

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB11

ORDINANCE NUMBER: 2022-11

**TITLE: AN ORDINANCE AMENDING SECTION 10-127 OF THE BLACK HAWK
MUNICIPAL CODE REGARDING HARASSMENT**

WHEREAS, the Colorado Supreme Court's recent decision in People v. Moreno, 22 CO 15 (2022) modified C.R.S. § 18-9-111(1)(e) by striking language that it found created an impermissible restriction on free speech; and

WHEREAS, Black Hawk Municipal Code § 10-127(a)(4) contains substantially similar language to C.R.S. § 18-9-111(1)(e).

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 10-127 of the Black Hawk Municipal Code is amended to read as follows:

Sec. 10-127 – Harassment

- (a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:

* * *

- (4) Initiates communication with a person in any medium, anonymously or otherwise, in a manner intended to threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal in any medium which is obscene;

* * *

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a

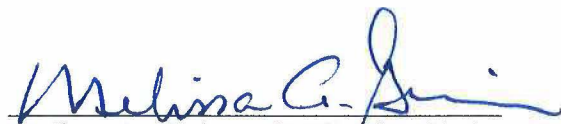
court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED, AND ORDERED POSTED this 25th day of May, 2022.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

