

ORDINANCE NO. 2147

AN ORDINANCE ADDING CHAPTER 9-56 TO TITLE 9 SECTION V. OF THE BROOMFIELD MUNICIPAL CODE RESTRICTING THE RESIDENCY OF A SEXUALLY VIOLENT PREDATOR AS DEFINED BY C.R.S. § 18-3-414.5

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY AND COUNTY OF BROOMFIELD, COLORADO:

Section 1. Chapter 9-56 of the Broomfield Municipal Code is added to Title 9 and reads as follows:

9-56-010 - Definitions

In this chapter, the following words and phrases have the meanings indicated:

- (A) Permanent residence means a place where a person abides, lodges or resides for fourteen (14) or more consecutive days.**
- (B) Sexually violent predator means a sex offender as defined in section C.R.S. § 18-3-414.5, as amended.**
- (C) Temporary residence means a place where a person abides, lodges or resides for a period of fourteen (14) days or more 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 residence.**
- (D) Recreations center means a publicly owned recreation center.**
- (E) Retail shopping mall means an indoor or outdoor regional retail shopping facility or center (other than such a facility or center dedicated primarily to the sale of groceries) which contains more than 750,000 total square feet.**

9-56-020 - Prohibitions

It shall be unlawful for a person who is required to register under the Colorado Sex Offender Registration Act, C.R.S. § 16-22-101, et seq., as amended, and who has been adjudicated a sexually violent predator to establish a permanent or temporary residence within one thousand (1,000) feet of any City-recognized park, playground, public or private school, licensed day care center, recreation center, library, retail shopping mall, or public swimming pool within the boundaries of the City and County of Broomfield.

9-56-030 - Exceptions

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

- (A) The person established the permanent or temporary residence prior to the effective date of this chapter; provided, however, that this exception shall not apply if the individual committed the offense, for which registration under the Colorado Sex Offender Registration Act is required, after the effective date of this chapter.**
- (B) The person is under the age of eighteen (18) and resides with his or her parents, step-parents or guardians.**
- (C) The person is placed in the residence pursuant to a State of Colorado foster care program.**
- (D) The City-recognized park, playground, public or private school, licensed day care center, recreation center, library, retail shopping mall, or public swimming pool was opened after the person established the permanent or temporary residence, and is not replacing a park, playground, public or private school, licensed day care center, recreation center, library, retail shopping mall, or public swimming pool at the same location.**

9-56-040 - Measurement

For the purpose 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 park, playground, public or private school, licensed day care center, recreation center, library, retail shopping mall, or public swimming pool is located to the nearest point of the permanent or temporary residence structure.

9-56-050 - Penalty

Any person who violates any of the provisions of this chapter shall be punished by a fine or imprisonment or both in accordance with the provisions of Section 1-12-20, B.M.C.

Section 2. This ordinance shall be effective seven days after publication following final passage.

INTRODUCED AND APPROVED after first reading on April 27, 2021, and ordered published in full.

INTRODUCED A SECOND TIME and approved on June 8, 2021, and further ordered published.

THE CITY AND COUNTY OF BROOMFIELD,
COLORADO

Lupe Castaneda

Mayor Pro Tem

ATTEST:

Samantha Monroe

Assistant City Clerk



APPROVED AS TO FORM:

NCR

Nancy Rodgers

City and County Attorney

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