



## Legislation Details (With Text)

**File #:** 15-00524      **Version:** 3      **Name:**

**Type:** Ordinance      **Status:** Mayor's Office

**File created:** 8/12/2015      **In control:** City Council

**On agenda:** 2/9/2016      **Final action:** 2/9/2016

**Title:** Ordinance No. 16-13 creating a New Section 112 (Sitting or Lying Down in Commercial Districts) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Pedestrian Access to the Public Sidewalks and Rights-of-Way in Commercial Districts

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 020916 Pedestrian Access Act 2nd Reading slides, 2. 012616 Pedestrian Access Act Ordinance, 3. 012616 Pedestrian Access Act 1st Reading slides, 4. 011116 Pedestrian Access - Downtown Partnership, 5. Cox Declaration, 6. Ex. A to Cox Decl. - City of Col Spgs Parks System Master Plan, 7. Ex. B to Cox Decl. - Clark, Charlotte and David Uzell- The Affordance of the Home Neighbourhood, 8. Ex. C to Cox Decl. - Day, Frank and Michael Kleiman-Fear of Crime in the US, 9. Ex. D to Cox Decl. - Downtown Partnership Online Survey, 10. Ex. E to Cox Decl. - Sampson, Robert and Stephen Raudenbush-Systematic Social Observation of Public Spaces, 11. Ex. G to Cox Decl. - ULI Report, 12. Ex. F to Cox Decl. - U.S. Depart Justice-Crime Victimization Survey, 13. Signed Ordinance\_16-13.pdf

Date	Ver.	Action By	Action	Result
2/9/2016	3	City Council	finally passed	Pass
1/26/2016	2	City Council	approved on first reading	Pass
1/11/2016	1	City Council Work Session	referred	
8/24/2015	1	City Council Work Session	referred	

Ordinance No. 16-13 creating a New Section 112 (Sitting or Lying Down in Commercial Districts) of Article 2 (Offenses Affecting Public Safety) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Pedestrian Access to the Public Sidewalks and Rights-of-Way in Commercial Districts

**From:**

Keith King, City Council Member, District 3  
Tom Strand, City Council Member At Large

**Summary:**

The proposed ordinance would help ensure that the public rights of way in the downtown and Old Colorado City commercial areas are accessible to pedestrians by prohibiting sitting, kneeling, reclining or lying upon the surface of sidewalks, trails or other public rights-of-way and providing penalties for the violation thereof.

**Previous Council Action:**

An earlier version of an ordinance on this subject was introduced at Council's work session of August 24, 2015.

**Background:**

Councilmembers Keith King and Tom Strand, at the request of Mayor Suthers, have proposed a new City ordinance intended to maintain public rights-of-way for their designed purpose as thoroughfares for pedestrian, recreational and vehicular travel. The ordinance would prohibit people from sitting, lying, reclining or kneeling on streets, sidewalks, trails, and other structures in the right-of-way not intended for sitting, during certain times of the day and in defined areas of downtown Colorado Springs and Old Colorado City.

Business owners, residents and visitors have complained about a growing number of people sitting and lying in the public right-of-way. The behavior impedes pathways, creating a safety hazard. In addition, use of the public right-of-way in a manner that is inconsistent with its intended purpose creates a perception of an unsafe environment that curtails visitation in these commercial districts. The proposed ordinance would promote public safety and economic vitality by ensuring that visitors have safe passage along streets, sidewalks and trails during the hours that those rights of way are in heaviest use, and by encouraging the orderly use of the right-of-way.

The ordinance would only apply to defined areas of downtown and Old Colorado City due to their concentrations of civic, commercial, historic, residential and recreational properties that attract a large number of people to these areas. It would require people sitting in the commercial districts to sit on objects intended for sitting such as benches, seat walls, and vault vents with concrete bench tops. People also could sit, lie, kneel and recline in grassy areas of parks. Sitting, lying, kneeling and reclining would be prohibited on streets, sidewalks, and trails and on structures in the public right-of-way not intended for sitting. The prohibition would be in effect daily from 7:00AM to 10:00PM and on Friday and Saturday nights from 10:00PM to 3:00AM.

Anyone found in violation of the proposed ordinance would receive a warning before being issued a citation. The penalty for a first violation of the proposed ordinance would be a fine of no more \$500 and/or probation; for subsequent violations, a fine of up to \$500 and/or a jail term of not more than 90 days.

**Financial Implications:**

The Police Department does not anticipate any significant additional costs for enforcement of this proposed ordinance, as enforcement would be a part of the regular law enforcement activities that Police Department personnel currently perform in downtown and Old Colorado City.

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

In developing and refining the proposed ordinance, City staff and Councilmembers met with the Downtown Partnership and downtown merchants and residents; Old Colorado City Associates including representatives from the Organization of Westside Neighbors, Old Colorado City Foundation and the Old Colorado City Public Library; Colorado Springs and El Paso County Continuum of Care; and City of Colorado Springs Parks Board and friends group representatives. Susan Edmondson, Executive Director of the Downtown Partnership, has submitted written testimony

in support of the proposed ordinances as currently proposed.

Councilmembers Strand and King hosted three public meetings to receive input on the issue and on the proposed ordinance: September 4, 2015 at City Auditorium, September 17, 2015 at the Westside Community Center; and October 6, 2015 at City Hall. Feedback from the town halls was considered and incorporated into the revised draft ordinance. In addition, Councilmember Strand met with members of the City's Human Relations Commission (HRC) on October 21, 2015 to hear their concerns and review suggestions which could be incorporated into the proposal.

**Alternatives:**

City Council could adopt the proposed ordinance as presented, amend the proposed ordinance, or decline to adopt the proposed ordinance.

**Proposed Motion:**

Adopt the ordinance as presented.

An Ordinance Creating A New Section of City Code Pertaining To Pedestrian Access to the Public Sidewalks and Rights-of-Way in Commercial Districts.