

A Few of the DEADLY DOWNTOWN ORDINANCES (8-27-10)

The selected sections of the City of Santa Cruz Municipal Code below are only some of the ordinances used by police, private security guards, and conservative merchants as part of the downtown selective enforcement activity to drive away “undesirables”. The entire City Code can be found on-line at <http://www.codepublishing.com/CA/SantaCruz/>. Additional notes are bracketed in *italics* by Robert Norse (not an attorney), who selected the relevant portions of the ordinances below. Readers should check the City Code themselves to review the entire ordinance to ensure timeliness and accuracy.

4.04.010 JUDICIAL REMEDIES. (2) ... a violation of any of the provisions ... shall constitute an infraction. (3) any ...misdemeanor under this code may, in the discretion of the city attorney, be charged and prosecuted as an infraction. (4) Where, on three occasions during any six-month period, a person fails to appear in court...or to post bail...the city attorney may thereafter... one year following the last such failure to appear or post bail, prosecute any subsequent violations...as misdemeanors. *[All provisions other than MC 6.36.010a—the Sleeping Ban---and MC 6.36.010b—the Blanket Ban—provide a second violation of the same code within 48 hours, 90 days, or 6 months will be charged as a misdemeanor. The state Penal Codes 17 and 19 seems to limit the power to reduce a misdemeanor to an infraction, limiting it to a number of provisions and requiring the defendant's consent . This reduction denies the accused a jury trial and a public defender, which would otherwise be provided, but also removes the threat of jail.]*

4.04.015 FAILURE TO APPEAR OR POST BAIL. (a) Any person who, on three occasions during any given six-month period, fails to appear in court in connection with a citation issued for a criminal violation of any provision of this code or to post bail in connection with that citation shall be guilty of a misdemeanor...(b)...whenever a person fails to appear in court or to post bail in connection with a citation issued for a criminal violation of any provision of this code three times within a given six-month period, upon the third such failure to appear or post bail it is the intent of the city council that a warrant for the arrest of that person shall be issued.

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. 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. **5.42.030 EXCEPTIONS.** ... (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 six months after the first violation shall constitute a misdemeanor. At the discretion of the city attorney, said violation may be prosecuted as an infraction.

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, and where the use is conducted for either the sale of merchandise or the solicitation of donations. (b) “Display device” means a table, rack, chair, box, cloth, stand, or any container, structure or other 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 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 noncommercial 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 ten feet of any building. Where any portion of the building is recessed from the public sidewalk, the ten feet shall be measured from the point at which the building abuts the sidewalk; (b) Within ten feet of any street corner or intersection; (c) Within ten feet of any kiosk; (d) Within ten feet of any drinking fountain, public telephone, public bench, public trash compactor, information or directory/map sign, sculpture or artwork displayed on public property, ATM machine or other cash disbursal machines or any other outdoor machine or device which disburses or accepts coins or paper currency except parking meters and newspaper vending machines; however, the distance restriction set forth in this subsection shall not apply to the public sculptures or directory sign located on the southeast corner of the Cooper Street and Pacific Avenue intersection; (e) Within any portion of the sidewalk between the license-area limit line of any sidewalk cafe or other open-air eating establishment and the curb of the sidewalk and in no other location within ten feet of any such license-area limit line; (f) Within ten feet of any vending cart; or (g) Within 10' of any fence that abuts a public sidewalk.

(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 one hundred 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 one hundred 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 police officer, public officer or downtown host that he or she is in violation of the prohibition in this section, and thereafter continues the violation.

(4) As used in this section the term “person” shall refer to any individual person, group of persons or organization.

5.43.021 EXEMPT ZONES. ...the city council by resolution may from time to time designate exempt zones where display devices may be placed on city streets and sidewalks at locations where placement would ordinarily be prohibited...*[apparently there are two exempt zones—one near the Bookshop Santa Cruz and the Scribner Statute, a second in front of O'Neill's]*

5.43.030 NONCOMMERCIAL USE OF BENCHES AND STREET FURNITURE. No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section, shall use any street furniture, including any bench, planter, utility cabinet or other street furniture or structure permanently installed on public property, for the display of anything whatsoever for any noncommercial purpose, nor shall they otherwise put such bench, planter, utility cabinet, street furniture or structure to a noncommercial use.

