



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 6, 2014

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only, an ordinance amending Chapter 5-3, "Offenses Against the Person," B.R.C. 1981, by adding a new Section 5-3-15 "Solicitation Limited," prohibiting solicitation at designated places and setting forth related details.

PRESENTERS:

Jane S. Brautigam, City Manager

Tom Carr, City Attorney

Molly Winter, Executive Director of the Downtown & University Hill Management Division and Parking Services

Greg Testa, Acting Police Chief

Janet Michels, Senior Assistant City Attorney

EXECUTIVE SUMMARY:

On February 11, 2014, council held a study session on anti social behavioral issues. Council scheduled this study session to provide a forum for discussion of issues raised by certain activity. Council stressed that Boulder should be welcoming to all. There are some in the community whose behavior can be intimidating. Council discussed several proposed changes including updating the city's restrictions on panhandling. Council directed staff to research and bring back recommendations for better panhandling legislation.

This agenda item presents council with a proposed ordinance that would create new restrictions on panhandling in Boulder. The restrictions are intended to protect people from panhandlers in situations in which the person is either captive or particularly vulnerable. While panhandlers have a right to solicit donations, those solicited should have an equal right to say no and walk away. There are certain situations in which the person solicited does not have that option; for example when watching one's children in a play area or when riding a bus. In addition, there are situations in which a person feels particularly vulnerable because they have to handle cash publically, such as when

receiving money from an ATM or putting money into a parking kiosk. Staff has identified ten such situations and included them in the attached proposed ordinance.

Staff has explored and is not recommending other options. Many cities in Colorado and around the nation prohibit solicitation from vehicles. While such a prohibition is possible, staff is not making that recommendation. In addition, there are other options such as bans in the downtown area or registration requirements, which other communities have imposed, but which staff is not recommending.

STAFF RECOMMENDATION:

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce on first reading and order published by title only an ordinance amending Chapter 5-3, "Offenses Against the Person," B.R.C. 1981 by adding a new section 5-3-15 "Solicitation Limited," prohibiting solicitation at designated places and setting forth related details.

BACKGROUND:

Community members have expressed concern about the number of panhandlers in Boulder and about feeling threatened by certain solicitations. Council asked staff to explore a limited ordinance to address some of those situations. As part of this project staff researched ordinances limiting solicitation in cities in the Front Range. Copies of those ordinances are attached as Attachment B. Communities have a wide range of restrictions on panhandling. These restrictions are summarized below. It is important to note that the language used varies widely and therefore any classification is inherently subjective.

Prohibiting Aggressive Panhandling

Aggressive panhandling is generally defined as threatening, using fighting words, following or repeatedly soliciting an individual. The Boulder provision is codified in section 5-3-7, "Aggressive Begging Prohibited," B.C.R. 1981. In addition to Boulder, the following Front Range communities have prohibitions against aggressive panhandling: Aurora, Broomfield, Colorado Springs, Denver, Fort Collins, Greeley, Lakewood, Longmont and Loveland.

Prohibiting Solicitation in Designated Areas

Many communities have limited solicitation in the manner in which staff is proposing for Boulder. Such restrictions are generally as described above. That is, limiting solicitation when individuals are particularly vulnerable. The following Front Range communities have an ordinance that includes such restrictions: Colorado Springs, Denver, Fort Collins, Greeley, Lakewood, Loveland and Superior.

Prohibiting Solicitation from Vehicles

Many communities have restricted panhandling from vehicles. Most of these ordinances prohibit a person from stepping into a street to accept a donation. Staff is not recommending that Boulder adopt such an ordinance. The following Front Range communities have restricted solicitation of persons in vehicles: Arvada, Centennial, Colorado Springs, Fort Collins, Longmont, Louisville, Loveland, Superior, Thornton and Westminster.

Prohibiting Solicitation at Night

Individuals often feel more vulnerable at night. Many communities have responded by prohibiting solicitation after dark and before sunrise. Staff is not recommending such a restriction in Boulder. The following Front Range communities restrict panhandling after dark: Colorado Springs, Denver, Fort Collins, Greeley, Lakewood and Loveland.

