



Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** November 7, 2016

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 3, CHAPTER 3.24, SECTION 3.24.110(A)(8) RELATING TO CAMPING IN PUBLIC PARKS AND FACILITIES AND TITLE 12, CHAPTER 12, SECTION 12.12.080 RELATING TO OBSTRUCTING A PUBLIC WAY OR PLACE (SECOND READING)

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING PASADENA MUNICIPAL CODE TITLE 3, CHAPTER 3.24, SECTION 3.24.110(A)(8) RELATING TO CAMPING IN PUBLIC PARKS AND FACILITIES AND TITLE 12, CHAPTER 12, SECTION 12.12.080 OF THE PASADENA MUNICIPAL CODE RELATING TO OBSTRUCTING A PUBLIC WAY OR PLACE

BACKGROUND AND PURPOSE OF ORDINANCE:

On October 17, 2016, the City Council held the First Reading of the proposed ordinance. The City Council deleted subsections D and E (relating to camping and other activities within commercial corridors) from Section 12.12.080 of the proposed ordinance to the Pasadena Municipal Code.

Questions have been raised regarding why the City's Municipal Code needs to be amended to achieve the protections sought in the ordinance, in view of State laws. The City is a Charter City and therefore can enact legislation to address its local concerns as long as State law does not occupy the field. State law does not address the obstruction of sidewalks by individuals or their property. This has been left to local regulation and

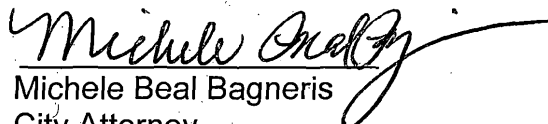
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the City already regulates the obstruction of public ways and places. The proposed ordinance will further clarify the City's current regulations.

The proposed ordinance also prohibits aggressive panhandling or begging. Currently state laws prohibit aggressive begging only if the individual "accosts other persons" (CA Penal Code section 647(c)). This extremely high and somewhat unclear standard allows panhandlers to operate in the City almost with impunity, even when the panhandling activity includes aggressive or extremely hostile behavior directed at another person. For this reason some California cities have enacted similar local ordinances to better curb this type of behavior. Los Angeles for example, prohibits panhandling in an "aggressive manner" while Santa Monica prohibits panhandling in a manner that is "harassing or menacing." The proposed ordinance would provide for enforcement under a new clear standard in which threatening, coercive, or menacing behavior that is otherwise not addressed in State law would be prohibited.

The intent of the proposed ordinance is to ensure that the City's streets and sidewalks are unobstructed so that businesses can operate unimpeded and that patrons, employees, and visitors can move about the City without obstruction. Such localized ordinances do not conflict with State law. The proposed ordinance here has been narrowly crafted and will prohibit the obstruction of public ways and places by persons or property and will also prohibit aggressive panhandling in public ways.

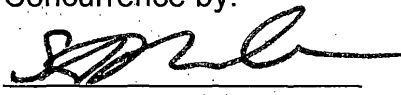
Respectfully submitted,


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