ORDINANCE NO. 2013-14

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING SECTIONS 5.43.000, 5.43.010, AND 5.43.020 OF THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO NONCOMMERCIAL USE OF CITY STREETS AND SIDEWALKS

BE IT ORDAINED by the City Council of the City of Santa Cruz as follows:

Section 1. Section 5.43.000 of the Santa Cruz Municipal Code is hereby amended and recodified to read as follows:

"5.43.005 DEFINITIONS.

For purposes of this chapter, certain words and phrases are defined as follows:

(a) "Noncommercial use" means any political, civic, religious or other public service or charitable activity, including speech, or the distribution of literature, whether or not such activity is conducted with the assistance of a display device, and where the use is conducted for either the sale of merchandise or the solicitation of donations.

(b) "Display device" means a freestanding table, rack, chair, box, stand, or any container, structure or other object used or capable of being used for holding or displaying tangible things, together with any associated seating facilities; "display device" does not include any street furniture such as benches or planters, any other structure permanently installed by the City of Santa Cruz or with the consent of the City of Santa Cruz, news racks placed in conformity with the provisions of this code regulating news racks, or cloths, tarps or other materials which are laid upon the sidewalk . As used in this subsection, a table, rack, chair, box, stand, container or structure is "freestanding" when it is capable of standing alone without support and when, so standing, is perpendicular to the sidewalk."

Section 2. Section 5.43.010 of the Santa Cruz Municipal Code is hereby amended to read as follows:

"5.43.010 CONDITIONS OF USE.

Unless authorized elsewhere in this code or by any other applicable law or statute, persons may place, erect, or maintain a display device on a public sidewalk for noncommercial uses only and for no other purpose, and only as provided in this chapter. A display device space envelope may not exceed twelve square feet in size including the space necessary to accommodate the display device itself, the person or persons responsible for the display device and the personal property of those persons brought to the display device location. A display device may not exceed six feet in height. A display device may not be placed, erected or maintained within twelve feet of another display device."

Section 3. Section 5.43.020 of the Santa Cruz Municipal Code is hereby amended to read as follows:

"5.43.020 PROHIBITED LOCATIONS.

(1) In order to assure safe, orderly and adequate public access and pedestrian traffic on city streets and sidewalks, no display device shall be placed in any of the following locations in the C-C Community Commercial, C-N Neighborhood Commercial, C-B Commercial Beach, CBD Central Business District, and R-T Tourist Residential Zone Districts:

(a) Within fourteen feet of any building. Where any portion of the building is recessed from the public sidewalk, the fourteen feet shall be measured from the point at which the building abuts the sidewalk;

(b) Within fourteen feet of any street corner or intersection;

(c) Within fourteen feet of any kiosk;

(d) Within fourteen feet of any drinking fountain, public telephone, public bench, public trash container, information or directory/map sign, sculpture or artwork displayed on public property, ATM machine or other cash disbursal machines or any other outdoor machine or device which disburses or accepts coins or paper currency except parking meters and newspaper vending machines; however, the distance restrictions set forth in this subsection shall not apply to the public sculptures or directory sign located on the southeast corner of Cooper Street and Pacific Avenue intersection;

(e) Within any portion of the sidewalk between the license-area limit line of any sidewalk café or other open-air eating establishment and the curb of the sidewalk and in no other location within fourteen feet of any such license-area limit line;

(f) Within fourteen feet of any vending cart; or

(g) Within fourteen feet of any fence that abuts a public sidewalk.

(2) No person shall allow a display device to remain in the same location on the sidewalk for a period of time exceeding one hour. After one hour the person who placed the display device on the sidewalk shall not place a display device on the sidewalk within one hundred feet of the original display device location. After one hour the person who placed the display device shall not place a display device in the original display device location, or within one hundred feet of the original display device location, for twenty-four hours.

(3) No person shall be cited under this section unless he or she has first been notified by a police officer, public officer or downtown host that he or she is

in violation of the prohibition in this section, and thereafter continues the violation.

(4) As used in this section the term "person" shall refer to any individual person, group of persons or organization.

(5) No person shall place, erect, or maintain a display device for noncommercial use in an area for which a special event permit has been issued for a specific time.

Section 4. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 10th day of September, 2013, by the following vote:

AYES: Councilmembers Terrazas, Comstock, Mathews; Vice Mayor Robinson; Mayor Bryant.

NOES: Councilmembers Lane, Posner.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: ss/Hilary Bryant, Mayor

ATTEST: ss/Bren Lehr, City Clerk Administrator

PASSED FOR FINAL ADOPTION this _____ day of _____, 2013 by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk Administrator

This is to certify that the above and foregoing document is the original of Ordinance No. 2013-14 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

_____
City Clerk Administrator