5.43.040 VIOLATIONS. Any person who erects, maintains, uses or causes to be erected, maintained or used any display device or conducts a noncommercial use in violation of this chapter is guilty of an infraction for the first offense. Any subsequent violation occurring within six months after the first violation shall constitute a misdemeanor.

6.04. SMOKING POLLUTION CONTROL ORDINANCE 6.04.040 DEFINITIONS. . A private residence is not a public place....(l) "Service line" means any indoor or outdoor line at which one or more persons are waiting for or receiving services or entertainment of any kind, whether or not such service or entertainment involves the exchange of money. (m) "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed, plant or other combustible substance in any manner or in any form

6.04.060 PROHIBITION OF SMOKING IN PUBLIC PLACES. (1) Smoking shall be prohibited in all enclosed public places within the city of Santa Cruz, including, but not limited to, the following specifically delineated enclosed public places, and shall also be prohibited in the following specifically delineated outdoor public places: ... (b) ..ticket, boarding, and waiting areas of public transit depots, bus stops and taxi stands; (s) Parks, beaches, recreational trails, and all other outdoor recreation areas where any such park, beach, outdoor recreation trail and area is designated by posting as nonsmoking;...(u) Areas which share their air space, including, but not limited to, air conditioning, heating, or other ventilation systems, entries, doorways, open windows, hallways, and stairways with other enclosed areas in which smoking is prohibited. It shall be the responsibility of any person smoking outside where smoking is otherwise permitted to ensure that smoke does not enter any buildings where smoking is prohibited through open windows or doors. (w) On the Beach Street right-of-way between the Municipal Wharf and Third Street; on any portion of the Pacific Avenue right-of-way; and all city buildings, including parking lots and sidewalks which abut those buildings. ... [and] the entirety of any outdoor dining area or cafe located on the referenced Beach Street and Pacific Avenue rights-of-way herein referenced, (x) Abbott Square.

(2) Notwithstanding any other provision of this chapter, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility, including its outdoor areas, to be a nonsmoking establishment or facility

6.04.080 WHERE SMOKING NOT REGULATED. (a) Private residences... (b) Retail tobacco stores; (c) Bars; (d) Parks, beaches, recreational trails and other outdoor recreation areas, except where such parks, beaches, trails and outdoor recreation areas are designated by posting as nonsmoking.

6.36.010 CAMPING PROHIBITED. No person shall camp anywhere in the city of Santa Cruz, whether on public or private property, except as hereinafter expressly permitted. "To camp" means to do any of the following: [**THE SLEEPING BAN:**](a) Sleeping – 11 p.m. to 8:30 a.m. To sleep at any time between the hours of 11 p.m. to 8:30 a.m. in any of the following places: (1) Outdoors with or without bedding, tent, hammock or other similar protection or equipment; (2) In, on or under any structure not intended for human occupancy, whether with or without bedding, tent, hammock or other similar protection or equipment; (3) In, on or under any parked vehicle, including an automobile, bus, truck, camper, trailer or recreational vehicle. [**THE BLANKET BAN:**] (b) Setting-up Bedding – 11 p.m. to 8:30 a.m. To establish or maintain outdoors or in, on or under any structure not intended for human occupancy, at any time between the hours of 11 p.m. to 8:30 a.m., a temporary or permanent place for sleeping, by setting up any bedding, sleeping bag, blanket, mattress, tent, hammock or other sleeping equipment in such a manner as to be immediately usable for sleeping purposes. D[**THE CAMPING BAN:**](c) Setting-up Campsite – Anytime. To establish or maintain outdoors or in, on, or under any structure not intended for human occupancy, at any time during the day or night, a temporary or permanent place for cooking or sleeping, by setting up any bedding, sleeping bag, blanket, mattress, tent, hammock or other sleeping equipment or by setting up any cooking equipment, with the intent to remain in that location overnight..

