

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 742

AN ORDINANCE REPEALING SECTION 10-123 OF THE NEDERLAND MUNICIPAL CODE CONCERNING LOITERING

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town of Nederland, Colorado (“Town”), acting by and through its Board of Trustees (“Board”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to this authority, the Town has previously adopted a number of defined offenses, generally codified as Chapter 10 of the Nederland Municipal Code (“Code”); and

WHEREAS, Code Section 10-123 defines and prohibits the offense of “loitering;” and

WHEREAS, there have been recent developments in the law concerning the Constitutional parameters of defining and enforcing such an offense; and

WHEREAS, the Board therefore desires to repeal existing Code Section 10-123, concerning loitering, to prevent its enforcement in Town while the Board takes the time and opportunity to study the language and evaluate the same in regards to its desirability and legality.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, as follows:

Section 1. Subsection 10-123 of the Code, concerning the offense of Loitering, is hereby repealed and designated as “Reserved.”

Section 2. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 3. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED THIS 4th DAY OF OCTOBER, 2016.

TOWN OF NEDERLAND, COLORADO



Kristopher Larsen, Mayor

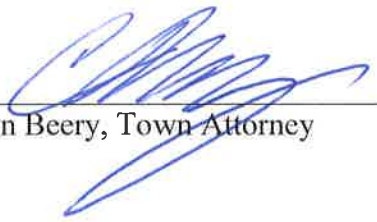
ATTEST:



LauraJane Baur, Town Clerk



APPROVED AS TO FORM:



Carmen Beery, Town Attorney