

DEADLY DOWNTOWN ORDINANCES IN BRIEF

Only-In-Santa Cruz Laws: Police Powers vs. the Homeless, the Poor, the Hippies, & the Weird ! revised 9-19-03
(underlined sections new or modified within the last 15 months)

Chapter 5.42 COMMERCIAL ACTIVITIES ON STREETS AND SIDEWALKS

5.42.000 DEFINITIONS. For the purpose of this chapter, the following words and phrases are defined as follows: (a) "Display device" means a table, rack, chair, box, cloth, stand, or any container, structure or object used or capable of being used for holding or displaying tangible things, together with any associated seating facilities; "display device" does not include any street furniture such as any bench or planter, or any other structure permanently installed by the city of Santa Cruz or with the consent of the city of Santa Cruz, or newsracks placed in conformity with the provisions of this code regulating newsracks. (b) "Business or commercial purpose" is any activity performed in substantial part for the private financial gain of the person or organization responsible for the activity. (c) "Merchandise" means goods, wares, printed matter, or any other tangible thing offered for commercial distribution, or displayed as a demonstration or sample of such an item offered for commercial distribution. (d) "Public place" means any public sidewalk, bench, lawn, street, parking lot or any other area owned or controlled by the city of Santa Cruz.

5.42.010 COMMERCIAL DISPLAY DEVICES ON STREETS AND SIDEWALKS. No person shall place, erect, maintain or cause to be placed, erected or maintained anywhere in any public place under the control of the city of Santa Cruz wherein commercial display devices are not regulated by any other provision of this code, any display device for any business or commercial purpose, including the rent, sale, barter or exchange of any goods, wares or merchandise, unless authorized by a permit for a special occasion issued by the city of Santa Cruz. (Ord. § 2 (part), 1993). **5.42.020 DISPLAY OF MERCHANDISE ON STREETS AND SIDEWALKS.** No person for any business or commercial purpose shall use any public place under the control of the city of Santa Cruz wherein the commercial display of merchandise is not regulated by any other provision of this code, for the display of merchandise for sale, barter or exchange, unless authorized by a permit for a special occasion issued by the city of Santa Cruz. A person uses a public place for display of merchandise when he or she rests the merchandise on such place for public view or when he or she holds such merchandise for public view while personally occupying a portion of such public place, or when he or she rests such merchandise on a display device in such public place for public view. (Ord. § 2 (part), 1993). **EXCEPTIONS.** (a) Sections 5.42.010 and 5.42.020 shall not apply to newsracks which are placed in conformity with the provisions of this code regulating newsracks on city sidewalks. (b) Section 5.42.020 shall not apply to the display of newspapers, periodicals or other literature, when the person so displaying such newspapers, periodicals or other literature holds them in his or her personal possession for public view....

5.42.080 VIOLATIONS. Any person who erects, maintains, uses or causes to be erected, maintained or used, any display device in violation of this chapter is guilty of an infraction for the first offense. Any subsequent violation occurring within 6 months after the 1st violation shall constitute a misdemeanor. At the discretion of the city attorney, said violation may be prosecuted as an infraction....

Chapter 5.43 NONCOMMERCIAL USE OF CITY STREETS & SIDEWALKS FOR SALES & SOLICITATION

5.43.000 DEFINITIONS. For purposes of this chapter, certain words and phrases are defined as follows: (a) "Noncommercial use" means any political, civic, religious or other public service or charitable activity, including speech, or the distribution of literature, whether or not such activity is conducted with the assistance of a display device, & where the use is conducted for either the sale of merchandise or the solicitation of donations. (b) "Display device" means a table, rack, cloth, stand, or any structure or other object used or capable of being used for displaying tangible things, together with any associated seating facilities; "display device" does not include any street furniture such as benches or planters, or any other structure permanently installed by the city of Santa Cruz or with the consent of the city of Santa Cruz, or newsracks placed in conformity with the provisions of this code regulating newsracks.

5.43.010 CONDITIONS OF USE. Persons may place, erect, or maintain a display device for non-commercial use on any public sidewalk only as provided in this chapter. A display device may not exceed six feet by three feet in size. A display device may not exceed six feet in height.

5.43.020 PROHIBITED LOCATIONS. (1) In order to assure safe, orderly and adequate public access and pedestrian traffic on city streets and sidewalks, no display device shall be placed in any of the following locations in the C-C Community Commercial; C-N Neighborhood Commercial; C-B Commercial Beach; CBD Central Business District; and R-T Tourist Residential zone districts: (a) Within 10' of any building entrance or fence or other structure separating private property from the public right-of-way other than cyclone fences between vacant lots & the public right-of-way, or 10' directly in front of any window. Where any such entrance or window is recessed from the public sidewalk, the ten feet shall be measured from the point at which the building abuts the sidewalk; (b) Within 10' of any street corner or intersection; (c) Within 10' of any kiosk or mid-block crosswalk; (d) Within 10' of any drinking fountain, public telephone or bench; (e) Within any portion of the sidewalk between the license-area limit line of any sidewalk cafe or other open-air eating establishment & the curb of the sidewalk & in no other location within 10' feet of any such license-area limit line; or (f) Within 10' of any vending cart.

(2) No person shall allow a display device to remain in the same location on the sidewalk for a period of time exceeding one hour. After one hour the person who placed the display device on the sidewalk shall not place a display device on the sidewalk within 100 feet of the original display device location. After one hour the person who placed the display device shall not place a display device in the original display device location, or within 100 feet of the original display device location, for twenty-four hours. (3) No person shall be cited under this section unless he or she has first been notified by a public officer or Downtown Host that he or she is in violation of the prohibition in this section, and thereafter continues the violation.