

**TOWN OF PARACHUTE  
ORDINANCE NO. 709-2016**

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**AN ORDINANCE OF THE TOWN OF PARACHUTE, COLORADO, AMENDING SECTION 11.06.080 OF THE PARACHUTE MUNICIPAL CODE REGARDING UNLAWFUL LOITERING.**

**WHEREAS**, the Town of Parachute (the “Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and under the Parachute Home Rule Charter;

**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 Town’s anti-loitering for the purpose of begging ordinance; and

**WHEREAS**, the Town Board of Trustees for the Town of Parachute, Colorado desires to amend Section 11.06.080 of the Town Code to align with the most recent legal precedent now available.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PARACHUTE, COLORADO THAT:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Section 11.06.080 of the Town Code is hereby amended as follows, with **bold, underlined text added** and ~~strike through language deleted~~.

**11.06.080 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 B municipal offense if he knowingly:

~~1. Loiters for the purpose of begging; or~~

**21.** Loiters for the purpose of unlawful gambling with cards, dice, or other gambling paraphernalia; or

**32.** Loiters for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse; or

**43.** Loiters with intent to interfere with or disrupt the school program or with intent to interfere with or endanger school children, in a school building or on school grounds or

within one hundred feet (100') 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 other specific, legitimate reason for being there, and having been asked to leave by a school administrator or his representative or by a peace officer; or

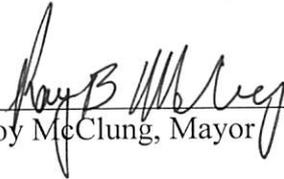
54. Loiters with one or more persons for the purpose of unlawfully using or possessing a controlled substance, as defined in § 18-18-102, C.R.S., as amended.

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

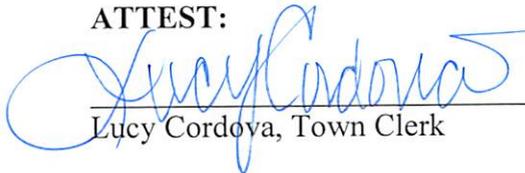
**INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY** by a vote of 6 to 0 of the Board of Trustees of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 20<sup>th</sup> day of October, 2016 and approved by the Mayor on the 20<sup>th</sup> day of October, 2016.

**BOARD OF TRUSTEES OF THE TOWN  
OF PARACHUTE, COLORADO**

By:

  
\_\_\_\_\_  
Roy McClung, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Lucy Cordova, Town Clerk

**PUBLIC NOTICE**

Public notice is hereby given that an Ordinance entitled:

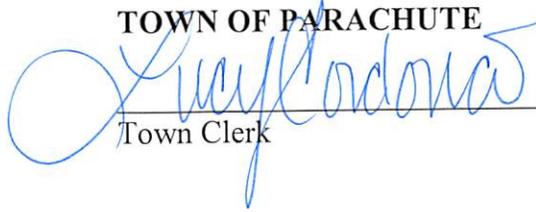
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was introduced before the Board of Trustees on October 20<sup>th</sup>, 2016; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Board of Trustees held on October 20, 2016, and approved by the Mayor on October, 2016.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado and available on the internet at <http://www.parachutecolorado.com>.

Dated this 20<sup>th</sup> day of October, 2016.

**TOWN OF PARACHUTE**

  
\_\_\_\_\_  
Town Clerk