

## **NOTICE OF PROPOSED ORDINANCE**

Pursuant to Section 7-3 of the Town of Castle Rock Home Rule Charter, notice is hereby given that the Town Council will consider adoption of the following named and described Ordinance during its Regular Meeting on November 6, 2018 at 6:00 P.M. at the Castle Rock Town Council Chambers, 100 N. Wilcox St., Castle Rock, CO 80104

Title of Proposed Ordinance:

An Ordinance Amending Chapter 5.04 of the Castle Rock Municipal Code  
Concerning Panhandling

Subject Matter Summary:

An ordinance amending Chapter 5.04 of the Castle Rock Municipal Code concerning panhandling which is directed toward protecting the health, safety and welfare of all citizens of the Town, and those who travel through the Town, by addressing aggressive panhandling which might cause fear and intimidation, resulting in negatively impacting social harmony and economic viability. The ordinance does not prohibit lawful panhandling which includes, passively standing or sitting with a sign, or other indication that one is seeking donations without addressing any solicitation to any specific person

The entire text of the proposed Ordinance is contained herein, and copies of all documents are available for public inspection at the office of the Town Clerk, 100 N. Wilcox St., Castle Rock, CO 80104, during normal working hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Publication Date: November 1, 2018

**ORDINANCE NO. 2018-**

**AN ORDINANCE AMENDING CHAPTER 5.04 OF THE CASTLE ROCK MUNICIPAL CODE CONCERNING PANHANDLING**

**WHEREAS**, Town Council desires to protect the health, safety and welfare of all citizens of the Town and those who travel through the Town by addressing aggressive panhandling; and

**WHEREAS**, restricting aggressive panhandling will provide a balance between the rights of panhandlers and the rights of persons who wish to decline or avoid the panhandling, and will help avoid or diminish the threat of fear and intimidation that might accompany unwarranted and unavoidable confrontations, and provide for the safety and security of the commuting public, tourists and those citizens wishing to use public places and commercial facilities; and

**WHEREAS**, this ordinance is timely given the pace of commercial and residential development, particularly in the historic Downtown area, and because current laws and Town regulations are insufficient to address problems associated with aggressive panhandling, the proposed restrictions contained herein are neither over broad nor vague and are narrowly tailored to serve a substantial government interest; and

**WHEREAS**, aggressive panhandling is disturbing and disruptive and can cause fear to residents and businesses and can negatively impact social harmony and economic viability; and

**WHEREAS**, it is not the purpose of this ordinance to prohibit lawful panhandling, but only to regulate behaviors that are intimidating, threatening, coercive or obscene, and behaviors that can contribute to the loss of, access to, or the enjoyment of public places and that might detrimentally impact the historic Downtown area and other commercial areas that are vital to the economic, cultural and social health of the Town; and

**WHEREAS**, it is not the intention of this ordinance to prohibit lawful panhandling which includes, passively standing or sitting with a sign, or other indication that one is seeking donations without addressing any solicitation to any specific person; and

**WHEREAS**, it is the intention of Town Council to impose reasonable time, place and manner restrictions on panhandling while respecting the constitutional rights of all citizens to panhandle or solicit funds, or to engage in other constitutionally protected activity in a peaceful and non-threatening manner.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1. Amendment.** Section 5.04.010 of the Castle Rock Municipal Code, entitled Definitions, is amended to add the following definitions:

*Knowingly* means with respect to the conduct or circumstance 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 the result of such conduct, this means that a person is aware that such person's conduct is practically certain to cause the result.

*Obscene* means 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.

*Obstruct* means to render impassible, or to unreasonably hinder, slow or retard progress, or to render passage unreasonably inconvenient or hazardous.

*Panhandle* means to knowingly approach, accost, stop, or make a request of another person in a public place and solicit that person, whether by spoken words, bodily gesture, written signs or other means, for a gift of money or thing of value. It does not mean to passively stand or sit 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.

**Section 2. Amendment.** Chapter 5.04 of the Castle Rock Municipal Code is amended to add a new Section 5.04.065 entitled Panhandling, to read as follows:

**5.04.065 Panhandling**

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

A. 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;

B. In a manner that involves the person panhandling knowingly directing fighting words or profane and abusive language to the person solicited or would cause a reasonable person to be fearful for his or her safety;

C. In a manner that involves the person panhandling knowingly touching, grabbing or causing physical contact without that person's consent in the course of soliciting; or

D. On a sidewalk or other passage way in a public place used by pedestrians and is done in a manner that blocks, obstructs or interferes with the safe or free 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.

**Section 3. Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

**Section 4. Safety Clause.** The Town Council finds and declares that this ordinance

is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this \_\_\_ day of \_\_\_\_\_, 2018 by a vote of \_\_ for and \_\_ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING** this \_\_\_ day of \_\_\_\_\_, 2018, by the Town Council of the Town of Castle Rock by a vote of \_\_ for and \_\_ against.

**ATTEST:**

**TOWN OF CASTLE ROCK**

\_\_\_\_\_

Lisa Anderson, Town Clerk

Jennifer Green, Mayor

**Approved as to form:**

**Approved as to content:**

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Robert J. Slentz, Town Attorney

Heidi Hugdahl, Deputy Town Attorney