



City Council Staff Report

DATE: February 19, 2014

LEGISLATIVE

SUBJECT: AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA AMENDING SECTION 12.12.050 OF, AND ADDING SECTION 12.12.055 TO, THE PALM SPRINGS MUNICIPAL CODE PERTAINING TO SITTING OR LYING ON SIDEWALKS IN DOWNTOWN PALM SPRINGS

FROM: David Ready, City Manager

BY: Police Department

SUMMARY

The proposed ordinance amends section 12.12.050 of the Palm Springs Municipal Code pertaining to loitering and adds section 12.12.055 to prohibit sitting or lying on the public sidewalks in downtown Palm Springs.

RECOMMENDATION:

1. Waive reading of the Ordinance text and introduce by title only.
2. INTRODUCE Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA AMENDING SECTION 12.12.050 OF, AND ADDING SECTION 12.12.055 TO, THE PALM SPRINGS MUNICIPAL CODE PERTAINING TO SITTING OR LYING ON SIDEWALKS IN DOWNTOWN PALM SPRINGS".

STAFF ANALYSIS:

The City has seen a recent increase in its unhoused population. This increase has led to a rise in the number of calls to the Police Department about people blocking the sidewalks either by sitting or lying down, often in order to panhandle. A large number of the calls received relate to the downtown area. The Police Department is concerned about the potential safety issues associated with individuals sitting or lying on the sidewalks in the downtown area.

ITEM NO. 3A

The types of businesses concentrated in downtown Palm Springs on Palm Canyon Drive and Indian Canyon Drive, and the side streets between Palm Canyon Drive and Indian Canyon Drive, from Ramon Road to Vista Chino, include numerous restaurants, clothing stores, and specialty shops, and tend to draw significant pedestrian traffic. The sidewalks in downtown Palm Springs become unusually congested, particularly between the hours of 7:00 a.m. and 11:00 p.m.

Individuals sitting or lying down on the public sidewalks in this unusually busy area create a potential tripping hazard for pedestrians and distract pedestrians from their need to be alert for other tripping or slipping hazards on the sidewalk, to avoid other pedestrians, and to be prepared to move along the sidewalk and across the street at intersections without interruption. This activity creates significant safety issues to pedestrians in these areas. Distracted pedestrians are more prone to be involved in accidents, which prevent the orderly flow of pedestrian traffic and create an unsafe situation not only for the person sitting or lying down on the sidewalk, but also for pedestrian traffic sharing the same limited sidewalk space.

The cumulative impact of this type of activity on the public sidewalks in downtown Palm Springs on a daily basis has created a potential safety hazard and poses a significant and substantial risk to the interest of the public in the free flow of travel in the City. Additionally, some merchants have reported that individuals sitting or lying on the sidewalks have had a negative impact on their business. Business owners indicate that patrons avoid shopping at their establishments, as they do not want to be confronted by the people who occupy space in front of their businesses.

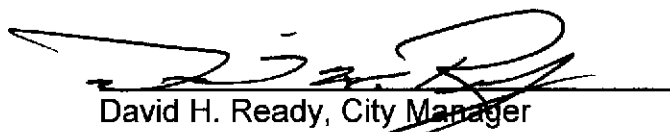
The expansion of the ordinance will provide police officers with the legal authority to contact people who are sitting or lying on the sidewalk and to ask them to move along throughout the downtown area. Any individual who fails to comply after receiving a warning would be subject to citation.

FISCAL IMPACT:

Cost associated with the signage along downtown Palm Springs will be the responsibility of the City of Palm Springs and the initial start-up cost will not exceed \$5,000.