Prohibiting Solicitation from At-Risk Individuals

Fort Collins and Loveland both prohibit solicitation if the solicitor knows that the person solicited is “at-risk.” An at-risk person is defined as a person over 59 years of age, under 18 years of age or with a disability. Staff is not recommending such a restriction in Boulder.

The proposed ordinance is intended to reflect council’s direction to strike a balance between increasing the protection to the community and protecting the rights of those who wish to solicit.

The following chart summarizes these ordinances:

	Aggressive	Designated Areas	Vehicles	After Dark	At Risk
Arvada			X		
Aurora	X				
Boulder	X	<i>Proposed</i>			
Broomfield	X				
Centennial			X		
Colorado Springs	X	X	X	X	
Denver	X	X		X	
Fort Collins	X	X	X	X	X
Greeley	X	X		X	
Lafayette					
Lakewood	X	X		X	
Longmont	X		X		
Louisville			X		
Loveland	X	X	X	X	X
Superior		X	X		
Thornton			X		
Westminster			X		

Recent Challenges to Panhandling Laws

In November 2012, the American Civil Liberties Union challenged a Colorado Springs ordinance. The challenge addressed a provision that would have prohibited solicitation in a 12 block area of downtown Colorado Springs. A federal district court judge issued an injunction against enforcement of this provision. Colorado Springs amended the ordinance to remove that provision. Interestingly, the ACLU did not challenge a provision prohibiting panhandling citywide within 20 feet of any doorway, residential or commercial.

In March 2014, the ACLU challenged several provisions in a Grand Junction ordinance. These included a provision banning solicitation from vehicles, solicitation from at-risk individuals, solicitation within 100 feet of a school, an ATM or a bus stop. Key to the ACLU challenge was Grand Junction's intent to include passive solicitation. In April 2014, the Grand Junction city council amended the ordinance to eliminate the ban on solicitation from at-risk individuals, and around schools and reduced the ban on solicitation around bus stops and ATMs from 100 feet to 20 feet. The lawsuit is still pending.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic:
Panhandling can have an adverse affect on businesses in the community.
- Environmental:
None identified
- Social:
There is a debate on the social effects of panhandling. There are those who believe that giving money to panhandling helps to facilitate destructive behavior, such as alcoholism and drug abuse. There are others who view panhandling as a last resort for people to feed or shelter themselves.

OTHER IMPACTS

- Fiscal:
None identified.
- Staff Time:
None identified.

Analysis:

The proposed new code provision would prohibit solicitation, which is defined as a verbal request for money or anything of value, in the following six areas:

- An outdoor dining area;
- Within 20 feet of a bus stop sign;

- Within 20 feet of a self-service fuel pump;
- Within 20 feet of any children's play area;
- Within 20 feet of an automated teller machine or entrance to a bank; or
- Within 20 feet of any parking pay station;

As noted above, staff has endeavored to identify areas where people are vulnerable or captive. Some areas are both. A person standing at a self-service fuel pump or an ATM can both be vulnerable because he or she has to handle money, while at the same time being unable to just walk away. Staff believes that limiting solicitation in these areas leaves ample areas for individuals to solicit donations while providing additional protection for the community. It is important to note that the proposed ordinance is focused on active solicitation. Staff is not proposing including any additional restrictions on playing music or simply holding a sign. Accordingly, the prohibition proposed is against a verbal request for money or other thing of value in any of these areas.

Attachment

Proposed Ordinance – Attachment A

Text of panhandling ordinances – Attachment B

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ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 5-13, "OFFENSES AGAINST THE PERSON," B.R.C. 1981, BY ADDING A NEW SECTION 5-3-15, "SOLICITATION RESTRICTED," PROHIBITING SOLICITATION AT DESIGNATED PLACES, AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A new section 5-13-15, B.R.C. 1981, is added to read:

5-13-15 Solicitation Restricted.

No person shall make any verbal request for money or anything of value when the person who is subject to the request is in any of the following locations:

- (a) in an outdoor dining area;
- (b) within 20 feet of a sign indicating a bus stop;
- (c) within 20 feet of a self-service fuel pump;
- (d) within 20 feet of any children's play area;
- (e) within 20 feet of an automated teller machine or entrance to a bank; or
- (f) within 20 feet of any parking pay station.

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 3. This ordinance shall be effective January 1, 2015. This effective date will allow for the completion of baseline monitoring of pre-change compliance and ensure that components for implementing the ordinance are in place prior to implementation.

