

ORDINANCE NO. 1042

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO, ENACTING RESIDENCY DISTANCE RESTRICTIONS UPON SEX OFFENDERS FROM DESIGNATED LOCATIONS WITHIN THE TOWN OF FIRESTONE AND DECLARING AN EMERGENCY

WHEREAS, on March 24, 2024, the Board of Trustees adopted Ordinance No.1041 which imposed residency requirements upon sex offenders; and

WHEREAS, in accordance with the 2023 Annual Report of Colorado Department of Corrections Lifetime Supervision of Sex Offenders the agency expressed concern that there is an increasing risk to the public as the number of sex offenders both incarcerated and in communities is rising while the number of approved treatment providers is rapidly decreasing; and

WHEREAS, the Department of Corrections Sex Offender Management Board's February 1, 2024, Treatment Solutions Work Group Report, notes that there are insufficient resources for treatment of convicted sex offenders due to the volume of admissions and staffing shortages which creates significant community and public safety concerns and given that crimes of sex offenders often involve sexual assault of children there is a heightened community safety interest; and

WHEREAS, the Board of Trustees is concerned that the issues brought forward by the State agencies and the increasing number of sex offenders in the Town present a risk to the public, particularly the youth in the community; and

WHEREAS, to reduce such risk the Board of Trustees desires to impose residency restrictions upon sex offenders' proximity to locations frequented by the Town's youth.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FIRESTONE, COLORADO:

Section 1. Title 16 Firestone Development Code ("FDC") of the Firestone Municipal Code Chapter 13 entitled "Sex Offender Residency Restrictions" is amended to read as follows;

Sec. 16.13.(3)(1) It shall be unlawful for any sex offender to reside within one-thousand feet of any public, private, charter, or parochial school, state or local licensed child care center, child care facility, family child care homes, school bus stops designated by the school's District, any public or neighborhood parks including athletic fields and playgrounds, public recreational trails, designated open spaces, swimming pools or splash parks excluding those located upon private residences, libraries, churches and recreation or community centers.

(2) The distance separation determination shall be made by measurement of a straight line from the outer property line or boundary of the designated location to the nearest point of the property of the sex offender's residence. Geographic Information System (GIS) data regarding the locations shall be *prima facie* evidence of the actual distance.

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declare it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Violations of this ordinance shall be punishable in accordance with Section 1.16.010 of the Municipal Code of the Town of Firestone, Colorado.

Section 4. 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. In accordance with C.R.S. 31-11-105(1) given the States concerns as stated in this ordinance that as the result of the increasing number of sex offenders and insufficient resources for treatment of sex offenders there exists significant community and public safety concerns particularly to children in the community this ordinance is necessary for the immediate preservation of the public peace, health or safety and upon the affirmative vote of three-fourths of the members of the Board of Trustees it shall be adopted as an emergency ordinance and in effect immediately upon adoption.

INTRODUCED, READ, ADOPTED, AND APPROVED AS AN EMERGENCY
ORDINANCE this 8th day of May 2024.

TOWN OF FIRESTONE, COLORADO



Don Conyad Jr, Mayor

ATTEST:

APPROVED AS TO FORM:

Miriam Luna Gonzalez, Interim Town Clerk

William P. Hayashi, Town Attorney