

ORDINANCE NO. 01-2017

AN ORDINANCE REGARDING AGGRESSIVE SOLICITATION

WHEREAS, the Board of Trustees finds and declares that it is the right of every person to be secure and protected from intimidation and physical harm resulting from activities associated with solicitation; and

WHEREAS, the Board of Trustees has learned that one or more provisions of Chapter 10, Article 11, of the Municipal Code of the Town of Garden City may be invalid or subject to challenge under the Constitution of the United States; and

WHEREAS, the Board of Trustees desires to repeal Sections 10-11-10 through 10-11-40, being all of Article 11 of Chapter 10, and also repeal Section 10-5-80(b)(1) of Article 5; and

WHEREAS, the Board desires to adopt a new ordinance specifically addressing aggressive solicitation; and

WHEREAS, this Ordinance does not interfere with the exercise of constitutionally protected rights of freedom of expression, speech and association; and

WHEREAS, the Board of Trustees desires to protect the health, safety, and welfare of all people in the Town of Garden City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF GARDEN CITY, COLORADO:

Section 1. Repeal. The Town of Garden City by this Ordinance repeals Section 10-5-80(b)(1) of Chapter 10, Article 5, and repealing Section 10-11-10 through 10-11-40, being all of Article 11, Chapter 10.

Section 2. Replacement of Article 11-Aggressive Solicitation.
Sec. 10-11-10. Aggressive Solicitation. It shall be unlawful to engage in aggressive solicitation.

- (a) As used in this article Aggressive Solicitation means any form of solicitation that includes any of the following activities:
1. Knowingly touching or causing physical contact with another person without that person's consent during the course of solicitation.

2. Knowingly touching or causing physical contact with another person without that person's consent during the course of solicitation.
3. Using violent, threatening, intimidating, coercive or aggressive gestures or conduct toward a person during the course of solicitation or in response to a refusal by any person to give money.
4. Using fighting words or directing violent or obscene verbal or written language toward any person during the course of solicitation or in response to a refusal by any person to give money.
5. Taking any action that obstructs or blocks a public sidewalk, doorway, entryway or other passage way used by pedestrians in a public place or that obstructs the passage or the travel of any person during the course of solicitation in a manner that requires them to take evasive action to avoid physical contact with any person.
6. It shall be unlawful for any person to engage in aggressive solicitation in any public place within the Town.
7. Nothing contained in this Section shall apply to or limit any solicitation that is conducted solely by passively standing or sitting with a sign or other indication that one is seeking donations, without approaching or directing a request to any specific person.

Section 3. Safety Clauses. The Board of Trustees hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town of Garden City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 4. 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, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 5. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 6. Violations and penalties.
Sec. 10-11-20. Violation, penalties.

- (a) Any person who violates any provision of this Article is guilty of a petty offense.
- (b) The penalties for violation of this Article are as follows:

Offense	Minimum	Maximum
First Offense	\$50.00	\$2,650.00
Second Offense	\$100.00	\$2,650.00
Third Offense	\$200.00	\$2,650.00

- (c) Each day any violation continues shall constitute a separate offense, and any offense which occurs on the same day at different locations shall constitute a separate offense and is punishable as set forth in this Article. Any person charged with an offense under this Article shall be required to appear in Municipal Court unless excused.

This Ordinance shall take effect thirty (30) days after publication according to law.

PASSED, ADOPTED AND APPROVED THIS 17th DAY OF JANUARY 2017.

TOWN OF GARDEN CITY

By: _____
Mayor

ATTEST:

Deputy Town Clerk