1 READ ON THIRD READING, PASSED, ADOPTED AND ORDERED PUBLISHED

2 BY TITLE ONLY this ___ of _____, 2014.

5 _____
Mayor

6 Attest:

7 _____
8 City Clerk

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Arvada

Sec. 62-62. Sales and solicitation near or on streets and highways prohibited.

(a) It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway within the city when such solicitation or collection:

(1) Causes the person performing the activity to enter onto the traveled portion of a street or highway; or

(2) Involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions; or

(3) The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

(b) It shall be unlawful for any person to solicit or attempt to solicit employment, business, or contributions of any kind from the occupant of any vehicle on any highway included in the interstate system including any entrance to or exit from such highway.

(c) For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

(Code 1981, § 21-30.1; Ord. No. 3193, § 1, 6-19-1995)

Aurora

Sec. 94-114. Definitions.

The following words and phrases, when used in sections 94-114 through 94-120 shall have the meanings respectively ascribed to them:

Aggressively beg shall mean to beg with the intent of intimidating another person into giving money, goods, or alms.

Beg shall mean to ask for or solicit money or goods, or to solicit alms, whether by words, bodily gestures, signs, or other means.

Colfax corridor shall mean all public places including streets, medians, sidewalks, bus lanes, parking lanes, bus stops, bus shelters, and public plazas situated within that area of the City of Aurora demarcated by the midline of Yosemite Street on the western edge to the midline of Peoria Street on the eastern edge, and from the midline of 14th Avenue on the southern edge to the midline of 16th Avenue on the northern edge.

Intimidate shall mean to engage in conduct which would make a reasonable person fearful or apprehensive for their personal safety. It shall include the concept of coercion.

Loitering means to be dilatory, to stand idly around, to linger, delay, or wander about, or to remain, abide, or tarry in a public place.

Medical necessity shall mean any physical or mental condition which compels the subject of the condition to sit or lie down to prevent substantial or permanent harm from occurring and which condition is susceptible of consistent diagnosis by a licensed physician, or any condition which causes an involuntary reaction in the subject of the condition which forces that person to sit or lie down and which condition is verifiable by a licensed physician or is verified by emergency medical response personnel who have directly observed the condition.

Obstruct shall mean to hinder or slow progress, to retard progress, to make accomplishment of obtaining a goal slower or more difficult, to be or come in the way of, or to wholly or partially cut off the sight of a goal or objective, to impede. The term shall not be taken to mean an impossibility of obtaining a goal. It shall not require that a goal or destination was in fact not ultimately obtained.

Pedestrian shall include all users of sidewalks regardless of their means of locomotion. Specifically, the term shall include those using wheelchairs.

Public place shall mean any place to which the general public has access and a right of resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted

solely to the uses of the public. It shall include the front, entryway, doorway, or vestibule or immediate access area to any store, shop, restaurant, tavern or other place of business, and shall also include public grounds, areas, parks, plazas, streets, sidewalks, and medians owned or maintained in whole or in part by the city.

(Ord. No. 98-81, § 1, 11-30-98)

Sec. 94-115. Loitering in the Colfax Corridor, obstructing.

It shall be unlawful for any person to loiter between the hours of 7:00 a.m. to 9:00 p.m., at any public place within the Colfax Corridor such that they obstruct the free and uninterrupted passage of vehicles or pedestrians traveling through or within the corridor, or such that they obstruct any pedestrian seeking to access any business, store, shop, restaurant, tavern, service provider, bus stop, or bus shelter situated within the Colfax Corridor.

(Ord. No. 98-81, § 2, 11-30-98)

Sec. 94-116. Loitering in the Colfax Corridor, sitting in easements.

Within the Colfax Corridor between 7:00 a.m. and 9:00 p.m., it shall be unlawful for any person to sit down upon or to kneel upon the surface of any street, sidewalk, parking lane, bus lane, or in any plaza, or upon any median, except upon benches, stools, chairs or other seats built into and integrated into the design of the streetscape unless compelled to do so by medical necessity.

(Ord. No. 98-81, § 3, 11-30-98)

Sec. 94-117. Loitering in the Colfax Corridor, laying down or sleeping in business district.

