

ORDINANCE NO. 25-_____

AN ORDINANCE CREATING A NEW SECTION 113 (RESIDENCE RESTRICTIONS FOR SEXUALLY VIOLENT PREDATORS) OF ARTICLE 2 (OFFENSES AFFECTING PUBLIC SAFETY) OF CHAPTER 9 (PUBLIC OFFENSES) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO RESIDENCY RESTRICTIONS FOR SEXUALLY VIOLENT PREDATORS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

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

Section 1. Section 113 (Residence Restrictions For Sexually Violent Predators) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, is created to read as follows:

9.2.113: RESIDENCE RESTRICTIONS FOR SEXUALLY VIOLENT PREDATORS:

(A) This section is intended to serve the City's compelling interest to promote, protect, and improve the public health, safety, and welfare by creating areas around locations where children regularly congregate in concentrated numbers where sexually violent predators are prohibited from establishing permanent or temporary residence while still recognizing the need for safe and adequate housing for those individuals who are released to the community by State authorities.

(B) For the purposes of this section, the following definitions apply:

COMMUNITY RESIDENTIAL HOME: A group living situation accommodating at least four but no more than eight persons, which is licensed by the state and in which services and supports are provided to persons with intellectual and developmental disabilities.

PERMANENT RESIDENCE: A place where a person abides, lodges, or resides for five (5) or more consecutive days.

SEXUALLY VIOLENT PREDATOR: A person who has been found to be a sexually violent predator pursuant to C.R.S. § 18-3-414.5., and where the person was

convicted of Sexual Assault on a Child pursuant to C.R.S. § 18-3-405, the attempt thereof, or any other equivalent state statute.

TEMPORARY RESIDENCE: A place where a person abides, lodges, or resides for a period of less than five (5) days.

(C) It is unlawful for any sexually violent predator to establish a permanent residence or a temporary residence within one thousand (1000) feet of a school or a child care facility licensed pursuant to C.R.S. § 26.5-5-301, *et seq.*

(D) A sexually violent predator does not violate this section if:

(1) The sexually violent predator established the permanent residence prior to the effective date of this section;

(2) The sexually violent predator established the permanent residence or temporary residence at a community residential home or a shelter operated by The Springs Rescue Mission, The Salvation Army Colorado Springs Residences, Inc. or The Salvation Army Colorado Springs Residences II, Inc.;

(3) The sexually violent predator is placed in the residence pursuant to a state-licensed foster care program, court order, or parole requirement; or

(4) The school or licensed child care facility within one thousand (1000) feet of the property opened after the sexually violent predator established the permanent residence.

(E) For the purposes of determining a minimum distance separation required herein, the measurement shall be made by following a straight line, without regard to intervening structures or objects, from the outer property line of the property on which the school or licensed child care facility is located to the nearest point on the outer property line of the property on which the permanent or temporary residence is located.

Section 2. Any person convicted of violating Section 113 (Residence Restrictions For Sexually Violent Predators) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) shall be punished as provided in Section 110 (Penalties) of Part 1 (General Provisions) of Article 1 (Administration and Enforcement) of Chapter 9 (Public Offenses) and Section 104 (Right to Trial By

Jury; Jail; Exceptions) of Part 1 (Trial By Jury) of Article 4 (Jury Provisions) of Chapter 11 (Municipal Court) of the Code of the City of Colorado Springs 2001, as amended.

Section 3. This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 4. Council deems it appropriate that this Ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2025.

Finally passed: _____

Lynette Crow-Iverson, Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Blessing A. Mobolade, Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Lynette Crow-Iverson, Council President

ATTEST:

Sarah B. Johnson, City Clerk