

TOWN OF BUENA VISTA, COLORADO

ORDINANCE NO. 17
(SERIES OF 2016)

AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
REPEALING THE BUENA VISTA MUNICIPAL CODE SECTION 10-
176(b)(1).

WHEREAS, the Board of Trustees has determined that the Town's anti-loitering laws pose constitutional concerns in light of the recent case of *Browne v. City of Grand Junction, Colo.*, Civil Action No. 14-CV-00809-CMA-KLM (D. Colo. Sept. 30, 2015), particularly with respect to loitering for the purpose of soliciting donations;

WHEREAS, the Board of Trustees further finds that other provisions of the Town's current anti-loitering laws are difficult, if not impossible, to enforce;

WHEREAS, because the nature of a violation depends upon the status of an individual and the individual's subjective intent, there is a high level of risk that innocent individuals could receive citations for lawful behavior; and

WHEREAS, there are alternative, more readily enforceable laws, including laws against gambling, prostitution, trespassing, and illegal drugs, that protect against the underlying criminal behavior, and the Town has minimal issues with troublesome loitering, and therefore, there is no need for an anti-loitering ordinance.

WHEREAS, the Board of Trustees finds this Ordinance to be in the best interests of the Town and its residents.

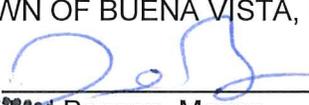
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:

Section 1. Section 10-176 of the Buena Vista Municipal Code is hereby repealed.

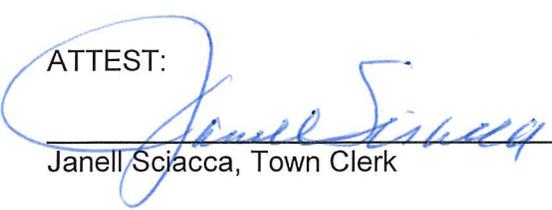
INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 14th day of September, 2016.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: 
Joel Benson, Mayor

ATTEST:


Janell Sciacca, Town Clerk