Within the Colfax Corridor it shall be unlawful for any person to lie down upon any street, sidewalk, parking lane, bus lane, median, plaza, or in any bus shelter between the hours of 7:00 a.m. and 9:00 p.m., whether on the ground or upon benches, stools, chairs, or other seats, nor upon any other surface unless compelled to do so by medical necessity.

(Ord. No. 98-81, § 4, 11-30-98)

Sec. 94-118. Loitering in Colfax Corridor, persons in possession of alcoholic beverages.

It shall be unlawful for persons to loiter in any public place within the Colfax Corridor while in possession of alcoholic beverages.

(Ord. No. 98-81, § 5, 11-30-98)

Sec. 94-119. Loitering in Colfax Corridor, aggressive begging.

It shall be unlawful for any person to aggressively beg within the Colfax Corridor. The following factors, while not dispositive of an actor's intent, shall be deemed admissible probative evidence,

and may be considered in determining whether the actor intended to aggressively beg from, or intimidate another person into giving money or goods to the solicitor:

- (1) That the actor touches the person solicited without consent or express invitation to do so;
- (2) That the actor follows the person solicited without express invitation to do so and with the specific intent and actual effect of prolonging the solicitation encounter;
- (3) That the actor directs profane or abusive language or fighting words towards persons refusing the solicitation;
- (4) That the actor threatens the person solicited with violence either verbally or through commonly understood gestures; or
- (5) That the actor persists in begging from a person after that person has once refused the solicitation or given a negative response during the instant encounter.

(Ord. No. 98-81, § 6, 11-30-98)

Broomfield

9-32-050 Begging prohibited.

(A) It is unlawful for any person on the streets, sidewalks, or other places open to the public, whether publicly or privately owned, to aggressively coerce, threaten, relentlessly pursue, harass, or intimidate another person for the purpose of soliciting money or goods, whether by words, bodily gestures, signs, or other means.

(B) For the purposes of this section, a person "aggressively coerces, threatens, relentlessly pursues, harasses, or intimidates another person" when:

(1) The solicitor's conduct would cause a reasonable person in the position of the solicitee to fear for his or her safety;

(2) The solicitor intentionally blocks the path of the solicitee in such a manner as to block passage by another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact;

(3) The solicitor persists in following the solicitee closely, and continues to demand money or other thing of value after the solicitee has rejected the solicitation by words or conduct;

(4) Soliciting money from anyone who is waiting in line for tickets, for entry to a building, or for another purpose; or

(5) Approaching or following a person for solicitation as part of a group of two 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.

(C) For the purposes of this section, the following facts, among others, are relevant in deciding whether a reasonable person would have cause to fear for his or her safety:

(1) The solicitor's making physical contact with the solicitee;

(2) The proximity of the solicitor to the solicitee;

(3) The duration of the solicitation; or

(4) The solicitor's making threatening gestures or other threatening conduct, including closely following the solicitee. (Ord. 292 §4, 1977; Ord. 1459 §5, 2000)

Centennial

Sec. 10-13-10. Definitions.

For purposes of this Article, the following terms have the assigned meaning:

Median means that portion of a highway separating opposing traffic flows.

Roadway means that portion of a highway, street, avenue or other right-of-way improved, designed and ordinarily used for vehicular travel and includes shoulders, medians and areas designated for travel by bicycles or pedestrians.

Shoulder means that portion of a roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use and for lateral support of roadbase and surface courses.

Soliciting means requesting in person, whether by spoken words, bodily gestures, written signs or other means, an immediate donation of money, employment or other thing of value. Purchase of an item for an amount exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this Section.

Traveling means movement over any roadway and includes vehicles temporarily stopped for traffic lights, to make turns or otherwise engage in other actions related to movement upon the roadways. (Ord. 2013-O-26 §2)

Sec. 10-13-20. Unlawful to solicit occupants of vehicles.

(a) It shall be unlawful for any person to solicit or seek employment, business or sale of any kind, or collect monies for the same, directly from the occupant of any vehicle traveling upon any public street or highway when:

(1) Such solicitation, seeking or collection involves the person performing the activity to be on the roadway or to enter onto the roadway to complete the transaction; or (2) The person performing the activity is located or situated such that vehicles cannot move into a legal parking area to safely complete the transaction.

