

ORDINANCE NO. 70, 1995
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 17-126 OF THE CITY CODE AND ADDING
SECTION 17-127 TO THE CITY CODE PERTAINING TO PANHANDLING

WHEREAS, during the past few years, the City of Fort Collins has experienced an increase in the number of people who engage in panhandling within the City, particularly in the City's downtown area; and

WHEREAS, this panhandling is often accompanied by conduct that creates an inconvenience and a public nuisance for persons solicited and, at times, even threatens the safety and welfare of such persons; and

WHEREAS, such persons solicited are often at-risk persons who because of age or disability are less able to emotionally and physically protect themselves and, therefore, are particularly susceptible to being emotionally and physically harmed by such conduct; and

WHEREAS, the Council has determined that it is necessary in the interest of public safety and welfare to impose reasonable time, manner and place restrictions on panhandling within the City; and

WHEREAS, the Council's intent in adopting this Ordinance is to impose only those time, manner and place restrictions that are reasonably necessary to eliminate conduct which threatens the safety and welfare of persons toward whom these activities are directed, without infringing upon the First Amendment rights that any person engaged in panhandling may have related to that activity.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That subparagraph (6) of paragraph (a) of Section 17-126 of the City Code is deleted in its entirety.

Sec. 17-126. Harassment.

(a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:

Section 2. That the Code of the City of Fort Collins is hereby amended by adding a new section, to be numbered Sec. 17-127, which section reads as follows:

Sec. 17-127. Panhandling.

(a) When used in this Section, the following words, terms and phrases shall have the meanings ascribed to them in this paragraph (a):

- (1) *At-risk person* shall mean 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. A "person with a disability" shall mean, for purposes of this subparagraph (1), a natural person of any age who suffers from one 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 or she would be without such physical or mental impairments. A "substantial physical or mental impairment" shall be deemed to include, without limitation, the loss of, or the loss of use of, a hand or foot; loss of, or severe diminishment of, eyesight; loss of, or severe diminishment of, hearing; loss of, or severe diminishment in, the ability to walk; and 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.
- (2) *Knowingly* shall mean, with respect to the conduct or circumstances described in this Section, 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, this means that a person is aware that such person's conduct is practically certain to cause the result.
- (3) *Obscene* shall mean a blatantly offensive description of an ultimate sexual act or solicitation to commit an ultimate sexual act, whether or not such ultimate sexual act is normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.
- (4) *Obstruct* shall mean to render impassible or to render passage unreasonably inconvenient or hazardous.
- (5) *Panhandle* 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 a gift of money or thing of value.

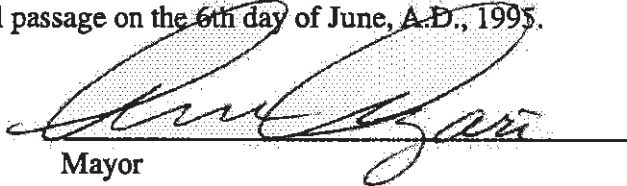
(b) It shall be unlawful for any person to panhandle if such panhandling occurs:

- (1) Any time from one-half hour after sunset to one-half hour before sunrise;

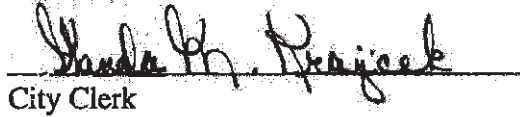
- (2) In a manner that involves the person panhandling knowingly engaging in conduct toward the person solicited that is intimidating, threatening, coercive or obscene and that causes the person solicited to reasonably fear for his or her safety;
- (3) In a manner that involves the person panhandling 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; or
- (11) When the person solicited is entering or exiting a parked motor vehicle, in a motor vehicle stopped on a street, or present within the patio or sidewalk serving area of a retail business establishment that serves food and/or drink.

Section 3. Severability. If any word, clause, sentence, paragraph or other part of this ordinance shall be judged by any court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, clause, sentence, paragraph or other part thereof, directly involved in the controversy in which such judgment shall have been rendered.

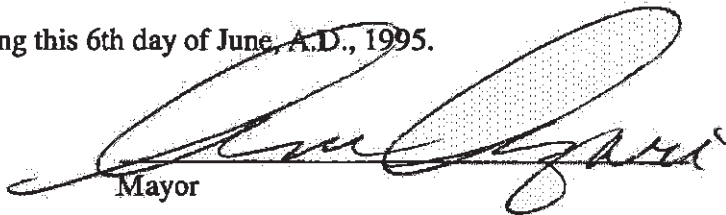
Introduced, considered favorably on first reading, and ordered published this 16th day of May, A.D., 1995, and to be presented for final passage on the 6th day of June, A.D., 1995.


Mayor

ATTEST:


City Clerk

Passed and adopted on final reading this 6th day of June, A.D., 1995.


Mayor

ATTEST:


City Clerk