

NOT YET APPROVED

ORDINANCE NO. _____

ORDINANCE OF THE COUNCIL OF THE CITY OF PALO ALTO AMENDING SECTION 9.48.025 (SITTING OR LYING ON UNIVERSITY AVENUE PUBLIC SIDEWALKS PROHIBITED) OF TITLE 9 [PUBLIC PEACE, MORALS AND SAFETY] TO EXPAND THE AREA EFFECTED BY THE SECTION AND TO ADD AN EXEMPTION FOR BUS ZONES

The Council of the City of Palo Alto does ORDAIN as follows:

SECTION 1. Findings and Declarations. The City Council finds and declares as follows:

(a) Sitting or lying down on the public sidewalk within the unusually congested downtown area surrounding University Avenue during the hours of 11:00 a.m. to 11:00 p.m., when sidewalks are heavily used by pedestrians, distracts those pedestrians from their need to be alert for potential tripping or slipping hazards in 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; and,

(b) Sitting or lying down on the 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; and,

(c) Distracted pedestrians are more prone to be involved in accidents, and accidents on the public sidewalks constitute a substantial safety problem which further impedes and prevents the orderly flow of pedestrian traffic, is unsafe not only for the person sitting or lying down on the sidewalk but also for pedestrian traffic sharing the same limited sidewalk space; and,

(d) The cumulative impact of this type of activity on the city's sidewalks in this downtown area on a daily basis has created a potential safety hazard, which poses a significant and substantial risk to the interest of the public in the free flow of travel in the city.

SECTION 2. Section 9.48.025 (Sitting or lying on University Avenue public sidewalks prohibited) of Title 9 [Public Peace, Morals and safety] of the Palo Alto Municipal Code is hereby amended to read as follows:

“9.48.025 Sitting or lying on public sidewalks in the University Avenue area commercial downtown Palo Alto is prohibited.

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(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 within 50 feet of any commercial property between Lytton Avenue and Channing Avenue from Alma Street to Emerson Street and the area between Lytton Avenue and Forest Avenue from Emerson Street to Webster Street during the hours between 11:00 a.m. and 11:00 p.m.

(b) The prohibition set forth above in this section 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 is 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) 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 in this Section 9.48.025 Sitting or lying on public sidewalks in commercial downtown Palo Alto is prohibited.

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SECTION 3. This ordinance shall be effective on the thirty-first day after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

Mayor

APPROVED:

City Manager

Police Chief

Director of Administrative
Services