Colorado Springs

9.2.111: SOLICITATION PROHIBITED:

A. Purpose: The purpose of this section is to protect the health, safety and welfare of all citizens of the City and those who travel through the City by eliminating aggressive solicitation. Aggressive solicitation is disturbing and disruptive to residents and businesses and impacts social harmony and economic viability of the City. It is not the purpose of this section to prohibit lawful solicitation activity, but to regulate behaviors that contribute to the loss of access to and enjoyment of public places and an enhanced sense of fear, intimidation and disorder.

B. Definitions:

AUTOMATED TELLER MACHINE: 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.

AUTOMATED TELLER MACHINE FACILITY: The area comprised of one or more automated teller machines and any adjacent space which is made available to banking customers after regular banking hours.

OBSTRUCT: To hinder or slow progress, to retard progress, to make accomplishment of obtaining a goal slower or more difficult, to be or come in the way of or impede.

PUBLIC PLACE: A place to which the public or a substantial part of the public has access, including streets, highways, transportation facilities, schools, places of amusement, parks, playgrounds and the common areas of public and private buildings and facilities, including parking lots or any other area intended for use by the public. It shall include the front, entryway, doorway or vestibule or area of immediate access to any public place, store, shop, restaurant, tavern or other place of business.

SOLICITING: To knowingly approach, accost or stop another person in a public place and to make a request, whether by spoken words, bodily gestures, written signs or other means, for a gift of money or other thing of value. Soliciting includes, but is not limited to, seeking a donation where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the purchase is in substance a donation, or begging or panhandling. Soliciting 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.

C. Aggressive Soliciting Prohibited: It shall be unlawful for any person to:

1. Engage in aggressive soliciting in any public place. "Aggressive solicitation" is defined as:
 - a. Continuing to solicit from a person after the person has given a negative response to the soliciting;
 - b. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
 - c. Intentionally blocking, obstructing 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 in the course of soliciting;
 - d. Using violent or threatening conduct toward a person solicited which would cause a reasonable person to be fearful for his or her safety;
 - e. Persisting in closely following or approaching the person being solicited and continuing to solicit after the person has informed the solicitor by words or conduct that the person does not want to be solicited or does not want to give money or any thing 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 or would cause a reasonable person to be fearful for his or her safety;
 - 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. Solicit on any private or residential property after having been asked to leave, or refrain from soliciting, by the owner or other person lawfully in possession of the property.
3. Solicit within twenty feet (20') of any automated teller machine. Provided, however, that when an automated teller machine is located within an automated teller machine facility, the distance shall be measured from the entrance or exit of the facility.
4. Solicit in or upon any public transportation vehicle or public transportation facility within or at any bus stop or in any parking lot, structure or other parking facility.
5. Solicit within twenty feet (20') of an entrance to a building.
6. Solicit any person entering or exiting a parked motor vehicle or in a motor vehicle stopped on the street.

7. Solicit any person located within the patio or sidewalk area of a retail business establishment that serves food and/or drink.

8. Solicit after dark, which shall mean one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise.

9. Nothing in this subsection C shall be construed to prevent a person from acting in accord with a license or permit. (Ord. 02-214; Ord. 13-22)

Denver

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 any thing 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 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.

(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)

Fort Collins

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 Subsection (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 Paragraph (1), a natural person of any age who suffers from one (1) 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 ($\frac{1}{2}$) hour after sunset to one-half ($\frac{1}{2}$) 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.

Greeley

10.24.045 Panhandling.

(a) Definitions. For the purpose of this Chapter:

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, or 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;
- e. Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited;
- f. Soliciting money from anyone who is waiting in line for tickets, for entry to a building or for another purpose;

or

- g. 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.

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.

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.

Financial institution shall mean any bank, industrial bank, credit union or savings and loan as defined in Title 11, C.R.S.

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.

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 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.

(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 or control of such property.

(3) No person shall panhandle within twenty (20) 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 panhandle in any public transportation vehicle, within twenty (20) feet of any bus stop or in any public parking lot or structure.

(6) No person shall panhandle within twenty (20) feet of an entrance to a building.

(7) 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.