6.36.020 CAMPING PERMITTED. Camping may be permitted in the city of Santa Cruz only under the following circumstances:(a) Camping in public areas specifically set aside and clearly marked for public camping purposes; (b) Camping events authorized and permitted by the Santa Cruz City parks and recreation department; (c) Camping events authorized by the city council pursuant to Section 6.36.030; (d) Camping: (i) In the yard of a residence with the consent of the owner or occupant of the residence, where the camping is in the rear yard, or in an area of a side yard or front yard that is separated from view from the street by a fence, hedge or other obstruction; or (ii) Inside of a licensed and registered motor vehicle in the parking lot on the site of a religious institution with the written consent of such institution, where the driver/occupant of such vehicle is in possession of a valid driver's license, provided that no more than three vehicles shall be permitted at any one location; or (iii) Inside of a licensed and registered motor vehicle in the parking lot on the site of a business institution in a non-residential district with the written consent of both the business institution and property owner, where the driver/occupant of such vehicle is in possession of a valid driver's license, provided that no more than two vehicles shall be permitted at any one location; (iv) Inside a licensed and registered vehicle in a residential off-street driveway with the written consent of the owner and occupant of the residence, where the driver/occupant of such vehicle is in possession of a valid driver's license, provided that no more than one vehicle shall be permitted at any one location. No particular location shall be used for camping under this provision for more than three days during any one calendar month.

6.36.040 PENALTY – SINGLE OFFENSE. Any person who violates any section in this chapter is guilty of an infraction and shall be subject to a fine of not more than twenty dollars. Alternatively any person who violates any section in this chapter, in lieu of a fine may, if that person so requests, be required to provide no more than eight hours of community service. **6.36.050 PENALTY – SUBSEQUENT OFFENSE WITHIN TWENTY-FOUR HOURS.**

Any person who violates any section in this chapter, other than subsections (a) and (b) of Section 6.36.010, and is cited for such violation, and who within twenty-four hours after receiving such citation again violates the same section, is guilty of a misdemeanor. **6.36.055 CITATIONS ISSUED WHEN WINTER SHELTER ARMORY IS FULL.** Any citation issued for a violation of this chapter shall be dismissed by the city attorney in the interest of justice if, at the time of citation issuance, the winter shelter at the Santa Cruz National Guard Armory is filled to capacity.

8.14.200 DOGS IN PUBLIC PLACES – PROHIBITED LOCATIONS. ... it is unlawful for any person ... in... possession of any dog to ...permit such dog to be in any of the following locations, whether with or without a leash; (a) On any public beach within the city of Santa Cruz; (b) Within any portion of the watercourse of the San Lorenzo River within the city of Santa Cruz; said "watercourse" includes the river and all portions of its banks up to the highest point of the bank on each side of the river; On any portion of the street, sidewalk or other public property within that area generally known or defined as the Pacific Avenue Mall: (A) Pacific Avenue between Water Street and Laurel Street; (B) Locust Street, Church Street, Walnut Avenue and Lincoln Street between Cedar Street and Pacific Avenue and Front Street, unless completely confined within a motor vehicle.. (c) On any portion of San Lorenzo Park; and (f) On the Depot Park athletic field. **8.14.201 EXEMPTIONS TO PROHIBITION.** (a) To any recognized guide, signal or service dog, when such dog is accompanying a totally or partially blind person, or a totally or partially deaf person or a person otherwise handicapped so as to require the assistance of such dog for the purpose of guiding such person; or when such dog is accompanying a person licensed to train such dogs for the purpose of receiving training as a guide, signal or service dog; ...

9.10 AGGRESSIVE SOLICITATION For the purposes of this chapter: (a) "Solicitation" means any verbal request, or any non-verbal request made with a sign, by a person seeking an immediate donation of money, food, cigarettes or items of value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation, is a donation for purposes of this chapter. A person is not soliciting for purposes of this chapter when he or she passively displays a sign or places a collection container on the sidewalk pursuant to which he or she receives monetary offerings in appreciation for his or her original artwork or for entertainment or a street performance he or she provides. This chapter does not apply to peddling and soliciting activity governed by Chapter 5.40. (b) "Person" means any individual person, group of persons or organizations. **9.10.020 TIME OF SOLICITATION.** Any person who solicits after sunset or before sunrise is guilty of an infraction.

