



**CITY COUNCIL AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET**

WEDNESDAY, SEPTEMBER 2, 2009, 7:00 P.M.

Call to Order

Pledge of Allegiance

Citizen Comments

***** CONSENT CALENDAR *****

THERE ARE NO ITEMS FOR THE CONSENT CALENDAR

***** END OF CONSENT CALENDAR *****

***** ITEMS NEEDING INDIVIDUAL CONSIDERATION *****

1. **Public Hearing—Regulating the Use of City Medians** [Attach 1](#)

The incidence of persons standing on City medians has increasingly become a problem for motorists using the streets. Persons that stand, sit or otherwise occupy medians create a dangerous situation for motorists, pedestrians and traffic. City Staff recommends that an ordinance be adopted to regulate use of the City medians.

Ordinance No. 4382—An Ordinance Concerning the Use of City Medians

®Action: *Hold a Public Hearing and Consider Final Passage and Final Publication of Ordinance No. 4382*

Staff presentation: John Shaver, City Attorney

*** Indicates New, Moved, or Changed Item

® Requires Roll Call Vote

2. **Non-Scheduled Citizens & Visitors**
3. **Other Business**
4. **Adjournment**

Attach 1
Public Hearing—Regulating the Use of City Medians
CITY OF GRAND JUNCTION

CITY COUNCIL AGENDA			
Subject	Amend Chapter 24 of the Code of Ordinances to Regulate the Use of City Medians		
File #			
Meeting Day, Date	Wednesday, September 2, 2009		
Placement on the Agenda	Consent		Individual X
Date Prepared	August 20, 2009		
Author Name & Title	Mary Lynn Bacus, Paralegal		
Presenter Name & Title	John Shaver, City Attorney		

Summary: The incidence of persons standing on City medians has increasingly become a problem for motorists using the streets. Persons that stand, sit or otherwise occupy medians create a dangerous situation for motorists, pedestrians and traffic. City Staff recommends that an ordinance be adopted to regulate use of the City medians.

Budget: There is no direct budget impact from adoption of the Ordinance. Increased enforcement will have a cost that is unknown at this time. The Grand Junction Police Department and City Attorney will be responsible for enforcement.

Action Requested/Recommendation: Hold a Public Hearing and Consider Final Passage and Final Publication of Proposed Ordinance.

Attachments: Proposed Ordinance

Background Information: Persons using City medians for non-traffic related purposes have become an increasing problem. Incidences have occurred in which traffic is delayed or hazardous conditions are created. These occurrences have compromised the safe and efficient operation of the streets. As there is a general expectation that the City be alert and responsive to the safety and welfare of the community, it is the recommendation of staff that an ordinance be adopted that clearly regulates the use of City medians.

ORDINANCE NO. ____

AN ORDINANCE CONCERNING THE USE OF CITY MEDIANS

RECITALS:

The purpose of this section is to prevent dangers to persons and property, to prevent delays and to avoid interference with the flow of traffic on streets, roadways and highways within the City of Grand Junction. Medians are often designed to deal with and/or accommodate specific traffic problems and/or needs for pedestrians. Medians, whether landscaped or otherwise are not parks and are not proper locations for persons to linger. Any delay or distraction that may occur by virtue of a person lingering on or about a median for any purpose other than as a refuge from traffic while crossing the street as a pedestrian could result in a crash and/or otherwise compromise the safe and efficient operation of the streets.

In the City, persons have been known to stand in medians in order to contact or otherwise communicate with the operator or occupant(s) of a motor vehicle on the street(s). In that process motorists are stopped, delayed and/or distracted which creates a hazard to the person and the operator of the motor vehicle and other users of the streets. Medians are not designed for the prolonged occupancy of any person and accordingly persons should not for any purpose be allowed to use the medians in a manner that constitutes a significant hazard to them and to motorists.

A new ordinance specifically regulating the use of medians by persons for solicitation or for other purposes on City medians will provide safeguards for motorists and other proper users of the streets.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

A new Section shall be added to Chapter 24 of the Code of Ordinances, City of Grand Junction, Colorado, regarding regulation of the use of medians. Section 24-26 shall read as follows:

Sec. 24-26. Prohibition against standing on or occupying medians.

