
SERIES OF 2017

COUNCIL BILL NO. 4
INTRODUCED BY COUNCIL
MEMBER GILLIT

AN ORDINANCE AMENDING TITLE 7, CHAPTER 3, SECTION 3, SUBSECTION A, PARAGRAPH ii, *PROHIBITIONS*, OF THE ENGLEWOOD MUNICIPAL CODE 2000 WHICH PERTAINS TO *PROHIBITED RESIDENCY OF SEX OFFENDERS* DISTANCE RESIDENCE REQUIREMENTS.

WHEREAS, the Englewood City Council approved the passage of an Emergency Ordinance No. 34, Series 2006, which addressed the residency requirements of convicted sex offenders who must register with the State of Colorado as part of their probation requirements; and

WHEREAS, over the past six months City Council has heard from members of the community regarding the current Sex Offender Ordinance, specifically the distancing requirement; and

WHEREAS, City Council discussed changes to the Ordinance at several Study Sessions, including who the Ordinance would apply to; adding an appeal process or individual assessment procedure and reducing the current Ordinance distances; and

WHEREAS, on December 12, 2016 the Englewood City Council came to a consensus to amend the distancing requirement to any school, park, or playground from Two Thousand Feet (2,000) to One Thousand Feet (1,000); and

WHEREAS, on February 21, 2017 the Englewood City Council held a public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 7, Chapter 3, Section 3, Subsection A, Paragraph (ii), Subparagraph (c) entitled *Prohibitions*, of the Englewood Municipal Code 2000, to read as follows:

7-3-3: - Prohibitions.

A. It shall be unlawful for:

- i. Any person who has been found to be a sexually violent predator pursuant to 18-3-414.5 C.R.S.; or
- ii. Any person required to register under the Colorado Sex Offender Registration Act, C.R.S. Section 16-22-101, et. seq. who has been:

- a. Convicted of a felony for an offense requiring registration; or
- b. Has multiple convictions for offenses requiring registration; or
- c. Whose offense(s) requiring registration involved multiple victims to establish a permanent residence or temporary residence within ~~two~~ one thousand feet (~~2~~1,000') of any school, park, or playground or within one thousand feet (1,000') of any 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, walk-to-school route, or recreational trail.
- d. Persons otherwise subject to this Act who had established a residence which would be in violation of the distance requirements set forth in subsection (c) above on or before the effective date of this Ordinance, are hereby exempted from the provisions set forth herein in relation to such residence.

- B. 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 Chapter.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 4. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 6th day of February, 2017.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 9th day of February, 2017.

Published as a Bill for an Ordinance on the City's official website beginning on the 8th day of February, 2017 for thirty (30) days.

A Public Hearing was held on February 21, 2017.

Read by Title, amended, and passed as amended on second reading on the 6th day of March, 2017.

Published by Title in the City's official newspaper as Ordinance No. 10, Series 2017, on the 9th day of March, 2017.

Published by Title on the City's official website beginning on the 8th day of March, 2017 for thirty (30) days.

Published by Title in the City's official newspaper as an amended Bill for an Ordinance No. 4, Series 2017, on the 20th day of April, 2017.

Published in full as an amended Bill for an Ordinance on the City's official website beginning on the 19th day of April, 2017 for thirty (30) days.

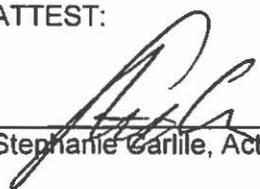
Read by Title and passed on final reading on the 15th day of May, 2017.

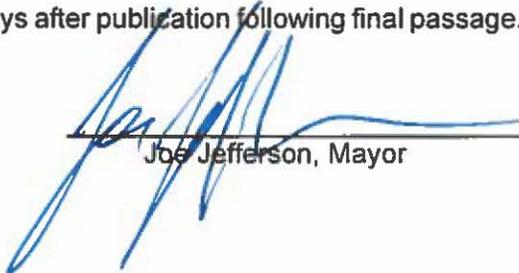
Published by Title in the City's official newspaper as Ordinance No. 10, Series 2017, on the 18th day of May, 2017.

Published by Title on the City's official website beginning on the 17th day of May, 2017 for thirty (30) days.

This Ordinance shall take effect thirty (30) days after publication following final passage.

ATTEST:


Stephanie Carlile, Acting City Clerk


Joe Jefferson, Mayor

I, Stephanie Carlile, Acting City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by Title as Ordinance No. 10, Series of 2017.


Stephanie Carlile



COUNCIL COMMUNICATION

TO: Mayor and Council
FROM: Alison McKenney Brown
DEPARTMENT: City Attorney's Office
DATE: May 15, 2017
Amendment to 7-3-3(A)(ii)(c) Distancing Requirement and the addition of §7-3-3(A)(ii)(d) exempting those with currently established residences from the application of §7-3-3.
SUBJECT: 3-3.

DESCRIPTION:

Amendment to 7-3-3(A)(ii)(c) Distancing Requirement and the addition of §7-3-3(A)(ii)(d) exempting those with currently established residences from the application of §7-3-3.

RECOMMENDATION:

Staff recommends an amendment to the current Ordinance clarifying the exemption provision for those persons with current established residences.

PREVIOUS COUNCIL ACTION:

In 2006 the Englewood City Council passed an Emergency Ordinance addressing the residency of convicted sex offenders who must register with the State of Colorado as part of their probation requirements. On February 6, 2017, a Bill for an Ordinance passed on first reading and a public hearing was held on February 21, 2017. On March 6, 2017, an Ordinance passed on second reading reducing the distancing restriction from two thousand feet (2,000') to one thousand feet (1,000') from any school, park or playground for any convicted sex offender required to register.

SUMMARY:

In 2006, the City Council of Englewood adopted Ordinance No. 34, codified as E.M.C. 7-3-3, establishing distance requirements between those areas where children congregate and the residences of persons identified as sexually violent predators pursuant to C.R.S. 18-3-414.5, and persons required to register under the Colorado Sex Offender Registration Act, C.R.S. 16-22-101 for offenses arising to a felony level or multiple offenses requiring registration. In 2016, at the request of citizens, the City Council reviewed the distance requirement. Following testimony from interested persons, the City Council approved an amendment to §7-3-3(A)(ii)(c) reducing the distance requirement to one thousand feet (1000') and the addition of §7-3-3(A)(ii)(d) exempting those with currently established residences from the application of §7-3-3.

FINANCIAL IMPLICATIONS:

None.

ATTACHMENTS: