

1 **CITY OF SANTA FE, NEW MEXICO**

2 **BILL NO. 2012-28**

3 **INTRODUCED BY:**

4
5 Councilor Trujillo
6 Councilor Bushee
7 Councilor Dimas
8 Councilor Rivera
9

10 **AN ORDINANCE**

11 **RELATED TO PANHANDLING ON PUBLIC PROPERTY; AMENDING SECTION 20-2.2**
12 **SFCC 1987 TO AMEND THE DEFINITION OF PANHANDLING TO INCLUDE NON-**
13 **VOCAL SOLICITATIONS; AND AMENDING SECTION 20-2.3 SFCC 1987 TO AMEND**
14 **THE REGULATIONS FOR PANHANDLING ON PUBLIC PROPERTY.**

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16 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

17 **Section 1. Section 20-2.2 SFCC 1987 (being Ord. #2010-31, §4) is amended to read:**

18 **20-2.2 Definitions.**

19 As used in this section:

20 Panhandler means a person who engages in the act of panhandling.

21 Panhandling means:

22 A. Any solicitation made in person [~~upon public property in the city~~] in which a person
23 requests an immediate donation of money or other gratuity from another person and includes, without
24 limitation, seeking donations by vocal or non-vocal appeal; or

25 B. In exchange for a donation, the person being solicited receives an item of little or no

monetary value under circumstances where a reasonable person would understand that the transaction is in substance a donation.

C. Panhandling shall not include[:]

~~[(1) — The act of passively standing or sitting, with a sign or other indication that a donation is being sought without any vocal request, other than in response to an inquiry by another person; or~~

~~(2) — A] a street performance, as regulated in Section 23-8 SFCC 1987.~~

Section 2. Section 20-2.3 SFCC 1987 (being Ord. #2010-31, §5) is amended to read:

20-2.3 Regulations.

Panhandlers may engage in an act of panhandling on public property in the city provided that the panhandler complies with the following regulations.

A. Panhandling is prohibited on any day after sunset or before sunrise within the Business-Capitol District, as shown on the official zoning map of the city of Santa Fe.

B. Panhandling is prohibited involving any operator or occupant of a motor vehicle that is in traffic, on or entering any street, street intersection, alley or other public passageway in any manner that obstructs the operation of any vehicle by any motorist.

C. Panhandling is prohibited when either the panhandler or the person being solicited is located at any of the following locations:

(1) At a bus stop;

~~(2) Within fifteen feet (15') of any entrance or exit of a public transportation facility;~~

~~[(2)3] In any public transportation vehicle or public transportation facility;~~

~~[(3)4] In or on any private vehicle or conveyance;~~

~~[(4)5] In a sidewalk café;~~

~~[(5)6] Within twenty [(20')] feet (20') in any direction from an automatic teller~~

1 machine;

2 (7) ~~_____~~ [or] Within twenty feet (20') of an entrance to a bank when the bank is open
3 for business;

4 ([6]8) In off-street public parking lots or public parking structures;

5 (9) Within the median of a street; or

6 ([7]10) On school property.

7 D. Panhandling in an aggressive manner is prohibited, including any of the following
8 actions:

9 (1) Touching the solicited person without the solicited person's consent;

10 (2) Panhandling a person while such person is standing in line and waiting to be
11 admitted to a commercial establishment;

12 (3) Blocking the path of a person being solicited or the entrance to any building
13 or vehicle;

14 (4) Following behind, ahead or alongside a person who walks away from the
15 panhandler after being solicited;

16 (5) Using profane or abusive language, either during the solicitation or following
17 a refusal to make a donation, or making any statement, gesture, or other communication
18 which would cause a reasonable person to be fearful or feel compelled; or

19 (6) Panhandling in a group of two (2) or more persons.

20 E. Panhandling with a sign exceeding four (4) square feet is prohibited.

21 F. Panhandlers shall not block, or cause the blocking of, any sidewalk, passageway,
22 street, or entrance to a building.

23 G. Panhandling at one location longer than two (2) hours is prohibited and the
24 panhandler shall stay a minimum of one hundred and feet (150') away from such location and shall
25 not return to that same location for two (2) hours.

1 APPROVED AS TO FORM:

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4 GENO ZAMORA, CITY ATTORNEY