

**ORDINANCE NO. 10
SERIES 2022**

**AN ORDINANCE AMENDING SECTION 6-3D-4.A.4. OF THE VAIL TOWN
CODE, REGARDING HARASSMENT**

WHEREAS, the Colorado Supreme Court's recent decision in *People v. Moreno*, 22 CO 15 (2022) held that certain language in the state harassment statute, C.R.S. § 18-9-111(1)(e), was an impermissible restriction on free speech; and

WHEREAS, Vail Town Code § 6-3D-4.A.4. contains substantially similar language to C.R.S. § 18-9-111(1)(e).

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF VAIL, COLORADO, THAT:**

Section 1. Section 6-3D-4.A.4. of the Vail Town Code is hereby amended to read as follows:

6-3D-4: DISTURBING THE PEACE:

A. Harassment: It is unlawful for a person to intentionally harass, annoy or alarm another person by:

* * *

4. Initiating communication with a person in any medium, anonymously or otherwise, in a manner intended to threaten bodily injury or property damage, or make any any comment, request, suggestion, or proposal that is obscene; or

* * *

Section 2. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance; and the Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3. The Council hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety and welfare of the Town and the inhabitants thereof.

Section 4. The amendment of any provision of the Town Code as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision

amended. The amendment of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 5. All bylaws, orders, resolutions and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ ON FIRST READING, APPROVED, AND ORDERED
PUBLISHED ONCE IN FULL ON FIRST READING this ____ day of _____,
2022 and a public hearing for second reading of this Ordinance set for the ____ day of
_____, 2022, in the Council Chambers of the Vail Municipal Building, Vail,
Colorado.

Kim Langmaid, Mayor

ATTEST:

Tammy Nagel, Town Clerk

READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED
this ____ day of _____, 2022.

Kim Langmaid, Mayor

ATTEST:

Tammy Nagel, Town Clerk