



Legislation Details (With Text)

File #: Ord 2184 **Version:** 1 **Name:**

Type: Ordinance **Status:** Passed

File created: 10/9/2018 **In control:** City Council

On agenda: 11/19/2018 **Final action:** 11/19/2018

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

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance - Final, 2. Ordinance, 3. Browne v City of Grand Junction, 4. Reed v Town of Gilbert

Date	Ver.	Action By	Action	Result
11/19/2018	1	City Council	approved on second & final reading	
10/15/2018	1	City Council	introduced by council as seated and approved on first reading	Pass

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

Summary and Background Information: Commerce City currently prohibits forms of “panhandling” and solicitations on interstate highways pursuant to Section 12-5005 of the Commerce City Revised Municipal Code. Panhandling is defined by the code as “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.” In light of the rulings of the United States District Court for the District of Colorado in *Brown v. City of Grand Junction*, 136 F. Supp. 3d 1276 (D. Colo. 2015) and the United States Supreme Court in *Reed v. Town of Gilbert, Ariz.*, 135 S.Ct. 2218 (2015), proposed Ordinance 2184 repeals portions of Section 12-5005.

Potentially harmful acts remain prohibited under the Commerce City Revised Municipal Code and state law without reference to speech protected under the First Amendment. Among the prohibitions that remain are: menacing (CCRMC 12-4000); assault (CCRMC 12-4001; CRS §§ 18-3-202 - 18-3-204); reckless endangerment (CCRMC 12-40002); harassment (CCRMC 12-4003); disorderly conduct (CCRMC 12-5000; CRS § 18-9-106); obstruction of public ways (CCRMC 12-6001; CRS § 18-9-107).

Section 12-5005’s prohibition of solicitations at properties with posted “No Trespassing” or “No Solicitation” signs will remain in effect.

Action Options:

- 1) Move to introduce Ordinance 2184 on first reading.
- 2) Move to amend Ordinance 2184.
- 3) Move to postpone Ordinance 2184 to a future Council meeting.
- 4) Move to postpone Ordinance 2184 indefinitely.

Staff Responsible (Department Head): Robert Sheesley, City Attorney
Staff Member Presenting: Robert Sheesley, City Attorney

Financial Impact: n/a

Funding Source: n/a

Staff Recommendation: Staff recommends approval of the ordinance.