9.10.030 PLACE OF SOLICITATION. Any person who solicits in any of the following places, or any person who solicits when the person solicited is in any of the following places, is guilty of an infraction: (a) At any bus stop; (b) In any public transportation vehicle or facility; (c) In any vehicle on the street; (d) On private property, unless the solicitor has permission from the owner or tenant; (e) Within fourteen feet of any building other than those buildings referenced in subsection (f). Where any portion of a building is recessed from the public sidewalk, the fourteen feet shall be measured from the point at which the building abuts the sidewalk (f) Within fifty feet of any bank building or other financial institution buildings, including their outdoor automatic teller machines; (g) In the parking lot of any bank, savings and loan, or other financial institution; (h) Within fifty feet of any ATM machine or cash disbursal machine, or any other outdoor machine or device which disburses or accepts coins or paper currency except parking meters and newspaper vending machines; (i) Within fourteen feet of any fence that abuts a public sidewalk; (j) Within fourteen feet of any drinking fountain, public telephone, public bench, public trash compactor, information or directory/map sign, sculpture or artwork displayed on public property, or vending cart; (k) Within fourteen feet of any street corner or intersection; (l) Within fourteen feet of any open air dining area or cafe extension; or (m) Within fourteen feet of any kiosk. **9.10.040 MANNER OF SOLICITATION.** Any person who solicits in any of the following manners is guilty of an infraction: (a) By coming within three feet of the person solicited, until that person has indicated that he or she wishes to make a donation; (b) By blocking the path of the person solicited, or other pedestrians, along a sidewalk or street; (c) By following a person who walks away from the solicitor; (d) By using abusive language as part of the solicitation or following a refusal that is directed at the specific individual or individuals being solicited; (e) By soliciting in a group of two or more persons; or (f) While under the influence of alcohol or any illegal narcotic or controlled substance.

9.10.050 FALSE OR MISLEADING SOLICITATION. (a) Any person who knowingly makes any false or misleading representation in the course of soliciting a donation is guilty of an infraction. False or misleading representations include, but are not limited to, the following: (1) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact; (2) Stating that the donation is needed to meet a need which does not exist; (3) Stating that the solicitor is from out of town and stranded, when that is not true; (4) Stating that the solicitor is homeless, when he or she is not; (5) Stating that the solicitor is soliciting on behalf of an organization which does not exist or which has not authorized the solicitor to seek donations on its behalf. (b) Any person who knowingly solicits a donation stating that the funds are needed for a specific purpose and then spends the funds received for a different purpose is guilty of an infraction. **9.10.060 MISDEMEANOR.** Any person who violates one or more of the sections of this chapter twice within a six-month period is guilty of a misdemeanor.

9.20.010 DEFACING SIDEWALKS No person shall paint, write or otherwise place or affix upon any public curb or sidewalk in the city, any advertisements of any kind or character whatsoever, or any signs, marks, or paint, other than official traffic signs, marks or paint placed thereon in accordance with law, except as hereinafter provided. The director of public works may authorize, in writing, the painting, placing, or affixing of house numbers, pedestrian safety signs, or other markings serving a public interest.

9.36.010 CURFEW – OFFENSIVE NOISE. (a) No person shall between the hours of 10:00 p.m. and 8:00 a.m. make, cause, suffer or permit to be made any offensive noise (1) which is made within one hundred feet of any building or place regularly used for sleeping purposes, or (2) which disturbs, or would tend to disturb, any person within hearing distance of such noise. (b) "Offensive noise" means any noise which is loud, boisterous, irritating, penetrating, or unusual, or that is unreasonably distracting in any other manner, such that it is likely to disturb people in the vicinity of such noise, and includes, but is not limited to, noise made by barking or howling dogs, by an individual alone or by a group of people engaged in any business meeting, gathering, game, dance, or amusement, or by any appliance, contrivance, device, structure, construction, ride, machine, implement, or instrument.

9.36.020 UNREASONABLY DISTURBING NOISES. No person shall make, cause, suffer or permit to be made any noises or sounds (a) which are unreasonably disturbing or physically annoying to people of ordinary sensitiveness or which are so harsh or so prolonged or unnatural or unusual in their use, time or place as to cause physical discomfort to any person, and (b) which are not necessary in connection with an activity which is otherwise lawfully conducted. As used in this section, "lawfully conducted activities" shall include, but not be limited to, any and all activities conducted by the city for public health, safety or welfare purposes.

