

**TOWN OF TIMNATH, COLORADO  
ORDINANCE NO. 12, SERIES 2016**

**AN ORDINANCE AMENDING CHAPTER 10, ARTICLE V, SECTION 50  
OF THE TIMNATH MUNICIPAL CODE  
REGARDING LOITERING FOR THE PURPOSE OF BEGGING**

**WHEREAS**, the Town of Timnath, Colorado (the "Town"), is a home rule municipality organized pursuant to Article XX of the Colorado Constitution; and

**WHEREAS**, as a home rule municipality, the Town Council (the "Council") has broad authority to exercise its police power to adopt and enforce ordinances for the protection of the public health, safety and welfare of its residents; and

**WHEREAS**, section 10-5-50(b)(1) (the "Begging Ordinance") of the Timnath Municipal Code (the "Code") prohibits loitering for the purpose of begging; and

**WHEREAS**, the Council desires to repeal the Begging Ordinance, as shown in **EXHIBIT A**, attached hereto and incorporated herein, in order to more fully protect the appropriate balance of constitutional rights of individuals and the safety and well-being of the general public.

**NOW, THEREFORE, THE COUNCIL OF THE TOWN OF TIMNATH, COLORADO, ORDAINS:**

**ARTICLE 1 – RECITALS INCORPORATED**

The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Council.

**ARTICLE 2 – ADOPTION**

Section 10-5-50 of the Code is hereby is repealed, as shown in **EXHIBIT A**, restated, and readopted to read as follows:

**Sec. 10-5-50 - Loitering**

- (a) The word *loiter* means to be dilatory, to stand idly, to linger, to delay or wander about or to remain, abide or tarry in a public place.
- (b) A person commits an offense if he or she:
  - (1) Loiters for the purpose of unlawful gambling with cards, dice or other gambling paraphernalia;
  - (2) Loiters for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse;
  - (3) With intent to interfere with or disrupt the school program or with intent to interfere with or endanger schoolchildren, loiters in a school building or on school grounds or within 100 feet of school grounds when persons under the age of 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



**Please Return to:**  
Town of Timnath  
4800 Goodman Street  
Timnath, CO 80547

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  
(4) Loiters with one or more persons for the purpose of unlawfully using or possessing a controlled substance, as defined in Section 10-7-10 of this Chapter.

**ARTICLE 3 – SEVERABILITY**

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 Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or more parts be declared unconstitutional or invalid.

**ARTICLE 4 – REPEALER**

All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**ARTICLE 5 – EFFECTIVE DATE**

This Ordinance shall take effect upon adoption at second reading, as provided by Section 3.5.5 of the Charter.

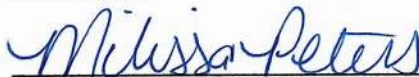
**INTRODUCED, MOVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF TIMNATH ON FIRST READING, OCTOBER 25, 2016, AND SET FOR PUBLIC HEARING AND SECOND READING AT 6:00 P.M. ON NOVEMBER 8<sup>TH</sup>, 2016 AT THE TIMNATH TOWN ADMINISTRATIVE BUILDING, 4800 GOODMAN STREET, TIMNATH, COLORADO AND ORDERED PUBLISHED BY TITLE THIS 25<sup>TH</sup> DAY OF OCTOBER, 2016.**

**MOVED, SECONDED AND FINALLY ADOPTED ON SECOND READING FOLLOWING PUBLIC HEARING BY THE TIMNATH TOWN COUNCIL ON NOVEMBER 8<sup>TH</sup>, 2016.**

**TOWN OF TIMNATH, COLORADO**

  
\_\_\_\_\_  
Jill Grossman-Belisle, Mayor

**ATTEST:**

  
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Milissa Peters, CMC  
Town Clerk



**EXHIBIT A**  
**Redline of Timnath Municipal Code Section 10-5-50**  
**Showing Repeal of Section 10-5-50(b)(1)**

**ARTICLE 5 – Public Peace, Order and Decency**

**Sec. 10-5-50 - Loitering**

- (a) The word *loiter* means to be dilatory, to stand idly, to linger, to delay or wander about or to remain, abide or tarry in a public place.
- (b) A person commits an offense if he or she:
  - ~~(1) Loiters for the purpose of begging;~~
  - (21) Loiters for the purpose of unlawful gambling with cards, dice or other gambling paraphernalia;
  - (32) Loiters for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse;
  - (43) With intent to interfere with or disrupt the school program or with intent to interfere with or endanger schoolchildren, loiters in a school building or on school grounds or within 100 feet of school grounds when persons under the age of 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
  - (54) Loiters with one or more persons for the purpose of unlawfully using or possessing a controlled substance, as defined in Section 10-7-10 of this Chapter.