

**CITY OF EDGEWATER**  
**ORDINANCE NO. 2015 - 13**  
**SERIES OF 2015**

**AN ORDINANCE AMENDING CHAPTER 10 OF THE EDGEWATER MUNICIPAL CODE, CONCERNING GENERAL OFFENSES, BY AMENDING SECTION 10-3-90, CONCERNING LOITERING, TO REMOVE A PROHIBITION OF LOITERING FOR THE PURPOSE OF BEGGING**

WHEREAS, pursuant to its home rule authority under Sec. 6 of Article XX of the Colorado Constitution, the City of Edgewater, Colorado ("City") possesses the authority to regulate in furtherance of public health and safety; and

WHEREAS, pursuant to this authority, the City previously adopted prohibitions related to loitering that are codified as section 10-3-90 of the Edgewater Municipal Code ("Code"); and

WHEREAS, the City Council, after taking into consideration the recommendations of City staff members and professional consultants, and all other information it deems prudent, now desires to adopt certain amendments to such regulations in order to remove the prohibition of loitering for the purpose of begging.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, COLORADO THAT:

Section 1. Subsection 10-3-90(a) of the Edgewater Municipal Code, concerning loitering, is hereby amended read as follows:

- (a) It is unlawful for any person to:
  - (1) Loiter with the intent to violate any provision of this Chapter or any criminal provisions of state or federal law.
  - (2) ~~Loiter for the purpose of begging.~~
  - (3) Loiter for the purpose of unlawful gambling with cards, dice or other gambling paraphernalia.
  - (43) Loiter for the purpose of engaging or soliciting another person to engage in prostitution or deviate sexual intercourse.
  - (54) Loiter with intent to interfere with or disrupt the school program or with intent to interfere with or endanger schoolchildren in a school building, 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, for one not having any reason or

relationship involving custody for, or responsibility for, a pupil or any other specific, legitimate reason for being there, and having been asked to leave by a school administrator, the administrator's representative or a peace officer.

(65) Loiter with one (1) or more persons for the purpose of unlawfully using or possessing a controlled substance.

Section 2. Severability. If any 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 City Council hereby declares that it would have adopted this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Effective Date. This ordinance shall become effective five (5) days after final publication.

INTRODUCED, READ, PASSED ON FIRST READING AND ORDERED PUBLISHED this 3rd day of September, 2015.

*/s/ Bonnie McNulty, Mayor*

ATTEST:

*/s/ Elizabeth A. Hedberg, CMC*  
City Clerk

PASSED AND ADOPTED ON SECOND READING AND ORDERED PUBLISHED this 1st day of October, 2015.

*/s/ Bonnie McNulty, Mayor*

ATTEST:

*/s/ Elizabeth A. Hedberg, CMC*  
City Clerk



### SUMMARIZED HISTORY FOR ORDINANCE NO. 2015-13

Action	Date
First Reading	September 3, 2015
Posted	September 4, 2015
Publication	September 4, 2015
Second Reading	October 1, 2015
Sent to Codifier	October 2, 2015
Posted	October 2, 2015
Publication	October 2, 2015
Enacted	October 7, 2015