



City Council Staff Report

DATE: March 5, 2014 CONSENT CALENDAR
SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 1847
AMENDING THE PALM SPRINGS MUNICIPAL CODE PERTAINING TO
SITTING OR LYING ON SIDEWALKS IN DOWNTOWN PALM SPRINGS
FROM: David H. Ready, City Manager
BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1847.

RECOMMENDATION:

Waive the reading of the full text of the ordinance and adopt Ordinance No. 1847, "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."

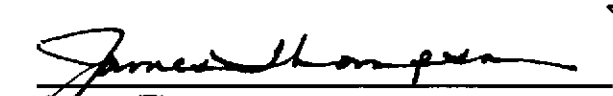
STAFF ANALYSIS:

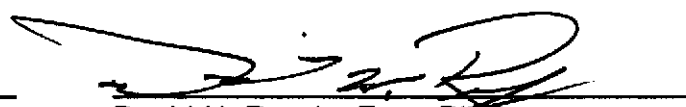
On February 19, 2014, Ordinance No. 1847 was introduced for first reading, as noted below:

3.A. PROPOSED ORDINANCE AMENDING THE PALM SPRINGS MUNICIPAL CODE PERTAINING TO SITTING OR LYING ON SIDEWALKS IN DOWNTOWN PALM SPRINGS:

ACTION: Waive the reading of the ordinance text in its entirety and read by title only and introduce on first reading Ordinance No. 1847, "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." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.


James Thompson
City Clerk


David H. Ready, Esq., Ph.D.
City Manager

/kdh

Attachment: Ordinance No. 1847

ORDINANCE NO. 1847

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 BY THE PALM SPRINGS CITY COUNCIL THIS 5TH DAY OF MARCH, 2014.

STEPHEN P. POUQUET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK .

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Ordinance No. 1847 is a full, true and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the 19TH day of February, 2014, and adopted at a regular meeting of the City Council held on the 5th day of March, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California