It is unlawful for any person to stand on or occupy a median, other than as a pedestrian in the act of crossing a street, for any purpose. No person may use a median to conduct political campaign activities or to solicit employment, business, contributions of any kind or sales of any kind and/or to collect money for the same from the operator or any occupant of a motor vehicle traveling upon any street, roadway or highway within the City.

For purposes of this ordinance a median shall be defined as any island or street divider, including but not limited to areas that are landscaped, painted or otherwise constructed, that separate traffic for vehicular travel into opposite or different directions.

For purposes of this ordinance *solicit* means asking for money or things of value. *Soliciting* includes using the spoken, written or printed word; gestures, signs or other means to obtain or try to obtain a donation of money or other thing(s) of value or the sale or receipt of goods or services.

Penalties. Any violation of the provisions of this Ordinance constitutes a misdemeanor punishable in accordance with the penalties provided in Section 1-9 of the Grand Junction Code of Ordinances.

Severance. If any section, sentence, clause or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.

ALL OTHER PROVISIONS OF CHAPTER 24 SHALL REMAIN IN FULL FORCE AND EFFECT.

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado this 19th day of August 2009.

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this ____ day of _____ 2009.

President of the Council

Attest:

City Clerk



Chiefs' Advisory Council

City of Grand Junction
Interim Police Chief John Camper
Fire Chief Ken Watkins

Richard Baca
Betty Bechtel
Karen Bland
John Borgen
Jim Doody
Norm Franke
Dick Gigliotti
Gary Lucero
Phyllis Norris
Paul Petersen
Janet Rowland
Mike Stahl

September 1, 2009

Dear City Council;

For the past couple of months, a subcommittee of the Chief's Advisory Council has been meeting to address the concerns of panhandling in Grand Junction. This subcommittee was called together by Chief Gardner, due to concerns regarding a perceived increase in aggressive panhandlers.

This subcommittee was chaired by Sister Karen Bland (Catholic Outreach) and Mike Stahl (Hilltop) with members representing the Mesa County Department of Human Services, Colorado West Mental Health, Grand Junction Police Department, and advocates for the homeless.

Through lengthy discussions we learned the reality of the panhandling situation in Grand Junction. Panhandlers are a small slice of the homeless population but unfortunately have very large visibility. The numbers of aggressive panhandlers are an even smaller fraction, as noted by the lack of reports called into law enforcement. We all agree that panhandlers on the corners are not what we envision when we imagine what Grand Junction should look like. Therefore, we began to discuss what could and should be done to change this reality.

The subcommittee came up with the following recommendations for the City Council to consider for immediate action. These are immediate steps while the community continues the long term direction of working with and addressing all the factors that lead to homelessness.

1. Support the proposed ordinance that keeps people off the median. This is a primary safety issue for anyone involved, not just panhandlers. This is an enforceable ordinance that does not leave the response up to the officer. It is the belief of this subcommittee that stronger ordinances are not necessary and would be redundant with laws that our community already has in place.
2. Instigate crime prevention by environmental design. The most common corners for panhandling are well known and with targeted landscaping, it would be reasonable to believe they could be made disadvantageous for panhandling.

Planning Our Public Safety Future... Together

Page Two
Chiefs Advisory Council
9/1/2009

3. Revive the public service announcements that were successful a few years back. Update the announcements and signage to deliver a new message. That message should include that "it's okay not to give change". The PSAs should also inform the public that if they are ever threatened or feel threatened by panhandlers to call 911 immediately.
4. Develop a 10-year plan to eliminate homelessness. Many cities throughout the country have such a plan in place. The existence of such a plan can open up additional funding opportunities to cities and to agencies serving our community in an effort to reduce the number of individuals and families who are homeless.

Homelessness is a serious concern in our community and we applaud the number of agencies and groups working to address the wide spectrum of causes that lead to homelessness. However; panhandling is approximately 1% of those that are homeless. We believe this is a community issue to be solved, and if our thoughtful citizenry learn that it's okay not to give change that the concern would gently go away.

We thank you for your consideration in regards to these recommendations, and we are available for further discussion if warranted.

Respectfully Yours,

Chiefs Advisory Council
Discussed and adopted 9/1/2009

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