

Council takes up panhandling law, medical pot rules

By Jeanne Davant

Manitou Springs City Council heard from business owners and citizens Tuesday night on a new panhandling ordinance, which local merchants said is sorely needed to protect their businesses.

Council also discussed requirements for medical marijuana dispensaries at Tuesday's work session.

The panhandling ordinance drafted by City Attorney Jeff Parker seeks to avoid free-speech concerns with the city's previous ordinance and a prior draft.

Many local folks have asked the city to get an ordinance in place before this summer season to prevent a repeat of last year's panhandling problems.

"The objective is to create a pleasant environment for people to stroll and to shop," Mayor Marc Snyder said.

The new ordinance calls for a ban of active solicitation in the downtown district, which consists mostly of Manitou Avenue from Ruxton to Pawnee avenues, the Park Avenue corridor and the lower part of Ruxton. Aggressive or coercive solicitation would be banned, but the ordinance would permit passive solicitation, such as a musician playing for tips without actively asking for money.

The ordinance forbids active solicitation within six feet of a building entrance, which some merchants said was not far enough.

"I would like to say six feet from an entrance or property line," said Dave Symonds, owner of the Stagecoach Inn, where the restaurant entrance is well inside the property line. "I'm really worried about solicitation and how it's going to affect my business."

Jack Johns of Patsy's said his business also was an exception, because it has service windows instead of an entry door.

"The way I read this, I could have someone blowing bagpipes right in front of my store... intruding on my ability to make a living," Johns said.

Snyder said he would instruct Parker to address these concerns in the next draft of the ordinance, which should come before Council for first reading in May.

Donna Ford, owner of the Dulcimer Shop, urged Council to go ahead with the new ordinance.

"You've got to be aware you're really going to kill off business if you don't pass this," Ford said. "Don't wait until May."

Medical pot discussed

Council on March 9 extended a 90-day moratorium on medical marijuana dispensaries that had been in place since December 15. While the moratorium is in place, Council hopes the "state Legislature will pass guidelines for regulating dispensaries.

Meanwhile, Council is studying regulations passed by other cities and towns to see what might be appropriate for Manitou.

Planning Director Dan Folke said Council could base its medical marijuana ordinance on those already enacted by Monument, Crested Butte, Blackhawk and Northglenn. Those ordinances differ in standards such as distance from schools, child care facilities, parks and other

medical marijuana businesses, and set up application and approval processes. Some areas require as much as a \$1,000 application fee.

Folke said the ordinances specify a review process for licensing or allow administrative review. They require various distances from specific places and from other dispensaries ranging from 175 to 1,000 feet.

"One of the challenges for us is creating location standards," Folke said. "We're small; we couldn't use 1,000 feet in Manitou. We might eliminate the whole east end of town."

A distance requirement would be one way to control the number of medical marijuana shops, along with directly limiting the number that would be approved.

Councilwoman Aimee Cox said she favored limiting medical marijuana businesses to the city's commercial zone and felt signage should be discreet.

Folke said the city must also address regulation of growing operations, although state guidelines are not yet clear.

"Do we have to answer both issues at the same time?" Councilman Rick Barry asked.

Folke recommended that Council deal with dispensary regulations first and keep the growing issue separate.

Council also discussed security requirements, hours of operation and whether operators would be required to maintain a sales ledger.

Police Chief Mary Jo Smith said she favors the Monument ordinance, which requires public hearings on dispensaries during an approval procedure similar to Manitou's conditional use process. She said she liked Monument's security requirement, since burglars have targeted these businesses in other cities.

"I don't think \$1,000 is too much" for an application fee, Smith said. "It takes a lot of time to do background checks."

Snyder said he wants to get a draft ordinance before Council within the next couple of weeks. Folke would draft the ordinance and Parker would review it.

[Return to Article Index](#)