



**City of Santa Barbara**  
Mayor & Council Office

## Memorandum

**DATE:** April 3, 2014

**TO:** James L. Armstrong, City Administrator

**FROM:** **Council Members Frank Hotchkiss and Randy Rowse**

**SUBJECT:** Sit-Lie and Abusive Panhandling Ordinance Referral to Ordinance Committee

- Summary of Information to be Presented to the City Council

Receive a report on discussions with the downtown business community regarding specific proposals to update the Sit-Lie and Abusive Panhandling Ordinances. Consider enacting a new ordinance prohibiting urinating or defecating in public. Refer the matter to the Ordinance Committee for further consideration and review.

- Statement of Specific Action the Council will be asked to take

The municipal code currently prohibits sitting or lying down on public sidewalks and paseos along the first thirteen blocks of State Street during the hours between 7:00 a.m. and 9:00 p.m. We would propose expanding the hours of the prohibition and adding a prohibition on sitting, standing or lying down upon any planting, railing or statue placed or installed on a public sidewalk.

The municipal code currently prohibits abusive panhandling anywhere in the City. "Active" panhandling – meaning a verbal (oral) request seeking a donation of money or other item of value is prohibited in certain locations only. For example, active panhandling is currently prohibited within 25 feet of any ATM. We would propose increasing this area to approximately 80 feet, subject to analysis by staff of the impacts on the constitutionally-required alternative locations for solicitation speech. We would also propose expanding the ban on solicitation to busses and other public transportation vehicles.

Neither the municipal code nor state law directly prohibits urinating or defecating in public. While this behavior may be prosecuted under state law as a nuisance, this form of action constitutes a misdemeanor that falls to the District Attorney's Office for prosecution. We propose adding a prohibition on urinating or

defecating in public to the municipal code in order to facilitate enforcement against this nuisance behavior.

Finally, we would like Council to direct the City Attorney to undertake research and report back to the Ordinance Committee on the legal feasibility of adding to the municipal code the following considerations:

- A prohibition on groups of people congregating in a manner that blocks the free movement of pedestrian traffic on our downtown sidewalks;
- A prohibition on the use of public benches and street furniture for the storage, sale or display of merchandise or personal items;
- A prohibition on active panhandling within a prescribed distance of a queue of persons waiting to gain admission to a place of business and outdoor dining areas.
- A requirement for appropriate signage to inform the public of these regulations

We believe all of these issues should be referred to the Ordinance Committee for further consideration and review. We also believe the Ordinance Committee should hear from our Police Department on current enforcement issues that might be further addressed.

- Statement of the Reasons Why it is Appropriate and Within the Jurisdiction of the Council to Consider this Subject Matter and to Take the Requested Action

Improving the quality of life for all Santa Barbara residents is a crucial function of the City Council. We believe our modest proposals will do just that.

cc: Mayor and Council  
Cam Sanchez, Police Chief  
Ariel Calonne, City Attorney