9.36.030 SUBSEQUENT OFFENSE WITHIN FORTY-EIGHT HOURS. Any person who violates any section of this chapter and is cited for such a violation, and who within forty-eight hours after receiving such a citation again violates the same section, is guilty of a misdemeanor. A person is cited for a violation when he or she is issued and signs an infraction or misdemeanor citation, or when he or she is arrested and booked, or when a complaint is filed and the person is notified of the filing of such a complaint.

9.36.040 ENFORCEMENT. The provisions of this chapter are enforceable without reference to the regulations concerning noise set forth in the Zoning Ordinance and the fact that the city officer issuing a citation has not obtained a scientific noise measurement prior issuing the citation shall not constitute a defense.

9.40.010 SOUND AMPLIFICATION PERMIT REQUIRED. No person shall use or cause to be used at any place in the city whether on public property or private property any sound-amplifying device or equipment without first having secured a permit to do so from the police department, except as provided in Section [9.40.060](#). [9.40.060 Exceptions: (a) Sound-amplification equipment or devices used on privately owned property, whether indoors or outdoors, where the sound produced does not carry beyond the property line or does not unreasonably disturb any person outside the property where the sound is generated...(d) Radios, record players, TV's, and tape players wherever used, when the volume does not exceed the volume or normal conversational speech...

9.49 NONCOMMERCIAL SIGNS ON PUBLIC PROPERTY A "noncommercial sign" is any sign that is not commercial. Noncommercial signs include: (1) Advertising displays erected by non-profit organizations for fundraising and related purposes; & (2) Signs containing political, civic, public service, or religious messages.

9.49.030 PERMITTED SIGNS. Noncommercial signs may be placed on public property only on public light and utility poles, kiosks and public bulletin

boards as provided in this section. Signs found to violate this section may be summarily removed by anyone. (a) Each sign must state the name and address of the person responsible for its placement and the date of its placement. (b) Each sign must be capable of being removed without marring or otherwise damaging the object to which it is attached. (c) No sign may be affixed with glue or any other substance except tape. (d) No portion of a sign may protrude from the edge of the object to which it is attached. (e) Signs on the Pacific Garden Mall must be placed on the information kiosks designed and maintained for that purpose and not elsewhere; noncommercial banners may be installed by city employees pursuant to procedures adopted by the city council and are exempted from the requirements of subsections (a) and (d) of this section. (f) Signs authorized by this chapter may not exceed fourteen inches in their longest dimension. (g) Only one copy of a single sign may be posted on any one light or utility pole. 9.49.040 PROHIBITED SIGNS. ...prohibited on public property: (a) Commercial signs; (b) Signs placed on any building, fence, fire alarm, utility guy wire, support wire, traffic sign, signal or standard, or on any tree or shrub; (c) Signs placed on or over any portion of another lawfully placed sign.

9.50.010 OBSTRUCTION OF MOVEMENT IN PUBLIC WAYS. No person shall occupy any portion of a public way or public place so as to obstruct or interfere with the flow of pedestrian or vehicular traffic thereon, whether such person does so alone or together with one or more persons, or with equipment or personal property of any nature, and whether such person does so by standing, sitting, lying, or in any other manner.

9.50.011 LYING DOWN ON PUBLIC SIDEWALKS IN DESIGNATED CITY ZONES. No person shall lie down upon a public sidewalk or sidewalk curb in the following zone districts: C-C community commercial, C-N neighborhood commercial, C-B commercial beach, CBD central business district, and R-T tourist residential.

9.50.012 SITTING DOWN ON SIDEWALKS IN DESIGNATED CITY ZONES. In the C-C community commercial, C-N neighborhood commercial, C-B commercial beach, CBD central business district, and R-T tourist residential zoning districts, no person shall sit upon the following enumerated portions of a public sidewalk: (a) At any bus stop; (b) Within 14' of any building. Where any portion of a building is recessed from the public sidewalk, the fourteen feet shall be measured from the point at which the building abuts the sidewalk; (c) Within 50' of any ATM machine or cash disbursement machine, or any other outdoor machine or device which dispense or accept coins or paper currency except parking meters and newspaper vending machines; (d) Within 14' of any fence that abuts a public sidewalk; (e) Within 14' of any drinking fountain, public telephone, public bench, public trash compactor, information or directory/map sign, sculpture or artwork displayed on public property, or vending cart; (f) Within 14' of any street corner or intersection; (g) Within 14' of any open air dining area or cafe extension; or (h) Within 14' of any kiosk.

