

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2012-29

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5 AN ORDINANCE

6 RELATED TO PANHANDLING ON PUBLIC PROPERTY; AMENDING SECTION 20-2.2  
7 SFCC 1987 TO AMEND THE DEFINITION OF PANHANDLING TO INCLUDE NON-  
8 VOCAL SOLICITATIONS; AND AMENDING SECTION 20-2.3 SFCC 1987 TO AMEND  
9 THE REGULATIONS FOR PANHANDLING ON PUBLIC PROPERTY.

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

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

13 20-2.2 Definitions.

14 As used in this section:

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

16 *Panhandling* means:

17 A. Any solicitation made in person in which a person requests an immediate donation of  
18 money or other gratuity from another person and includes, without limitation, seeking donations by  
19 vocal or non-vocal appeal; or

20 B. In exchange for a donation, the person being solicited receives an item of little or no  
21 monetary value under circumstances where a reasonable person would understand that the transaction  
22 is in substance a donation.

23 C. Panhandling shall not include a street performance, as regulated in Section 23-8  
24 SFCC 1987.

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

1           **20-2.3           Regulations.**

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

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

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

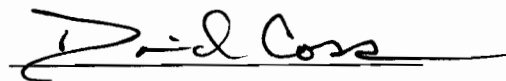
9           C.     Panhandling is prohibited when either the panhandler or the person being solicited is  
10 located at any of the following locations:

- 11                   (1)     At a bus stop;
- 12                   (2)     Within twenty feet (20') of any entrance or exit of a public transportation  
13           facility;
- 14                   (3)     In any public transportation vehicle or public transportation facility;
- 15                   (4)     In or on any private vehicle or conveyance;
- 16                   (5)     In a sidewalk café;
- 17                   (6)     Within twenty feet (20') in any direction from an automatic teller machine;
- 18                   (7)     Within twenty feet (20') of an entrance to a bank when the bank is open for  
19           business;
- 20                   (8)     In off-street public parking lots or public parking structures;
- 21                   (9)     Within the median of a street; or
- 22                   (10)    On school property and within one hundred and fifty feet (150') from the  
23           property line of a school.

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

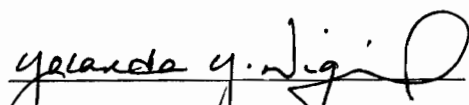
- 1 (1) Touching the solicited person without the solicited person's consent;
- 2 (2) Panhandling a person while such person is standing in line and waiting to be
- 3 admitted to a commercial establishment;
- 4 (3) Blocking the path of a person being solicited or the entrance to any building
- 5 or vehicle;
- 6 (4) Following behind, ahead or alongside a person who walks away from the
- 7 panhandler after being solicited;
- 8 (5) Using profane or abusive language, either during the solicitation or following
- 9 a refusal to make a donation, or making any statement, gesture, or other communication
- 10 which would cause a reasonable person to be fearful or feel compelled; or
- 11 (6) Panhandling in a group of two (2) or more persons.
- 12 E. Panhandling with a sign exceeding four (4) square feet is prohibited.
- 13 F. Panhandlers shall not block, or cause the blocking of, any sidewalk, passageway,
- 14 street, or entrance to a building.
- 15 G. Panhandling at one location longer than two (2) hours is prohibited and the
- 16 panhandler shall stay a minimum of one hundred and fifty feet (150') away from such location and
- 17 shall not return to that same location for two (2) hours.

18 PASSED, APPROVED and ADOPTED this 24<sup>th</sup> day of September, 2012.

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20 DAVID COSS, MAYOR

21 ATTEST:

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24 YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:



A handwritten signature in black ink, appearing to read "Geno", followed by a long horizontal flourish extending to the right. The signature is positioned above a solid horizontal line.

GENO ZAMORA, CITY ATTORNEY