(8) No person shall solicit or panhandle after dark, which shall mean one-half ($\frac{1}{2}$) hour after sunset until one-half ($\frac{1}{2}$) hour before sunrise.

(9) No person shall solicit or panhandle within twenty (20) feet of any licensed liquor establishment. Licensed liquor establishment means any business that has a license to sell malt, vinous or spirituous liquors under Title 12, C.R.S., or Chapter 6.16 of this Code.

(c) A violation of this Section is a misdemeanor infraction and shall be punishable under Chapter 1.32 of this Code.

(Ord. 40, 2012 §1; Ord. 27, 2010 §1; Ord. 27, 2006 §1)

Lafayette

None

Lakewood

9.50.120 Aggressive begging prohibited

A. No person shall engage in aggressive begging in any public place. Aggressive begging shall mean begging or soliciting accompanied by or followed immediately by one or more of the following:

1. Intentionally continuing to solicit from a person after the person has given a negative response to such solicitation;
2. Intentionally making any physical contact with or touching another person in the course of the solicitation without that person's consent;
3. 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 in the course of soliciting;
4. Intentionally using violent or threatening gestures toward a person solicited which would cause a reasonable person to be fearful for his or her safety;
5. Persisting in closely following behind or alongside, or walking immediately ahead of a person who has been solicited with the intent of asking that person for money or other things of value, after the person solicited has 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;
6. Intentionally using profane, threatening, or abusive language, either during the solicitation or following a refusal to make a donation, which tends to invite an immediate breach of the peace;
or
7. 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 or loss of property or otherwise to be intimidated into giving money or other thing of value.

B. This Section shall not apply to conduct that is regulated by either Chapter 12.17 or Chapter 12.18 of the Lakewood Municipal Code. (Ord. O-2004-36 § 1, 2004).

9.50.130 Begging in certain locations prohibited

A. No person shall beg on private property if the owner, tenant, or person in lawful control of the property has asked the person to leave or has asked the person to refrain from soliciting on the

property, or has posted a sign clearly indicating that solicitations are not welcome on the property.

B. No person shall beg when either the beggar or the person being solicited is located 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.

C. No person shall beg when either the beggar or the person being solicited is located in any public transportation vehicle or within twenty (20) feet of any bus or light-rail station or stop.

D. No person shall beg in any parking lot or parking structure to which the public or a substantial number of the public has access.

E. No person shall beg within six (6) feet of an entrance to a building to which the public has access.

F. No person shall beg when the person being solicited is located within the patio or sidewalk area of a retail business establishment that serves food and/or beverages.

G. No person shall beg in a public place during the night. Night shall mean one-half hour after sunset until one-half hour before sunrise.

H. No person shall beg when either the beggar or the person being solicited is located within twenty (20) feet of a public toilet.

I. No person shall beg when either the beggar or the person being solicited is located 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.

J. No person shall beg when the person being solicited is waiting in line for tickets, for entry into a building, or for another purpose.

K. For the purposes of this Section, the words and phrases used herein, unless the context otherwise indicates, shall have the following meaning:

1. 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 inquires, and mortgage and loan payments.

2. 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.

3. Begging or soliciting are interchangeable terms and shall mean any solicitation made in person requesting an immediate donation of money or other thing of value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for the purpose of this Section. Begging 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.

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. Public place shall mean a place to which the public or a substantial number of the public has access, and includes but is not limited to any street, sidewalk, highway, parking lot, plaza, transportation facility, school, place of amusement, park, or playground.

L. This Section shall not apply to conduct that is regulated by either Chapter 12.17 or Chapter 12.18 of the Lakewood Municipal Code. (Ord. O-2012-8 § 7, 2012; Ord. O-2004-36 § 2, 2004; Ord. O-97-40 § 1, 1997; Ord. O-97-13 § 6, 1997).

Longmont

10.20.010. Aggressive begging.

No person shall beg aggressively for a gift of money or any thing of value on any public street, sidewalk, way, mall, park, building or other public property while in close proximity to the individual addressed. Aggressive begging means begging accompanied by or followed immediately by one or more of the following:

- A. Repeated requests after a refusal by the individual addressed;
- B. Blocking the passage of the individual addressed;
- C. Addressing fighting words to the individual addressed; or
- D. Touching the individual addressed.

