

**CITY OF RIFLE, COLORADO  
ORDINANCE NO. 20  
SERIES OF 2016**

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING  
CHAPTER 10 OF THE RIFLE MUNICIPAL CODE REGARDING  
LOITERING FOR THE PURPOSE OF BEGGING.

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a Colorado home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the City of Rifle Home Rule Charter; and

WHEREAS, recent legal precedent, including that established by the United States District Court for the District of Colorado in *Browne v. City of Grand Junction*, now draws into question the validity of the City’s anti-loitering for the purpose of begging ordinance; and

WHEREAS, the City Council for the City of Rifle, Colorado desires to amend Section 10-3-80 of the City Code to align with the most recent legal precedent now available.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The aforementioned recitals are incorporated herein as though set forth in full.

2. Section 10-3-80 of the Rifle Municipal Code is hereby amended as follows, with additions shown in double underlined text and ~~strike through language deleted~~.

**Sec. 10-3-80. - Loitering.**

(a) The word *loiter* means to be dilatory, to stand idly around, to linger, delay or wander about, or to remain, abide or tarry in a public place.

(b) A person commits a Class C municipal offense if he or she knowingly:

~~(1) Loiters for the purpose of begging;~~

(2) Loiters for the purpose of unlawful gambling with cards, dice or other gambling paraphernalia;

(3) Loiters for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse;

(4) With intent to interfere with or disrupt the school program or with intent to interfere with or endanger schoolchildren, loiters in or upon a school building or on school grounds or within one hundred (100) feet of school grounds when persons under

the age of eighteen (18) are present in the building or on the grounds, not having any reason or relationship involving custody of, or responsibility for a pupil or any other specific legitimate reason for being there, and having been asked to leave by a school administrator or his or her representative or by a peace officer; or

(~~5~~4) Loiters with one (1) or more persons for the purpose of unlawfully using or possessing a controlled substance, as defined in Section 10-8-10 of this Chapter.

(c) It shall be an affirmative defense that the defendant's acts were lawful and he or she was exercising his or her rights of lawful assembly as part of a peaceful and orderly petition for the redress of grievances, either in the course of labor disputes or otherwise.

3. Any and all ordinances of the City of Rifle in conflict with this Ordinance are hereby repealed and replaced to the extent of the conflict only.

4. If any sentence, phrase, clause, or provision of this Ordinance is held to be illegal by a court or administrative body of competent jurisdiction, the same sentence, phrase, clause, or provision shall be deemed stricken from the Ordinance and not impact the remainder thereof.

INTRODUCED on September 21, 2016, read by title, passed on first reading, and ordered published by title as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on October 5, 2016 passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF RIFLE, COLORADO

BY: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk