

ORDINANCE NO. 2025-022

AN ORDINANCE AMENDING SECTION 9.06.010 OF THE CASTLE ROCK MUNICIPAL CODE BY ADDING ADULT PERFORMANCES TO THE CHARGE OF PUBLIC INDECENCY AND RELATED DEFINITIONS

WHEREAS, the Town desires to add adult performances to Section 9.06.010 of the Castle Rock Municipal Code (the “Code”), concerning public indecency; and,

WHEREAS, the Town Council finds and determines that it is in the best interests of the residents to amend Section 9.06.010 of the Code.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Section 9.06.010 of the Castle Rock Municipal Code is amended to read as follows:

9.06.010 Public indecency.

A. It is unlawful for any person to commit public indecency. A person who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public commits public indecency:

1. An act of sexual intercourse; or
2. A lewd exposure of an intimate part of the body, not including the genitals, done with intent to arouse or to satisfy the sexual desire of any person; or
3. A lewd fondling or caress of the body of another person; or
4. A knowing exposure of the person's genitals to the view of a person under circumstances in which such conduct is likely to cause affront or alarm to the other person; OR
5. A PERFORMANCE OF LIVE ADULT ENTERTAINMENT, OTHER THAN AT A PERMITTED “SEXUALLY ORIENTED BUSINESS,” AS THAT TERM IS DEFINED IN SECTION 17.56.020, WITH THE INTENT TO SEXUALLY AROUSE THE VIEWER OF THE PERFORMANCE AND WHICH INVOLVES:
 - a. THE EXPOSURE OF THE PUBIC REGION, THE BUTTOCKS, THE BREAST OF ANY PERSON, OR MALE OR FEMALE GENITALIA, REGARDLESS OF WHETHER THE EXPOSURE IS OF A REAL OR PROSTHETIC BODY PART OR AREA; OR
 - b. THE PERFORMANCE OF SEXUAL ACTIVITIES, WHETHER REAL OR SIMULATED.

B. For purposes of this section:

1. “Intimate part” means the external genitalia or the perineum or the anus or the buttocks or the pubes or the breast of any person.
2. “SEXUAL ACTIVITIES” INCLUDES:
 - a. THE FONDLING OR OTHER INTENTIONAL TOUCHING OF HUMAN GENITALS, PUBIC REGION, BUTTOCKS, OR ANUS, INCLUDING THROUGH CLOTHING;
 - b. SEX ACTS, WHETHER REAL OR SIMULATED, INCLUDING INTERCOURSE, ORAL COPULATION, SODOMY OR MASTURBATION, INCLUDING THROUGH CLOTHING; OR
 - c. THE DEPICTION, WHETHER REAL OR SIMULATED, OF HUMAN GENITALS IN A STATE OF SEXUAL STIMULATION.

Section 2. 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 as invalid, such judgment shall not affect the remaining provisions of this ordinance.

Section 3. Safety Clause. The Town Council finds and declares that this ordinance is promulgated and adopted for public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this 17th day of June, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of 6 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND READING this 1st day of July, 2025, by the Town Council of the Town of Castle Rock, Colorado, by a vote of ____ for and ____ against as required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jason Gray, Mayor

Approved as to form:

Approved as to content:

Michael J. Hyman, Town Attorney

David L. Corliss, Town Manager