

ORDINANCE NO. 4618

AN ORDINANCE PROHIBITING ACTIVITIES RELATING TO PANHANDLING

RECITALS:

The City of Grand Junction has the authority and power pursuant to C.R.S. §31-15-401 to restrain and punish loiterers and disorderly persons, to prevent and suppress disorderly conduct and disturbances, and to maintain order in public places.

The City likewise has the authority and power pursuant to C.R.S. §31-15-702 to regulate the use of sidewalks, streets and parks.

It has come to the attention of the City Council that some residents have experienced problems with aggressive panhandling, disturbances and vandalism associated with panhandling, and fraudulent practices by panhandlers to gain or obtain money. Between January 1, 2013 and December 31, 2013, the Grand Junction Regional Communication Center received 439 calls complaining of panhandling activity within Mesa County, 377 of which were within the City.

The City Council has been presented with information from the Grand Junction Police Department that panhandling may be creating a public safety risk on and along public roads.

The City Council hereby finds and determines that regulating panhandling through reasonable time, place and manner restrictions and prohibiting aggressive panhandling protects property, public safety and benefits the health, safety and welfare of the entire community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

Title 9 of the Grand Junction Municipal Code is amended to include a new Chapter 5, Prohibited Activities, as follows:

9.05.010 Legislative Declaration.

- (a) The City Council does find and declare that it is the right of every person to be secure and protected from intimidation and physical harm resulting from activities associated with panhandling.
- (b) This Ordinance is not intended to interfere with the exercise of constitutionally protected rights of freedom of expression, speech and association; and the City Council does recognize the constitutional right of every citizen to harbor and express beliefs on any subject whatsoever and to lawfully associate with others.

- (c) Citizens of the City are concerned as a result of behaviors by individual persons and groups of persons who aggressively panhandle and who create safety risks along and on public roads, which activities are not constitutionally protected and which present a clear and present danger to public order and safety.
- (d) This Ordinance is also intended to provide for safe and orderly panhandling during times and at places which protect the safety of the public while allowing for individual expression within the boundaries of the City.

9.05.020 Definitions.

As used in this Ordinance the following words are defined as follows:

At-risk person shall mean a natural person who is over seventy (70) or under sixteen (16) years of age, or who is a person with a disability. A *person with a disability* shall mean, for purposes of the definition of “at-risk” person, a natural person of any age who suffers from one or more substantial physical or mental impairment that renders the person significantly less able to defend against criminal acts directed toward such person than he or she would be without such physical or mental impairment(s). A *substantial physical or mental impairment* shall be deemed to include, without limitation, the loss of, or the loss of use of, a hand, foot or limb; loss of, or severe diminishment of, eyesight; loss of, or severe diminishment of, hearing; loss of, or severe diminishment in, the ability to walk; any developmental disability, psychological disorder, mental illness or neurological condition that substantially impairs a person’s ability to function physically or that substantially impairs a person’s judgment or capacity to recognize reality or to control behavior.

Knowingly shall mean, with respect to the conduct or circumstances described in this Title 9, Chapter 5, that a person is aware that such person’s conduct is of that nature or that the circumstances exist. With respect to a result of such conduct, *knowingly* means that a person is aware that such person’s conduct is practically certain to cause the result.

Obscene shall mean a blatantly offensive description of a sexual act or solicitation to commit a sexual act, whether or not such sexual act is normal or perverted, actual or simulated, including but not limited to masturbation, cunnilingus, fellatio, anilingus or human excretory functions.

Obstruct shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.

Panhandle / panhandling shall mean 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 money, employment or other thing of value.

9.05.030 Applicability and effective date.

This Ordinance shall apply to the City of Grand Junction. This Ordinance shall take effect thirty (30) days following publication and the City Council further authorized publication of this Ordinance in book or pamphlet form.

9.05.040 General panhandling and solicitation.

It shall be unlawful for any person to panhandle

- (a) One-half (1/2) hour after sunset to one-half (1/2) hour before sunrise;
- (b) If the person panhandling knowingly engages 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;
- (c) If the person panhandling directs fighting words to the person solicited that are likely to create an imminent breach of the peace;
- (d) If the person panhandling knowingly touches or grabs the person solicited;
- (e) If the person panhandling knowingly continues to request the person solicited for money or other thing of value after the person solicited has refused the panhandler's initial request;
- (f) If the person panhandling knowingly solicits an at-risk person;
- (g) In such a manner that the person panhandling obstructs a sidewalk, doorway, entryway, or other passage way in a public place used by pedestrians or obstructs the passage of the person solicited or requires the person solicited to take evasive action to avoid physical contact with the person panhandling or with any other person;
- (h) Within one hundred (100) feet of an automatic teller machine or of a bus stop;
- (i) On a public bus;
- (j) In a parking garage, parking lot or other parking facility;
- (k) When the person solicited is present within the patio or sidewalk serving area of a retail business establishment that serves food and/or drink, or waiting in line to enter a building, an event, a retail business establishment, or a theater;
- (l) On or within one hundred (100) feet of any school or school grounds.

9.05.050 Panhandling and solicitation on or near public streets and highways.

It shall be unlawful for any person to panhandle or to solicit employment, business contributions or sales of any kind, or to collect money for the same, directly from the occupant of any vehicle traveling upon any public street or highway when:

- (a) Such panhandling, solicitation or collection involves the person performing the activity to enter onto the traveled portion of a public street or highway to complete the transaction, including, without limitation, entering onto bike lanes, street gutters or vehicle parking areas; or
- (b) The person performing the activity is located such that vehicles cannot move into a legal parking area to safely complete the transaction.

Notwithstanding the foregoing in this Section 9.05.050, it shall be unlawful for any person to panhandle or to solicit or attempt to solicit employment, business, or contributions of any kind directly from the occupant of any vehicle on any highway included in the interstate or state highway system, including any entrance to or exit from such highway.

9.05.060 Enforcement and penalties.

Violation of any provision of this Chapter shall constitute a misdemeanor and shall be punishable in accordance with the penalties provided in GJMC 1.04.090.

9.05.070 Severability.

This Ordinance is necessary to protect the public health, safety and welfare of the residents of the City. If any provision of this Ordinance is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

All other provisions of Title 9 of the Grand Junction Municipal Code shall remain in full force and effect.

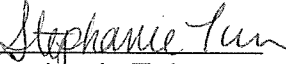
INTRODUCED ON FIRST READING AND ORDERED PUBLISHED in pamphlet form this 5th day of February, 2014.

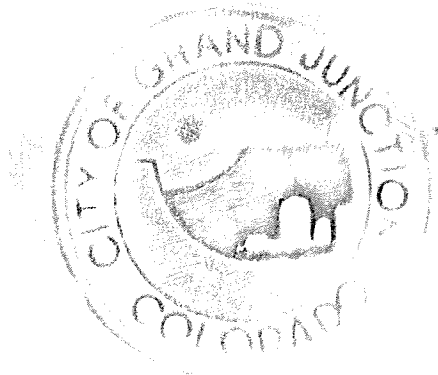
PASSED, ADOPTED, and ordered published in pamphlet form this 19th day of February 2014.



President of the Council

ATTEST:



Stephanie Tuin
City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4618 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 5th day of February, 2014 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 19th day of February, 2014, at which Ordinance No. 4618 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 25th day of February, 2014.



Stephanie Tuin, MMC
City Clerk

Published: February 7, 2014
Published: February 21, 2014
Effective: March 23, 2014

