

## **ARTICLE 11 Prohibited Residency of Sex Offenders**

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### **Sec. 10-11-10. Findings and intent.**

- (a) The Board of Trustees finds that sexual predators and specified sex offenders who use physical violence or who prey on children pose an extreme threat to public safety. Sexual predators and specified sex offenders endanger society. Removing specified sex offenders from the regular proximity of places where children are located and limiting the frequency of contact between sexual predators and specified sex offenders and children will reduce the opportunity and risk for offenses to be committed.
- (b) This Article is intended to serve the Town's compelling interests to promote, protect and improve the health, safety and welfare of the public by creating areas around locations where children regularly gather in concentrated numbers, where sexual predators and specified sexual offenders are prohibited from establishing either temporary or permanent residence.

(Ord. 639 §1, 2011)

### **Sec. 10-11-20. Definitions.**

As used in this Article, unless the context otherwise requires:

*Park* means any public park, including playgrounds.

*Permanent residence* means a place where a person abides, lodges or resides for fourteen (14) or more consecutive days.

*Recreation center* means any publicly owned recreation center or a private recreation center that serves children.

*School* means any public, private, parochial, charter or other school attended by students under the age of eighteen (18), except for home schools.

*Sexual predator* means any person who has been found to be a sexually violent predator pursuant to Section 18-3-414.5, C.R.S.

*Specified sex offender* means any person who has been required to register under the Colorado Sex Offender Registration Act, Section 16-22-101, et seq., C.R.S., and:

- a. Who has been convicted of a felony or an offense requiring registration;
- b. Who has multiple convictions for offenses requiring registration; or
- c. Whose offenses requiring registration involved multiple victims.

*Swimming pool* means a privately or publicly owned water-filled structure used for the purpose of swimming or other water activities, including splash parks; provided that *swimming pool*, as used in this Article, shall not include any water-filled structures located at private, single-family residences.

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*Temporary residence* means a place where a person abides, lodges or resides for a period of five (5) or more days in an aggregate 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.

(Ord. 639 §1, 2011)

### **Sec. 10-11-30. Prohibition.**

It shall be unlawful for any person who is required to register under the Colorado Sex Offender Registration Act, Section 16-22-101, et seq., C.R.S., to establish a permanent residence or temporary residence within seven hundred fifty (750) feet of any park, playground or school or within three hundred (300) feet of any day care center, recreation center or swimming pool (other than pools located at private, single-family residences) or at properties located adjacent to any designated public or private school bus stop or recreational trail.

(Ord. 639 §1, 2011)

### **Sec. 10-11-40. Exceptions.**

A sexual predator or specified sex offender is not guilty of a violation of the above Section if:

- (1) The sexual predator or specified sex offender had established the permanent or temporary residence prior to the effective date of this Article; provided, however, that this exception shall not apply if the sexual predator or specified sex offender committed, and was subsequently convicted of, an offense for which registration under the Colorado Sex Offender Registration Act is required, after the effective date of this Article;
- (2) The sexual predator or specified sex offender is placed in the residence pursuant to a state-licensed foster care program; or
- (3) The school, park, playground, swimming pool, recreation center, day care center, designated public or private school bus stop or recreational trail was established at that location after the sexual predator or specified sex offender established the permanent or temporary residence; provided, however, that this exception shall not apply if the sexual predator or specified sex offender committed, and was subsequently convicted of, an offense for which registration under the Colorado Sex Offender Registration Act is required, after the date on which the school, park, playground, swimming pool, recreation center, day care center, designated public or private school bus stop or recreational trail was established at that location.

(Ord. 639 §1, 2011)

### **Sec. 10-11-50. Measurement.**

For purposes of determining a 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, park, playground, swimming pool, recreational center or day care center is located to the nearest point on the outer property line of the property on which the permanent or temporary residence is located.

(Ord. 639 §1, 2011)