

Council passes panhandling ordinance

By Jeanne Davant

Manitou Springs City Council unanimously passed an ordinance Tuesday designed to curb panhandling in the downtown core.

The ordinance bans "active solicitation" in the downtown district and prohibits "aggressive and coercive solicitation" throughout the city, but allows "passive solicitation."

Active solicitation is defined as approaching someone to ask for money, such as begging or panhandling. Passive solicitation would be seeking a donation without specifically asking for it, such as street performances or standing or sitting with a sign requesting handouts.

Aggressive and coercive solicitation would include activities like threatening, using profane language or continuing to actively solicit after having been refused; or actively soliciting someone seated in a sidewalk or patio seating area, within 6 feet of a doorway or within 20 feet of an ATM, parking kiosk or service window.

Council has discussed the ordinance several times over the past year, since members learned that the city's current solicitation ordinance is too restrictive of free speech and might be unconstitutional.

Several downtown merchants expressed concerns about the ordinance and asked for more restrictions on panhandling and street performances in front of their shops.

"We can't afford to have people standing in front of our window with signs," said Bill McGinnis, owner of a Manitou Avenue gift store. He suggested that Council postpone action on the ordinance until the current one is challenged in court.

Other merchants expressed fears that "professional" panhandlers would view the ordinance as an invitation to come to Manitou.

"All across the country, we made news about our unconstitutional ordinance," Councilman Matt Carpenter said. "I think that encourages people to come in."

Mayor Marc Snyder said he thought that recently passed camping bans on public land in El Paso County, Colorado Springs and Manitou would discourage an influx this summer. He said other city ordinances, such as the disorderly conduct and noise measures, also would help merchants deal with problems near their stores.

"We are trying to address and foresee potential problems, at the same time being sensitive to constitutional requirements," Snyder said. "I think we've struck a good balance here."

Street performances are a major concern, since Council members apparently do not want to ban them but don't want them to interfere with businesses or offend people. The Chamber of Commerce has sponsored a street performer program but will not do so this summer.

Snyder said he was not opposed to the city's licensing street performers but that "there's a lot more to it."

"I would like to start that conversation about licensing street performers," Councilman Rick Barry said.

Council passed the ordinance 7-0 on first reading. A public hearing and final reading will be scheduled for Council's May 18 meeting.

In other business, Council...

- Approved on first reading an ordinance rezoning city facilities including the water treatment plant, Crystal Valley Cemetery, Public Works Facility and Mesa water tank.

- Approved a license agreement with Colorado Springs Utilities for the Barr Trail parking lot that will allow the city to operate the lot. The utility owns the lot and previously had granted a license to Manitou to operate it. That agreement expired in 2001. The license issue came to light when the Parking Authority Board proposed setting parking fees within the lot. Council has not yet approved paid parking in the lot.

- Approved the purchase of a parking lot kiosk but declined to purchase a second kiosk for the Barr Trail lot until a parking management plan is completed. City Planner Michelle Anthony said the Metro District has ordered kiosks for the Wichita, Smishny and Canon Avenue lots. The city-purchased kiosk will also go in the Wichita lot, which needs two because of its size. The modern kiosks will let users pay for parking with cash, prepaid cards or credit cards, and it is expected they will be installed by Memorial Day weekend.

- Discussed a reduction in the membership of the Parking Authority Board from nine to seven members and changes in the way seats are allocated.

- Approved a tavern license for Swirl Wine Emporium.

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