

CITY OF RIFLE, COLORADO
ORDINANCE NO. 11
SERIES OF 2022

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO AMENDING SECTION 10-3-50 OF THE CITY OF RIFLE MUNICIPAL CODE SETTING FORTH THE DEFINITION OF THE MUNICIPAL OFFENSE OF HARASSMENT

WHEREAS, the City of Rifle (“Rifle” or the “City”) is a home-rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rifle Home Rule Charter; and

WHEREAS, Section 10-3-50 of the City of Rifle Municipal Code (the “Code”) defines the municipal offense of harassment; and

WHEREAS, the Colorado Supreme Court recently interpreted the definition of harassment in Section 18-9-111, C.R.S., and concluded that certain language was unconstitutionally overbroad; and

WHEREAS, the City Council finds and determines that amending the language in Section 10-3-50 of the Code as described herein in light of the Court’s interpretation of the state statute is in the best interest of the public health, safety and welfare of the citizens of Rifle.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF RIFLE, COLORADO, ORDAINS THAT:

1. The foregoing recitals are incorporated by reference as findings and determinations of the City Council.

2. Section 10-3-50 of the Code is hereby amended as follows (deletions shown in ~~striketrough~~, additions shown in double underline):

Sec. 10-3-50. - Harassment.

- (a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:
 - (1) Strikes, shoves, kicks or otherwise touches a person or subjects him or her to physical contact;

- (2) In a public place directs obscene language or makes an obscene gesture to or at another person, which is a Class B municipal offense;
 - (3) Follows a person in or about a public place, which is a Class B municipal offense;
 - (4) Directly or indirectly Initiates communication with a person, anonymously or otherwise by ~~telephone~~, phone network, data network, text message, instant message, computer, computer network or computer system, or other interactive electronic medium in a manner intended to ~~harass~~ cause a reasonable person serious emotional distress or threatens bodily injury or property damage, or makes any comment, request, suggestion or proposal by ~~telephone, phone network, data network, text message, instant message, computer, computer network or computer system, or other interactive electronic medium~~ which is obscene, which is a Class B municipal offense;
 - (5) Makes a ~~telephone~~ call or causes a ~~telephone~~ to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation, which is a Class B municipal offense;
 - (6) Makes repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property, which is a Class B municipal offense; or
 - (7) Repeatedly insults, taunts, challenges or makes communications in offensively coarse language to another in a manner likely to provoke a violent or disorderly response, which is a Class B municipal offense.
- (b) Any act prohibited by Paragraph (a)(4) above may be deemed to have occurred or to have been committed at the place at which the ~~telephone~~ call, electronic mail or other electronic communication was either made or received.
- (c) As used in this Section, unless the context otherwise requires, obscene means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

INTRODUCED on May 18, 2022 read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado held on June 1, 2022, passed without amendment, approved, and ordered published in full as required by the Charter.

DATED this ____ day of _____, 2022.

CITY OF RIFLE, COLORADO

By _____
Mayor

ATTEST:

City Clerk