

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER DAVIS**  
**Council Bill No. 01-2016**  
**Ordinance No. 1591**  
Series of 2016

**TITLE: AN ORDINANCE REPEALING SECTION 17-31 AND AMENDING SECTIONS 16-113 AND 16-114 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING SOLICITATION**

**WHEREAS**, the City of Wheat Ridge, Colorado (the "City"), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

**WHEREAS**, pursuant to its home rule authority and C.R.S. § 31-15-401, the City, acting through its City Council (the "Council"), is authorized to adopt rules and regulations prohibiting certain conduct and defining general offenses that harm or pose a threat to the public health, safety or welfare; and

**WHEREAS**, pursuant to such authority, the Council has previously adopted and defined certain offenses concerning solicitation, codified as Sections 17-31, 16-113 and 16-114 of the Wheat Ridge Code of Laws ("Code"); and

**WHEREAS**, the Council finds that said Section 17-31 should be repealed and Sections 16-113 and 16-114 should be amended and updated to reflect the current state of the law.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:**

**Section 1.** Section 16-113 of the Wheat Ridge Code of Laws, concerning sales and solicitation, is hereby amended to read in its entirety as follows:

**Sec. 16-113. - Sales and solicitation in certain places prohibited.**

(a) It shall be unlawful for any person to solicit employment, business, contributions, or sales of any kind, or collect monies for same, from the occupant of any vehicle traveling upon any street or highway OR ENTRANCE TO OR EXIT FROM ANY HIGHWAY INCLUDED IN THE INTERSTATE HIGHWAY SYSTEM 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.~~
- ~~(e) No person shall solicit 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.~~
  - ~~(d) No person shall solicit when either the solicitor 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.~~
  - ~~(e) No person shall beg in any public parking lot or public parking structure to which the public or substantial number of the public has access.~~
  - ~~(f) No person shall solicit within six (6) feet of an entrance to a building to which the public has access.~~
  - ~~(g) No person shall solicit when the person being solicited is located within the patio or sidewalk area of a retail business establishment that serves food and/or beverages.~~
  - ~~(h) No person shall solicit in a public place during the night.~~
  - ~~(i) No person shall beg when either the solicitor or the person being solicited is located within twenty (20) feet of a public toilet.~~
  - ~~(j) No person shall solicit when either the solicitor 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.~~
  - ~~(k) No person shall solicit when the person being solicited is waiting in line for tickets, for entry into a building or for another purpose.~~
- ~~(IC) 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 financial institutions' 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.~~
  - ~~(2) Automated teller machine facility shall mean the area comprised of one (1) or more automatic teller machine and any adjacent space, which is made available to banking customers after regular banking hours.~~
  - ~~(3) Financial institution shall mean any bank, industrial bank, credit union, or savings and loan as defined in Title 11 of the Colorado Revised Statutes.~~

- ~~(4) Night shall mean one half hour after sunset until one half hour before sunrise.~~
- ~~(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.~~
- ~~(6) Soliciting 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.~~
- ~~(7) Traveled portion of the street or highway shall mean that portion of the road normally used by moving motor vehicle traffic.~~

**Section 2.** Section 16-114 of the Wheat Ridge Code of Laws, concerning aggressive solicitation, is hereby amended as follows:

**Sec. 16-114. - Aggressive solicitation prohibited.**

No person shall engage in aggressive solicitation in any public place. Aggressive solicitation 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 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 peace.~~

(7 5) 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 things of value.

**Section 3.** Section 17-31 of the Wheat Ridge Code of Laws, prohibiting begging and soliciting in parks and recreation areas, is hereby repealed.

**Section 4. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, 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 City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 5. Severability; Conflicting Ordinances Repealed.** If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**Section 6. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 8 to 0 on this 11<sup>th</sup> day of January, 2016, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge and Public Hearing and consideration on final passage set for January 25<sup>th</sup>, 2016, at 7:00 o'clock p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of 7 to 1, this 25<sup>th</sup> day of January, 2016.

**SIGNED** by the Mayor on this 25th day of January, 2016.

  
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Joyce Jay, Mayor

ATTEST:

  
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Janelle Shaver, City Clerk



Approved As To Form

  
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Gerald E. Dahl, City Attorney

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Wheat Ridge Transcript  
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