



Ordinance Fact Sheet

TO: CITY COUNCIL **DATE:** October 17, 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

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 April 11, 2016, the City Council considered measures to address homelessness in the City of Pasadena. Those measures included the consideration of new programmatic funding, new or enhanced programs, and new legislation. The City Council directed the City Attorney to draft an ordinance providing definitions, prohibiting camping in the specified business districts and prohibiting aggressive panhandling in the City. City Attorney staff has worked with staff in several departments and conducted further research since the April meeting to ensure that the ordinance is narrowly crafted to address the issues involved. The proposed amendments will strengthen and clarify existing legislation relating to public ways, places, parks and facilities to address issues related to the secondary effects of activities by those who camp, aggressively

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panhandle and impede public areas in the City's business districts. These amendments are designed to address secondary effects of such activities by regulating conduct that affects and interferes with the businesses, employees and patrons of those businesses in the City's commercial areas. Accordingly, the proposed ordinance focuses on the primary commercial corridors of the City. While the City has over 1200 streets, only 19 streets have been identified as primary commercial corridors that are within the scope of the proposed ordinance.

The ordinance will prohibit the obstruction of public ways and places by persons or property, including prohibiting camping and aggressive panhandling in public ways. The ordinance redefines camping and what constitutes obstruction of public ways and places. Provisions are included for removal of personal property within the public way with notice to the owner and/or posting. Recent case law suggests that a City may impose regulations which affect the homeless if it also provides programs and funding that makes available housing and shelters for its homeless population. The City provides such programs and funding for housing and shelter. For example, the latest survey taken on January 27, 2016 shows that the City of Pasadena has a homeless population of approximately 530 persons and provides housing for about 178 persons, and on the date of the survey the City had available an additional 100 seasonal (winter) beds which were not utilized. As another example, the Housing Department provides a limited number of motel vouchers for those homeless ready to participate in a homeless housing program. Also on tonight's City Council Agenda, the City Council is considering adoption of a policy statement regarding provision of supportive housing throughout the City.

REASON WHY LEGISLATION IS NEEDED:

Regulations under the City's police power relating to the obstruction of public ways and places are codified within Title 3 and Title 12 of the Pasadena Municipal Code and an ordinance is required to amend them.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Police Department will have primary responsibility for enforcement of these regulations. The Department's HOPE teams will provide outreach to the homeless to provide them with services. Those who seek services may be assisted by the Housing Department. The Public Works Department will become involved if the storage of property is required. If criminal citations results from the enforcement of these regulations they will be prosecuted by the Prosecution Division of the City Attorney/City Prosecutor's Department.

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FISCAL IMPACT:

The enforcement will primarily be borne by the Police Department. The Housing, Public Works, and City Attorney/City Prosecutor's Departments will also be affected. These departments are already enforcing the provisions of the municipal code. It is unknown whether these amendments will affect staffing needs and, accordingly, the amount of any increased costs to the City.

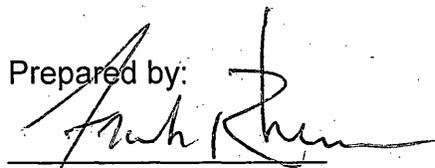
ENVIRONMENTAL DETERMINATION:

This ordinance is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(2) because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

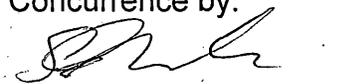
Respectfully submitted,


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