

PROPOSED AMENDMENTS TO AGGRESSIVE PANHANDLING ORDINANCE

Sec. 38-132. - Panhandling.

(a) *Definitions.* For the purpose of this section:

(1) *Aggressive panhandling* shall mean:

- ~~a. Continuing to solicit from a person after the person has given a negative response to such soliciting;~~
- b. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
- c. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
- d. Using violent or threatening gestures toward a person solicited;
- ~~e. Persisting in closely following or approaching the person being solicited, with the intent of asking that person for money or other things of value, after the person solicited has been solicited and informed the solicitor by words or conduct that such person does not want to be solicited or does not want to give money or anything of value to the solicitor;~~
- f. Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited;
- ~~g. Soliciting money from anyone who is waiting in line for tickets, for entry to a building, or for another purpose.~~
- h. Approaching or following a person for solicitation as part of a group of two (2) or more persons, in a manner and with conduct, words, or gestures intended or likely to cause a reasonable person to fear imminent bodily harm or damage to or loss of property or otherwise to be intimidated into giving money or other thing of value.

(2) *Soliciting or Panhandling* for purposes of this section are interchangeable and mean any solicitation made in person requesting an immediate donation of money. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person

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would understand that the purchase is in substance a donation, is a donation for the purpose of this chapter. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

- (3) *Public place* shall mean a place to which the public or a substantial group of persons has access, including but not limited to any street, sidewalk, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.
- ~~(4) *Financial institution* shall mean any bank, industrial bank, credit union, or savings and loan as defined in Title 11 of the Colorado Revised Statutes.~~
- ~~(5) *Automated teller machine* shall mean a device, linked to a financial institution's account record which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.~~
- ~~(6) *Automated teller machine facility* shall mean the area comprised of one (1) or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.~~

(b) *Prohibited acts.*

- (1) No person shall engage in aggressive panhandling in any public place.
- (2) No person shall panhandle on private or residential property after having been asked to leave or refrain from panhandling by the owner or other person lawfully in possession of such property.
- ~~(3) No person shall panhandle within twenty feet of public toilets.~~
- ~~(4) No person shall panhandle within twenty (20) feet of any automated teller machine. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the facility.~~
- (5) No person shall solicit from any operator or occupant of a motor vehicle on a public street in exchange for blocking, occupying, or reserving a public parking space, or directing the operator or occupant to a public parking space.

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~~(6) — No person shall panhandle in any public transportation vehicle, or within twenty (20) feet of any bus, train, or light rail station or stop, or within the bus transit lane on the 16th Street Mall, or in any public parking lot or structure.~~

~~(7) — No person shall panhandle within six (6) feet of an entrance to a building.~~

~~(8) — No person shall panhandle within twenty (20) feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility.~~

~~(9) — No person shall solicit or panhandle after dark, which shall mean one half hour after sunset until one half hour before sunrise.~~

~~(10) — No person shall solicit or panhandle within twenty (20) feet of any outdoor patio where food or drink are served.~~

(Ord. No. 439-00, § 1, 6-5-00; Ord. No. 904-05, § 1, 12-5-05)

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