

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 15-cv-0281-WJM-KMT

ABBY LANDOW,
JEFFREY ALAN,
SUSAN WYMER,
LAWRENCE BEALL,
GREENPEACE INC., and
NANCY YORK,

Plaintiffs,

v.

CITY OF FORT COLLINS,

Defendant.

ORDER GRANTING JOINT MOTION FOR STIPULATED PERMANENT INJUNCTION

This matter is before the Court on the Parties' Joint Motion for Entry of Stipulated Permanent Injunction, filed April 24, 2015. (ECF No. 46.) The Court having reviewed the Motion and being fully advised hereby FINDS as follows:

1. Plaintiffs Abby Landow, Jeffrey Alan, Susan Wymer, Lawrence Beal, Greenpeace, Inc., and Nancy York initiated this action against Defendant City of Fort Collins seeking to enjoin Defendant from enforcing various provisions of Section 17-127 of the Fort Collins Municipal Code, titled "Panhandling" ("the Ordinance"). Plaintiffs also sought to enjoin Defendant from arresting, citing, or ticketing persons who are only soliciting passively by means of a sign or other indication that donations are invited.

2. Plaintiffs sought interim injunctive relief, and a hearing on Plaintiffs' Motion for Preliminary Injunction was set for March 2, 2015.
3. On February 27, 2015, Defendant repealed the challenged provisions of the Ordinance.
4. The hearing on Plaintiffs' Motion for Preliminary Injunction was rescheduled for March 27, 2015.
5. The parties have stipulated to the entry of a permanent injunction prohibiting Defendant from arresting, ticketing, citing, or otherwise interfering with individuals who are solely engaged in passive solicitation. Passive solicitation is defined as passively standing or sitting with a sign or other indication that they are seeking donations, without addressing their solicitation to any specific person, other than in response to an inquiry by that person.
6. This Court has jurisdiction over this action and, therefore, the authority to enter the parties' stipulated permanent injunction.

Therefore, it is HEREBY ORDERED that:

1. The parties' Joint Motion for Entry of Stipulated Permanent Injunction Against Defendant (ECF No. 46) is GRANTED;
2. Defendant City of Fort Collins, along with Defendant's principals, officers, agents, servants, employees, and representatives, is PERMANENTLY ENJOINED and restrained from arresting, ticketing, citing, or otherwise interfering with individuals who are solely engaged in passive solicitation. Passive solicitation is defined as passively standing or sitting with a sign

or other indication that they are seeking donations, without addressing their solicitation to any specific person, other than in response to an inquiry by that person.

Dated this 24th day of April, 2015.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "William J. Martinez", is written over a horizontal line.

William J. Martinez
United States District Judge