

Introduced by Councilmember Kennedy

ORDINANCE NO. 7287

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

The People of the City of Pasadena ordain as follows

Section 1. Title 3, Chapter 3 24, Section 3 24 110 Prohibited acts, Subsection A8 of the Pasadena Municipal Code is hereby amended to read as follows

“3 24 110(A)(8)

To camp, erect, maintain, or occupy any tent, lodge, structure, temporary or makeshift shelter, or unattended installation or display in any park or upon the grounds above specified except in places designated for such purposes”

Section 2. Title 12, Chapter 12, Section 12 12 080 of the Pasadena Municipal Code is hereby amended by redesignating text and adding subsections A, B, and C which read as follows

“12 12 080 - Persons obstructing public way or place

A It is unlawful for any person to stand or sit in or upon any street, alley, sidewalk, or crosswalk so as in any manner to hinder or obstruct the free passage of persons passing along the same except as follows for a use or activity for which a permit has been previously obtained from the city, or for a use under the terms of a valid license agreement with the city, or for viewing a parade or similar event for which a permit has been issued, or for lawful labor activities that are permitted to be carried out by state or federal law, or for activities protected by the California Constitution or the United States Constitution

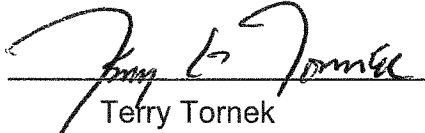
B It is unlawful for any person to place his/her personal property upon any street, alley, sidewalk, or crosswalk so as, in any manner, to hinder or

obstruct any person from freely passing by, such property may be removed from the public way or place by the City if the owner of such property is not present or is unable to remove the property. A notice of such removal shall be given to the owner and or placed at the location from where such property was removed. Such property shall be stored by the City for at least 30 days.

C It is unlawful for any person to impede the progress of another or to hinder or obstruct any person from freely passing by on any street, alley, sidewalk, or crosswalk, for the purpose of soliciting, asking, or begging for money, or to approach any person in any public way or place in a threatening, coercive or menacing manner for the purpose of soliciting, asking, or begging for money."

Section 3. This ordinance shall take effect 30 days following its publication.

Signed and approved this 14th day of November, 2016


Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this 14th day of November, 2016, by the following vote

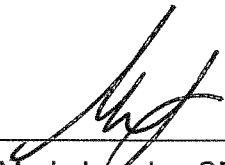
AYES Councilmembers Gordo, Hampton, Kennedy, Madison, McAustin, Wilson, Vice Mayor Masuda, Mayor Tornek

NOES None

ABSENT None

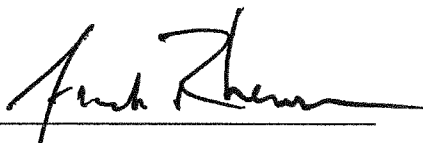
ABSTAIN None

Date Published November 17, 2016



Mark Jomsky, CMC
City Clerk

Approved as to form



Frank L. Rhemrev
Assistant City Attorney



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.

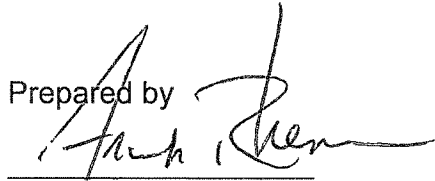
The proposed ordinance also prohibits aggressive panhandling or begging. Currently state laws prohibit aggressive begging only if the individual "accosts other persons" (CA Penal Code section 647(c)). This extremely high and somewhat unclear standard allows panhandlers to operate in the City almost with 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.

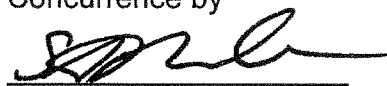
Respectfully submitted,


Michele Beal Bagneris
City Attorney

Prepared by


Frank Rhemrev
Assistant City Attorney

Concurrence by


Steve Mermell
City Manager

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