(Code 1993, § 10.20.010; Ord. No. O-92-51, § 1)

11.38.010. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Median means the area of a street, generally in the middle, which separates traffic traveling in one direction from traffic traveling in another direction, or which, at intersections, separates traffic turning left from traffic proceeding straight. Such an area is physically defined by curbing, landscaping, or other physical obstacles, to the area's use by motor vehicles, or by traffic control markings which prohibit use of a portion of the pavement of a street by motor vehicles other than to drive generally perpendicularly across the markings or to wait there awaiting the opportunity to cross or merge with the opposing lanes of traffic (also known as painted medians, which are wider than a double yellow line); or the area of a street at an intersection between the streets and a right turn only lane, roughly triangular in shape, and separated from the motor vehicular traffic lanes by curbing, landscaping, or other physical obstacles to the area's use by motor vehicles (also known as a right turn island).

Street or highway means the entire width between the boundary lines of every way publicly maintained when any part thereon is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of this state, except the area intended for pedestrian travel, such as a sidewalk.

(Code 1993, § 11.38.010; Ord. No. O-2003-82, § 1)

11.38.020. Solicitation in or near street or highway.

A. The purpose of this section is to prevent dangers to persons and property, to prevent delays, and to avoid interference with the traffic flow. Roadways that have center medians often are designed to deal with specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.

B. It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when the person performing the activity:

1. Enters onto the traveled portion of a street or highway; or
2. Is located upon any median; or
3. Is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

C. For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

Louisville

Sec. 12.20.100. Solicitation on or near street or highway.

A. The purpose of this section is to prevent dangers to persons and property, to prevent delays, and to avoid interference with the traffic flow. Roadways that have center medians often are designed to deal with specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.

B. It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when such solicitation or collection:

1. Causes the person performing the activity to enter onto the traveled portion of a street or highway.
2. Involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions.
3. The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

C. It shall be unlawful for any person to solicit or attempt to solicit employment, business, or contributions of any kind from the occupant of any vehicle on U.S. Highway 36 and State Highway 42 including any entrance to or exit from such highway.

D. For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

E. Any person who violates any provision of this section shall be subject to the penalty provided in section 1.28.010.

(Ord. No. 1311-1999, § 1, 11-3-99)

Loveland

Chapter 9.30 PROHIBITED SOLICITATIONS

Sections:

9.30.010 Definitions

9.30.020 Panhandling Restricted

9.30.030 Panhandling and Solicitations on or Near Public Streets and Highways

9.30.010 Definitions

When used in this Chapter, the following words, terms and phrases shall have the meanings ascribed to them herein:

A. 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 the purposes of this subparagraph (1), a natural person of any age who suffers from one (1) or more substantial physical or mental impairments that render the person significantly less able to defend against criminal acts directed toward such person that he 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, 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 judgment or capacity to recognize reality or to control behavior.

B. 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.

C. 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.

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

E. 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.

F. School grounds shall mean all buildings that are owned, leased, rented, or otherwise used by a school for instruction, administration support services, maintenance, or storage and the grounds surrounding such buildings over which the school is authorized to exercise dominion or control.

G. Traveled portion of a street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

9.30.020 Panhandling Restricted

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

A. any time from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise;

B. 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;

C. in a manner that involves the person panhandling knowingly directing fighting words to the person solicited;

D. in a manner that involves the person panhandling knowingly touching or grabbing the person solicited;

E. 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;

F. in a manner that involves the person panhandling knowingly soliciting an at-risk person;

G. 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;

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 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; or

L. on, or within one hundred (100) feet of any school grounds.

9.30.030 Panhandling and Solicitations on or Near Public Streets and Highways

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

1. 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

2. such panhandling, solicitation or collection involves the person performing the activity being located upon any median area of the traveled portion of a public street or highway which separates traffic lanes for vehicular travel; or

3. the person performing the activity is located such that vehicles cannot move into a legal parking area to safely complete the transaction.

B. Notwithstanding the provisions of paragraph A. above, 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. (Ord. 5584 § 1, 2011; Ord. 4955 § 1, 2005)

Pueblo

None

Superior

Sec. 10-7-30. Loitering.

(a) For purposes of this Section, loiter means to be dilatory, to stand idly, to linger, to lie or wander about or to remain, abide or tarry in a public place.