9.50.013 SITTING DOWN ON PUBLIC BENCHES IN DESIGNATED CITY ZONES. (a) In the C-C community commercial, C-N neighborhood commercial, C-B commercial beach, CBD central business district, and R-T tourist residential zoning districts, no person shall sit down upon or otherwise occupy a public bench or use a public bench to store property for more than a total of one hour during any given twelve-hour period. (b) No person shall be cited under this section unless he or she has first been notified by a police officer, public officer or downtown host that he or she is in violation of the prohibition in this section, and thereafter continues the violation.

9.50.014 EXEMPTIONS TO SECTIONS 9.50.010, 9.50.011, & 9.50.013. (a) Persons standing or sitting on the curb or portion of any sidewalk, street or public bench while attending or viewing any parade, festival, performance or similar event permitted under the provisions of this code; (b) Any conduct which is in conformity with the terms of any permit granted pursuant to this code; (c) Any conduct in public places that are privately owned where such conduct is in conformity with permission granted by the owner of said premises or by the person entitled to the possession of said premises; (d) Persons sitting or lying down due to a medical emergency; (e) Persons who, as the result of a disability, utilize a wheelchair or similar device to move about; (f) Persons who place chairs or stools on public sidewalks in conjunction with display devices or noncommercial uses permitted under Chapter 5.43.

9.50.016 PUBLIC URINATION AND DEFECATION PROHIBITED. No person shall urinate or defecate in public except when using a urinal, toilet or commode located in a bathroom, restroom or other structure enclosed from public view.

9.50.020 CONDUCT ON PUBLIC PROPERTY, MONUMENTS, AND LAWNS. No person, after having been notified by a police officer, public officer or downtown host that he or she is in violation of the prohibition in this section, shall: (a) Walk, stand, sit or lie upon any monument, vase, decorative fountain, drinking fountain, bike rack, trash receptacle, median, fire hydrant, street-tree planter, berm, utility cabinet, railing, fence, planter, or upon any other public property not designed or customarily used for such purposes; (b) Walk, stand, sit or lie upon any public lawn or planted area which is posted with signs that forbid such conduct; or (c) Walk, stand or lie upon any public bench. (d) In the C-C community commercial, C-N neighborhood commercial, C-B commercial beach, CBD central business, and R-T tourist residential zoning districts, intentionally throw, discharge, launch or spill any solid object (including but not limited to footballs, hackysacks, baseballs, beach balls, Frisbees, or other similar devices) or liquid substance or otherwise cause any object or substance to be thrown, discharged, launched, spilled or to become airborne. (e) Notwithstanding subsection (d), individual bubble street performers and individual jugglers who otherwise comply with all applicable statutes and ordinances are authorized to blow bubbles and juggle in the C-C, C-N, C-B, CBD and R-T zoning districts. ... This subsection shall not be construed to authorize hackysack activity in the referenced zone districts.

9.50.050 SMOKING ON PUBLIC PROPERTY. No person shall smoke a cigar, cigarette, pipe or other smoking material, in any city building or portion thereof, except in those areas wherein "smoking permitted" signs are posted

9.60.010 REMAINING ON BUSINESS PROPERTY AFTER A REQUEST TO LEAVE. (a) No person shall willfully remain upon any business premises, whether indoors or outdoors, after being notified by the owner, lessee, or other person in charge thereof to leave.

(b) No person, without permission, express or implied, of the owner, lessee, or other person in charge of business premises, shall enter upon such premises after having been notified by the owner, lessee, or other person in charge thereof to keep off or to keep away therefrom. (c) The notification ... may be given orally or in the form of a written notice, posted in any conspicuous place; in either case, the notice shall identify the prohibited area and the time period, if limited, during which such prohibition remains in effect.

