

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING SECTION 9.97.010 OF THE SANTA BARBARA MUNICIPAL CODE REGARDING SITTING OR LYING ON SIDEWALKS AND PASEOS ALONG CERTAIN DOWNTOWN PORTIONS OF STATE STREET

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS AND PURPOSES. Since enactment of the City's original "sit/lie" legislation, the relevant area along State Street has become an even bigger destination for night time entertainment. During late night hours when bar and entertainment venues are very busy, there have been increasing conflicts between such patrons and persons blocking the sidewalks and public paseos. Due to this increasing conflict, the City Council finds it necessary to prohibit sitting or lying down on the few affected blocks of State Street until 2:00 a.m.

SECTION 2. Section 9.97.010 of Chapter 9.97 of Title 9 of the Santa Barbara Municipal Code is amended to read as follows:

9.97.010 Sitting or Lying on Public Sidewalks in Certain Downtown Areas of State Street.

A. Prohibition. No person shall sit or lie down upon a public sidewalk or public paseo, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk or public paseo, during the hours between 7:00 a.m. and 2:00 a.m. of the following day along the first thirteen (13) blocks of State Street from Cabrillo Boulevard to and including the 1300 block of State Street.

For the purposes of this subsection (A), the terms "public sidewalk or public paseo" shall also include those public pedestrian sidewalks or public paseos which serve as access to and from State Street and the City parking facilities adjacent to State Street within the

designated blocks, which shall also specifically include the area known as "Storke Placita," as well as the railings, statues, sculptures, or planter areas within the designated blocks.

B. Exceptions. The prohibitions of Subsection A shall not apply to any person or persons:

1. Who is sitting or lying down on a public sidewalk due to a medical emergency;
2. Who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;
3. Who is operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit issued pursuant to Chapter 9.95 of this Title or who is participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on public sidewalk pursuant to a street use or other applicable parade permit issued by the City in accordance with this Code.

Nothing in any of these exceptions shall be construed to permit any conduct which is otherwise prohibited by this Code.

C. Scope. Nothing herein shall be deemed to apply the requirements of subsection (A) to the following:

1. A person who is sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner for such purposes or;
2. A person who is sitting on a public sidewalk within a bus stop zone while waiting for public transportation.

D. Prior Warning. No person shall be prosecuted for a violation of this Chapter unless the person engages in conduct prohibited by this Chapter after having been notified by a law enforcement officer that the conduct violates this Chapter.