



Ordinance Fact Sheet

TO: CITY COUNCIL DATE: December 7, 1998

FROM: CITY MANAGER

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING
CHAPTER 12.12 OF THE PASADENA MUNICIPAL CODE
("OBSTRUCTING STREETS AND SIDEWALKS") BY ADDING
SECTION 12.12.015 ENTITLED "DEFINITIONS."

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 12.12 OF THE PASADENA MUNICIPAL CODE ("OBSTRUCTING STREETS AND SIDEWALKS") BY ADDING SECTION 12.12.015 ENTITLED "DEFINITIONS."

BACKGROUND:

Chapter 12.12 of the Municipal Code makes it unlawful to obstruct the streets and sidewalks and, among other things, to use the public right of way for commercial purposes. The City has, within the past few years, changed its policy of not permitting any commercial activity in the public right of way to permitting it under certain specific conditions, such as for sidewalk dining and for valet parking.

There has recently been controversy, in the context of a now-resolved lawsuit, over whether or not a standard Pasadena business license gives a vendor the right to sell merchandise in the public right of way. Because of the fact that a business license is strictly a revenue raising method, it was never intended as a permit to conduct business in the public right of way. It is therefore necessary to add some definitions to the existing ordinance to clarify the only

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AGENDA ITEM NO. 9.A.1.

circumstances under which commercial activity can take place in the public right of way.

The proposed definitions in this ordinance specify the type of permits and licenses which will prevent the arrest or citation of an individual otherwise conducting commercial activity and obstructing the public right of way. Specifically, "permitted" uses include the following: sidewalk dining permits (Pasadena Municipal Code Chapter 12.13), valet parking permits (PMC Chapter 12.14), film permits (PMC Chapter 17.90), food transportation vehicle permits (push carts and catering trucks) (PMC Chapter 8.16), Tournament of Roses Grandstand permits (PMC Chapter 3.12), street closure and special event permits, and two-party license agreements between the City and a licensee.

In addition, persons engaged in free speech and free expression activity require no permit. Finally, New Year's Day vendors were not included as "permitted" activity as those vendors are not allowed to obstruct the public right of way; they must either be "roving" if foot peddlers, located on private property if they are fixed stands, or located on a public right of way pursuant to a two-party license agreement.

As this ordinance is designed to clarify existing law and does not represent a change in policy, it is brought forward without prior City Council direction on recommendation of the City Manager and City Attorney.

PURPOSE OF ORDINANCE:

The proposed ordinance will clarify terminology used in the existing ordinance.

REASON WHY LEGISLATION IS NEEDED:

The Pasadena Municipal Code may only be amended by ordinance.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Department of Public Works and Transportation and the Police Department will be primarily affected by the proposed ordinance as they enforce this section of the Pasadena Municipal Code.

ENVIRONMENTAL IMPACT:

The Environmental Administrator has determined that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) under the General Rule that CEQA applies only to activities

which may have a significant effect on the environment (Section 15061(b)(3)).

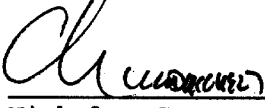
FISCAL and SERVICE IMPLICATIONS:

There is no fiscal impact from the proposed ordinance as it only serves to clarify existing language in Chapter 12.12 of the Pasadena Municipal Code and to continue existing policy in that regard.


Respectfully submitted,


Cynthia J. Kurtz
City Manager

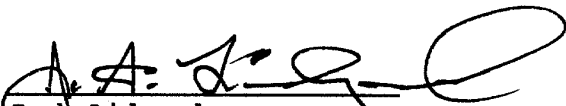
Prepared by:



Nicholas George Rodriguez
Assistant City Attorney


Approved by:

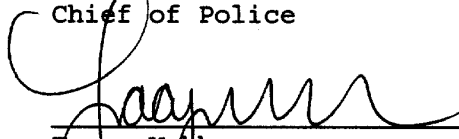

Michele Beal Bagnerys
City Attorney

Approved:


Jack Lidyard
Acting Director of Public
Works & Transportation


Jay M. Goldstone
Director of Finance


Bernard Melekian
Chief of Police


Tracy Webb
City Prosecutor

Introduced by Councilmember

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 12.12 OF THE PASADENA MUNICIPAL CODE ("OBSTRUCTING STREETS AND SIDEWALKS") BY ADDING SECTION 12.12.015 ENTITLED "DEFINITIONS."

The People of the City of Pasadena ordain as follows:

SECTION 1. Chapter 12.12 of the Pasadena Municipal Code is amended by adding a new Section 12.12.015 to read as follows:

"Section 12.12.015 Definitions.

For the purpose of this chapter, certain words and phrases shall be construed as set forth in this section, unless it is apparent from the context that a different meaning is intended:

A: 'Permit' means a valid and current authorization of one of the following specific types, issued pursuant to the requirements of this Code: sidewalk dining permit, valet parking permit, film permit, food transportation vehicle permit, program sales permit, parade permit, Tournament of Roses Grandstand permit, street closure permit, or special events permit. A business license is not a 'permit' under this chapter.

B: 'Valid license agreement with the city' means a valid and current, written authorization, approved by the city council or its designee allowing occupation of specific and designated locations for the specific purposes explicitly set forth therein. A business license is not a 'valid license agreement with the city' under this chapter."

SECTION 2. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published in full text.

SECTION 3. This ordinance shall take effect thirty days after its publication.

Signed and approved this _____ day of _____, 1998.

Chris Holden
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 the _____ day of _____, 1998, by the following vote:

Ayes:

Noes:

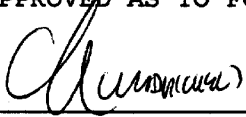
Absent:

Abstain:

Published:

Jane L. Rodriguez
City Clerk

APPROVED AS TO FORM:



Nicholas George Rodriguez
Assistant City Attorney