9.60.011 EXCEPTIONS. (a) Where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act or any other provision of law relating to prohibited discrimination against any person;... (c) Where its application would result in an interference with or an inhibition of any exercise of a constitutionally protected right of freedom of speech or assembly.... Any person... cited for such a violation, and who within forty-eight hours after receiving such citation again violates Section 9.60.010 is guilty of a misdemeanor.

9.62.010 TRESPASS ON PUBLIC TRANSIT FACILITIES. Every person who enters or remains on or in a public transit facility (including, without limitation, a metro center, transfer center, or other passenger boarding or deboarding facility, or bus owned or operated by Santa Cruz Metropolitan Transit District) after having been notified by the... person in charge thereof that consent for such person to enter or remain on or in such facility has been

withdrawn is guilty of a trespass...Such notification that the... person in charge has issued a withdrawal of consent for a person to enter or remain... shall be given in writing. Such withdrawal of consent shall specify the period of time (not to exceed fourteen consecutive days) and the particular public transit facilities from which the person to whom the notice is given (recipient) shall keep away. Such notice shall also contain a statement informing the recipient that he or she may appeal the issuance of the withdrawal of consent to the issuing person's superior (hearing officer). The withdrawal of consent shall be stayed pending the conduct of an informal due process hearing on the appeal unless the hearing officer determines that the presence of the recipient will cause a substantial and material threat: (a) To the orderly operation of the public transit facility; or (b) Of significant injury to person or property. A withdrawal of consent may be issued only to a person who has (within the issuing person's present) violated duly adopted written rules or regulations applicable to a public transit facility or otherwise disrupted the operation of a public transit facility in a manner proscribed by statute or ordinance.

9.64.010 USE OF DOWNTOWN CITY PARKING GARAGES AND PARKING LOTS. Parking garages and parking lots owned or operated by the city of Santa Cruz in or adjacent to the Downtown Parking District ...shall be used by members...only for the purpose of parking and retrieving motor vehicles and bicycles and for no other purpose. Parking lots may also be used by pedestrians to walk from one sidewalk to another or to walk to buildings that border the parking lot. ...includ[ing] any parking lots which, in the future, are made part of the Downtown Parking District..

9.64.020 PARKING OR RETRIEVING MOTOR VEHICLES OR BICYCLES (a)... When parking...or retrieving a motor vehicle or bicycle from, a parking garage or parking lot ...no member of the public, whether driver or passenger, shall remain on the parking lot or garage premises for more than 15 minutes. (b) ...extended to 30 minutes for disabled persons driving and parking vehicles that display disability placards...

9.64.030 TRESPASS... violation of Section [9.64.010](#) or ...remaining on a... parking garage or parking lot...for longer than 15 minutes... shall be guilty of trespassing,...

9.64.040 EXCEPTIONS. (a)...pursuant to a permit issued by the city in accordance with another provision of the Santa Cruz Municipal Code...(b)...city employees engaged in the performance of city business or the maintenance of city parking lots or garages...(c)...in areas of city parking garages and parking lots where there is posted permission...

9.64.050 WARNING. No person shall be cited...unless that person has at least one time at any prior point in time received a written or verbal warning from a police officer, community services officer or other city employee....

13.04.010 LIMITATIONS ON ACCESS AND USE OF PUBLIC PROPERTY. Whenever this code or any ordinance or resolution of this city designates and describes any public property as having been withdrawn from personal access and use by members of the public, or as having been limited as to access and use by members of the public and notice thereof has been posted conspicuously on or adjacent to the property so designated, it is unlawful for any person to thereafter enter upon or use such property without permission or in a manner other than that prescribed.