Alberto Franz, III, Police Chief



David H. Ready, City Manager

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA AMENDING SECTION 12.12.050 OF, AND
ADDING SECTION 12.12.055 TO, THE PALM SPRINGS
MUNICIPAL CODE PERTAINING TO SITTING OR LYING
ON SIDEWALKS IN DOWNTOWN PALM SPRINGS.**

City Attorney Summary

The current Palm Springs Municipal Code has a general prohibition against loitering. This Ordinance amends these provisions and includes a prohibition against specific conduct that can obstruct or interfere with pedestrian access, including sitting or lying down on a public sidewalk.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA FINDS:

A. The types of businesses concentrated in downtown Palm Springs on Palm Canyon Drive and Indian Canyon Drive, and the side streets between Palm Canyon Drive and Indian Canyon Drive, from Ramon Road to Vista Chino, including numerous restaurants, clothing stores, and specialty shops, tend to draw significant pedestrian traffic.

B. The sidewalks in downtown Palm Springs become unusually congested, particularly between the hours of 7:00 a.m. and 11:00 p.m.

C. Individuals sitting or lying down on the public sidewalks in this unusually busy area create a potential tripping hazard for pedestrians and distract pedestrians from their need to be alert for other tripping or slipping hazards on the sidewalk, to avoid other pedestrians and sidewalk utility poles, fire hydrants, street furniture, street trees and tree planter wells, news racks, and other such obstacles and to be prepared to move along the sidewalk and across the street at intersections without interruption.

D. Individuals sitting or lying down on the public sidewalks of this unusually busy area results in the delay and obstruction of the public's free flow of travel, and results in congestion and blockage of the sidewalks when pedestrians are required to constrict and redirect their passage, often into the street, in order to avoid persons sitting or lying down on the sidewalk.

E. Distracted pedestrians are more prone to be involved in accidents, which prevent the orderly flow of pedestrian traffic and create an unsafe situation not only for the person sitting or lying down on the sidewalk, but also for pedestrian traffic sharing the same limited sidewalk space; and

F. The cumulative impact of this type of activity on the public sidewalks in downtown Palm Springs on a daily basis has created a potential safety hazard and

poses a significant and substantial risk to the interest of the public in the free flow of travel in the City.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

Section 1. Section 12.12.050 of the Palm Springs Municipal Code is amended to read:

12.12.050 Loitering – Obstructing traffic.

It is unlawful for any person to stand upon any street, sidewalk or other public way open for pedestrian travel, or otherwise occupy any portion thereof in such a manner as to annoy or molest any pedestrian thereon, or so as to obstruct or unreasonably interfere with the free passage of pedestrians, motor vehicles, or other modes of travel.

Section 2. Section 12.12.055 is added to the Palm Springs Municipal Code to read:

12.12.055 Sitting or Lying on Public Sidewalks Downtown – Prohibited.

(a) No person shall sit or lie down upon the public sidewalk, or upon a blanket, chair, stool, or any other object placed upon the public sidewalk, on Palm Canyon Drive or Indian Canyon Drive or the side streets between, from Ramon Road to Vista Chino during the hours from 7:00 a.m. to 11:00 p.m.

(b) The prohibition set forth in section (a) above shall not apply to:

(1) Any person sitting or lying down on the sidewalk due to a medical emergency;

(2) Any person who, as the result of a disability, utilizes a wheelchair or similar device to move about the public sidewalk;

(3) Any child accompanied by an adult who is seated in and using a stroller or similar device to move about the public sidewalk;

(4) Any person sitting or lying down upon a chair, bench or planter box wall located on the public sidewalk which is placed there by a public agency;

(5) Any person sitting or lying down upon a chair or bench located upon the public sidewalk which was placed there by an abutting private property owner or tenant pursuant to a commercial sidewalk encroachment permit, temporary lease, or temporary street closure permit;

(6) Any person sitting or lying down while conducting, attending or participating in an activity or event which is authorized by a lawfully issued temporary street closure permit or other permit issued by the city which permits use of the public sidewalk;

(7) Any person sitting on a public sidewalk within a bus zone while waiting for public or private transportation.

(c) No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that he or she is in violation of the prohibition of this section."

Section 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2014.

Stephen P. Pougnet
Mayor

ATTEST:

James Thompson, City Clerk

APPROVED AS TO FORM:

Douglas Holland, City Attorney