(b) It is unlawful for a person to loiter in a school building or on school grounds or within one hundred (100) feet of school grounds when persons under the age of eighteen (18) are present in the building or on school grounds, unless such person has a legitimate reason for his or her presence or written permission from a school administrator.

(c) It is unlawful for a person to loiter for the purpose of soliciting employment, business, contributions or sales of any kind, or to collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when such solicitation or collection:

(1) Causes the person performing the activity to enter onto the traveled portion of a road, street or highway;

(2) Involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions; or

(3) The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

(d) It is unlawful for a person to loiter for the purpose of soliciting employment, business, contributions or sales of any kind, or to collect monies for the same, from the occupant of any vehicle on any highway included in the interstate system or federal highways, including any entrance to or exit from any highway.

(e) Nothing in this Section shall be construed to prevent lawful assembly as a part of peaceful and orderly petition for the redress of grievances. (Ord. 96-O-4 §1, 1996; Ord. O-14 §1, 2002; Ord. O-18 §1, 2002; Ord. O-4 §1, 2009)

Thornton

Sec. 38-207. Blocking streets or sidewalks; solicitation on streets or highways.

(a) The purpose of this section is to prevent dangers to persons, including juveniles placed in hazardous situations, and to property, to prevent delays, and to avoid interference with pedestrian and traffic flow. Roadways that have center medians are designed to deal with specific traffic flow problems not for the solicitation or selling of goods. Any delay or distraction to motorists traveling on such roadways or highways may interfere with traffic planning. Sidewalks are designed to transport pedestrians safely and efficiently and any obstruction that impedes travel disturbs planned pedestrian flow.

(b) It shall be unlawful for any person to block any street or sidewalk in such manner as to hinder or impede the passage of pedestrians or vehicles over, on or along the street or sidewalk.

(c) It shall be unlawful for any person to solicit employment or contributions, conduct business, or conduct sales of any kind, or collect monies for the same, from the occupant of any vehicle when such vehicle is traveling upon any street or highway located within the city when such solicitation or collection or when conducting such business:

(1) Causes the person performing the activity to enter onto the traveled portion of a street or highway.

(2) Involves the person performing the activity to be located upon any median area of a street or highway, which median area separates traffic lanes for vehicular travel in opposite directions.

(3) The person performing the activity is located where such person obstructs the free flow of traffic and/or where vehicles cannot move into legal parking areas.

(d) It shall be unlawful for any person to solicit or attempt to solicit employment or contributions or conduct business of any kind from or with an occupant of any vehicle on any highway included in the interstate system, including any entrance to or exit from such highway.

(e) For purposes of this section, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

(f) It shall be an exception to the prohibitions contained in subsection (c) of this section that the persons in or on the traveled portion of a street or highway are police officers acting within the course and scope of their duties, or construction workers permitted by the city to conduct business in or on the traveled portion of a street or highway.

(g) A report of any conviction, plea of guilty or nolo contendere to this section, when the facts indicate a juvenile was involved, shall be sent to the Adams County Department of Social Services.

Westminster

9-4-1: SOLICITATION ON OR NEAR STREET OR HIGHWAY:

(A) The purpose of this Chapter is to prevent dangers to persons and property, to prevent delays, and to avoid interference with the traffic flow. Roadways that have center medians often are designed to deal with specific traffic flow problems. Any delay or distraction may interfere with traffic planning. Sometimes persons stand near intersections and near traffic lights to contact drivers or passengers in cars that are passing or that are stopped temporarily due to traffic lights.

(B) It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for the same, from the occupant of any vehicle traveling upon any street or highway when such solicitation or collection either:

(1) Causes the person performing the activity to enter onto the traveled portion of a street or highway.

(2) Involves the person performing the activity to be located upon any median area which separates traffic lanes for vehicular travel in opposite directions.

(3) The person performing the activity is located such that vehicles cannot move into a legal parking area to safely conduct the transaction.

(C) It shall be unlawful for any person to solicit or attempt to solicit employment, business, contributions or sales of any kind, or collect monies for the same, from the occupant of any vehicle on any highway included in the interstate system including any entrance to or exit from such highway.

(D) For purposes of this Chapter, the traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.

(E) A violation of this Chapter is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.