

ORDINANCE NO. 2814

INTRODUCED BY: DAVIS, DOUGLAS, ELLIOTT, FORD, FRANK, GUARDIOLA,
HUSEMAN, MADERA, TETER

AN ORDINANCE REPEALING AND RE-ENACTING SECTION 12-5005 OF THE COMMERCE CITY REVISED MUNICIPAL CODE REGARDING PROHIBITED SOLICITATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. Section 12-5005 of the Commerce City Revised Municipal Code is hereby repealed and re-enacted as Section 12-5005, titled "Solicitations on Posted Property," as shown in Exhibit A, attached and incorporated by reference.

SECTION 2. The City Council finds and declares that this ordinance is reasonable and necessary to protect the public health, safety, and welfare.

SECTION 3. Except as specifically modified herein, the provisions of the Commerce City Revised Municipal Code shall remain unchanged and in full force and effect. Any ordinances of the City of Commerce City inconsistent with this ordinance are hereby repealed.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS 15TH DAY OF OCTOBER 2018.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS 19TH DAY OF NOVEMBER 2018.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, MMC, City Clerk

Sec. 12-5005. — Solicitations on Posted Property.~~Restricted and prohibited solicitations.~~

(a) ~~— Definitions. As used in this section, the following words and phrases shall have the following meanings:~~

(1) ~~— At risk person means a natural person who is sixty (60) years of age or older, under eighteen (18) years of age, or who is a person with a disability.~~

(2) ~~— Obstruct means to render impassible or to render passage unreasonably inconvenient or hazardous.~~

(3) ~~— Panhandle means to knowingly approach, accost or stop another person in a public place and solicit that person, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or thing of value.~~

(4) ~~— Person with a disability means a natural person of any age who suffers from one (1) or more substantial physical or mental impairments that render the person significantly less able to defend against criminal acts directed toward such person than he would be without such physical or mental impairments.~~

(5) ~~— School grounds means all buildings that are owned, leased, rented, or otherwise used by a school for instruction, administration support services, recreation, maintenance, or storage and grounds surrounding such buildings over which the school is authorized to exercise dominion or control.~~

(6) ~~— Substantial physical or mental impairment includes, without limitation: the loss of, or the loss of use of, a hand or foot; the loss, or severe diminishment, of hearing, sight, or the ability to walk; and any developmental disability, psychological disorder, mental illness or neurological condition that substantially impairs a person's judgment or capacity to recognize reality or to control behavior.~~

(7) ~~— Traveled portion of a street or highway means that portion of the road normally used by moving motor vehicle traffic.~~

(b) ~~— Panhandling restricted. It shall be unlawful for any person to panhandle if such panhandling occurs:~~

(1) ~~— Anytime from one half (1/2) hour after sunset to one half (1/2) hour before sunrise; (2) — In a manner that involves the person panhandling knowingly engaging in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;~~

(3) ~~— In a manner that involves the person panhandling knowingly directing fighting words to the person solicited;~~

(4) ~~— In a manner that involves the person panhandling knowingly touching or grabbing the person solicited;~~

(5) ~~— In a manner that involves the person panhandling knowingly continuing to request the person solicited for a gift of money or thing of value after the person solicited has refused the panhandler's initial request;~~

- ~~(6) — In a manner that involves the person panhandling knowingly soliciting an at-risk person;~~
- ~~(7) — On a sidewalk or other passage way in a public place used by pedestrians and is done in a manner that obstructs the passage of the person solicited or that requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person;~~
- ~~(8) — Within one hundred (100) feet of an automatic teller machine or of a bus stop; (9) — On a public bus;~~
- ~~(10) — In a parking garage, parking lot or other parking facility;~~
- ~~(11) — When the person solicited is entering or exiting a parked motor vehicle, or is in a motor vehicle stopped on a street; or~~
- ~~(12) — On, or within one hundred (100) feet of, any school grounds.~~
- ~~(c) — Solicitations on or near streets or highways. It shall be unlawful for any person to solicit a ride, employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when:~~
 - ~~(1) — Such solicitation or collection causes the person performing the activity to enter onto the traveled portion of a street or highway;~~
 - ~~(2) — Such solicitation or collection involves the person performing the activity to be located upon any median area of the traveled portion of a street or highway which separates traffic lanes for vehicular travel in opposite directions; or~~
 - ~~(3) — The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.~~
- ~~(d) — Solicitations on interstate highways. It shall be unlawful for any person to solicit or attempt to solicit employment, business, or contributions of any kind from the occupant of any vehicle on any highway included in the interstate system including any entrance to or exit from such highway.~~
- ~~(e) — Reserved.~~
- ~~(f) — Solicitations on posted property.~~

It shall be unlawful for any person to enter or remain upon any public or private premises in the city for the purpose of soliciting the immediate or future purchase or sale of goods, services, or any other thing of value, or to solicit a gift, a donation, a vote, or any other support or belief when a "No Solicitation" or "No Trespassing" sign is posted at or near the entrance(s) to such premises unless the permission of the owner, agent, representative or occupant of the premises has been previously obtained. This provision shall apply to all solicitations, including, without limitation, those that are charitable, civic, educational, recreational, fraternal, religious, or political in nature.

[END]