13.04.011 HOURS OF OPERATION. (a) The parks and recreation director may, by regulation, establish hours during which any park, park road, park trail, grounds, building or facility is open to the general public. Said hours shall be established for the purpose of protecting park properties, park roads, park trails, and other areas from acts of vandalism and to prohibit the general public from engaging in unlawful activities. These provisions shall be applicable to all park properties, park roads, park trails and other areas under the jurisdiction and control of the parks and recreation director. For purposes of this chapter, the area under the jurisdiction and control of the parks and recreation director encompasses without limitation all city parks and greenbelts, all city park trails and roads, all city park facilities and buildings, including Lighthouse Field State Beach, DeLaveaga Golf Course, Main Beach, Cowell's Beach, Steamer Lane, Harvey West Pool, the Beach Flats Community Center, the Loudon Nelson Community Center, the Teen Center, the Civic Auditorium, City Hall Courtyard, Mission Plaza, the Town Clock, the Natural History Museum, the Surfing Museum, Santa Cruz Municipal Wharf, Pacific Avenue, West Cliff Drive (Pelton Street to Swanton Boulevard), the San Lorenzo River Levee and bike path, the San Lorenzo Benchlands, the inner banks of the San Lorenzo River within the City limits, the Branciforte and Cabonera Creeks within the city limits, Jessie Street Marsh, plus any other facilities or areas assigned to the parks and recreation department by the city manager. The parks and recreation commission and the San Lorenzo River committee (as appropriate) shall be consulted to obtain input on any proposed modifications to the hours of operation of parks and open spaces. (b) Notice of such hours of operation shall be conspicuously posted and maintained. (c) No one shall enter or remain in any park, building, facility, grounds or park road (except a specifically designated, and clearly marked, public access way through a park), during those hours that the place or facility is closed to the general public. (d) Persons found to be in violation of any provision of this section are guilty of an infraction punishable by a fine... Violations occurring on separate days are separate infractions.

15.32.010 PLACEMENT OF OBSTRUCTIONS ON STREETS AND SIDEWALKS (a) No person shall place...any...object or any public street, sidewalk, roadway, pedestrian way, or bicycle path...when placement...constitutes a hazard to traffic or pedestrians or any obstruction in the free movement of traffic or pedestrians; (b) Any personal property including but not limited to backpacks, boxes, luggage, or devices used to transport personal objects, which is left unattended on a public sidewalk or other pedestrian way shall be deemed lost or unclaimed property...taken into custody...and disposed of... [after being held for ninety days]

15.32.040 SIDEWALK OBSTRUCTIONS—AFTER DARK. No person without a permit shall place on the public sidewalks of the city between sunset and sunrise any structure or object which may potentially represent a hazard or obstruction to any able-bodied or disabled person traversing any portion of such public sidewalk..

JAYWALKING, etc. (from the California Vehicle Code) **21954 VC** Every pedestrian upon a roadway...other than within a marked crosswalk or...an unmarked crosswalk at an intersection shall yield the right of way to all vehicles...so near as to constitute an immediate hazard...**29955 VC** Between adjacent intersections controlled by traffic control signal devices or by police officers, pedestrians shall not cross the roadway at any place except in a crosswalk. [*A stop sign is not a traffic control signal device; any intersecting road or alleyway not so controlled negates this provision and allows you to cross anywhere where you're not a traffic hazard*]

California State Penal Code 849 **RIGHT TO BE TAKEN IMMEDIATELY BEFORE A JUDGE IF COURTS ARE OPEN** [*Also known as "Take Me to a Magistrate"*] (a) When an arrest is made without a warrant by a police officer or private person, the person arrested, if not otherwise released, shall without unnecessary delay, be taken before the nearest or most accessible magistrate in the county in which the offense is triable, and a complaint stating the charge against the arrested person shall be laid before such magistrate.

REDUCING A MISDEMEANOR TO AN INFRACTION CAN ONLY BE DONE WITH THE CONSENT OF THE DEFENDANT (and only for specified code sections, probably making the City Attorney's use of MC 4.04.010 unconstitutional), since state law may preempt the field)

PC 17(d) A violation of any code section listed in Section 19.8 is an infraction subject to the procedures described in Sections 19.6 and 19.7 when (1) The prosecutor files a complaint charging the offense as an infraction unless the defendant, at the time he or she is arraigned, after being informed of his or her rights, elects to have the case proceed as a misdemeanor, or; (2) The court, with the consent of the defendant, determines that the offense is an infraction in which event the case shall proceed as if the defendant had been arraigned on an infraction complaint.

RN: Fines stated in the Municipal Code can ultimately be up to five times the specified amount (e.g. MC 6.356.010a, the Sleeping Ban's \$20 maximum actually resulted in a \$97 fine when court costs were added.