COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL

(1) DEPARTMENT	(2) MEETING DATE	(3) CONTACT/PHONE
Public Works	June 27, 2006	Dave Flynn, Roads Manager, 781-4463

(4) SUBJECT
Hearing to adopt proposed ordinance amending Title 13 of the County Code relating to Sidewalks

(5) SUMMARY OF REQUEST
Title 13 currently contains no restrictions on use of sidewalks within the County. In order to regulate use of the sidewalk area, it is proposed to adopt an ordinance which would prohibit vendors on sidewalks; regulate features on the sidewalks such as signs and news racks; mandate temporary sidewalks during construction of adjacent lots; and define and establish conditions for sidewalk cafés and mobile vendor operations. Farmer's markets and other community street fairs would continue unaffected.

(6) RECOMMENDED ACTION
It is recommended that your Board adopt the proposed ordinance amending Title 13 of the County Code relating to sidewalks.

(7) FUNDING SOURCE(S)	(8) CURRENT YEAR COST	(9) ANNUAL COST	(10) BUDGETED?
N/A	-0-	-0-	☐ No ☐ Yes ☒ N/A

(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST):
Various Advisory Councils have been contacted for input.

(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? ☒ No ☐ Yes, How Many? _____
☐ Permanent _____ ☐ Limited Term ____ ☐ Contract _____ ☐ Temporary Help _____

(13) SUPERVISOR DISTRICT(S)
☐ 1st, ☐ 2nd, ☐ 3rd, ☐ 4th, ☐ 5th, ☒ All

(14) LOCATION MAP
☐ Attached ☒ N/A

(15) Maddy Act Appointments Signed-off by Clerk of the Board
☒ N/A

(16) AGENDA PLACEMENT
☐ Consent ☒ Hearing (Time Est. 20 MIN.)
☐ Presentation ☐ Board Business (Time Est._____)

(17) EXECUTED DOCUMENTS
☐ Resolutions (Orig + 4 copies) ☐ Contracts (Orig + 4 copies)
☐ Ordinances (Orig + 4 copies) ☒ N/A

(18) NEED EXTRA EXECUTED COPIES?
☐ Number: ☐ Attached ☒ N/A

(19) APPROPRIATION TRANSFER REQUIRED?
☐ Submitted ☐ 4/5th's Vote Required ☒ N/A

(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR)
_____

(21) W-9
☒ No ☐ Yes

(22) Agenda Item History
Date: INTRODUCED JUNE 13, 2006

(23) ADMINISTRATIVE OFFICE REVIEW

OK Leslie Brown

Reference: 06JUN27-H-2
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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS
Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

TO: **Board of Supervisors**

FROM: **Dave Flynn, Roads Manager** DF

VIA: **Glen L. Priddy, Deputy Director of Public Works - Engineering Services**

DATE: **June 27, 2006**

SUBJECT: **Hearing to adopt Ordinance Amending Title 13 of the County Code relating to Sidewalks**

Recommendation

It is recommended that your Board adopt the ordinance amending the Title 13 of the County Code relating to Sidewalks.

Discussion

From time to time in our communities, the public sidewalks become impeded by sandwich board signs, tables and chairs, news racks, and short term vendors. The proposed ordinance defines these types of encroachments and restricts use by vendors, signs, and adjacent business in order to keep free access along the sidewalk for pedestrians. While these issues are most prominent in the beach communities, the proposed ordinance is applicable countywide.

Existing farmer's markets or street fairs that are established under road closure permits, would be exempted from these regulations. Neighborhood sales stands would need to be setup on walkways or areas outside of the sidewalk in the public right of way. Mobile vendors, such as lunch wagons or ice cream trucks, would be restricted from operating at a sidewalk location for more than thirty minutes.

The ordinance would also provide for removal of sidewalk features such as signs and news racks to provide for the safe and clear operation of the sidewalk. The ordinance provides for contacting the owners of the removed features but would provide for their disposal if the owners fail to claim the property in a timely manner. In addition, for construction which impacts existing sidewalks, the owners must provide temporary safety walkway during the work.

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There will be some existing sidewalk vendors and other sidewalk businesses which will need to comply with these restrictions if adopted. Provision for a five foot wide clear path on the sidewalk would provide informal compliance with the proposed ordinance. Sidewalk signs will be removed only if they impede the free access of the sidewalk. If a three to four foot path is provided, then features such as signs and planters may remain as long as they do not pose threat of injury to the public.

This ordinance was introduced at the June 13, 2006 meeting.

Other Agency Involvement/Impact

Public Works would provide primary enforcement of these restrictions under encroachment permit conditions. The Sheriff Department may be asked to enforce issues on weekends and if chronic problems develop. Copies of the proposed ordinance have been sent to the various advisory councils for their review and comment. Some of their issues involve the following:

- Youth operating lemonade stands or stands to raise organizational funds would be eliminated.
- May affect the character of community if prohibited.
- Sidewalk table and chairs are good use for the community.
- Alleviates unfair competition to existing businesses.
- Sidewalk signs are important advertisements for local business.

Financial Considerations

Establishment and enforcement of these regulations are provided within the existing Public Works Roads budget.

Results

Adoption of this ordinance will allow for clear and free access on the public sidewalks which will achieve Americans with Disability Act pathway compliance as well as make the communities more livable.

Attachments: Proposed Ordinance

c: Sheriff Divisions
General Services - Parks

File: Traffic Ordinances - General

Reference: 06JUN27-H-2

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ORDINANCE NO.

AN ORDINANCE AMENDING PROVISIONS OF TITLE 13 OF THE COUNTY CODE RELATING TO SIDEWALKS

The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: That Title 13 of the San Luis Obispo County Code is hereby amended by adding the following new sections:

Chapter 13.10 SIDEWALKS

Sections:

13.10.010 Authority
13.10.012 Definitions
13.10.040 Regulation of Sidewalks
13.10.042 Regulation of Vendors
13.10.044 Control of News Racks
13.10.046 Sidewalk Cafes
13.10.050 Removal of Obstructions
13.10.060 Construction involving sidewalk

13.10.010 Authority.

Under establishment of Public Rights of Way which have been accepted into the County Maintained Road system, the County Board of Supervisors defines the use and control of said right of way under encroachment permit authority as defined under the Streets and Highways code. Definitions and conditions as set forth in this section define the use and responsibility of said right of way for the areas reserved as sidewalks.

13.10.012 Definitions

Sidewalk. Sidewalk , as defined under Section 5600 of the Streets and Highways Code, includes a parkway or parking strip maintained in the area between the property line and the street line and also includes curbing, bulkheads, retaining walls or other works for the protection of any sidewalk, trail, or any such parkway or parking strip.

Superintendent of Streets and Repair. The responsibility of Superintendent of Streets and Repairs, as defined under the Streets and Highways Code, shall be the Director of Public Works and Transportation, or his/her designated agent, namely, the Roads Maintenance Manager.

News Rack. Any self-service or coin-operated box, container, storage unit, or other dispenser installed, used , or maintained for the display and sale or distribution, with or without charge, of newspapers, news periodicals, or trade and selling listings.

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Sidewalk Café. A sidewalk café is any group of tables and chairs and authorized decorative and accessory devices situated and maintained upon the public sidewalk for use in connection with the consumption of food and beverages sold to the public from or in an adjoining indoor food serving establishment. Only the sale of food and beverages is allowed at sidewalk cafes.

Vendor. A person who sells, offers to sells, barters, exchanges, or displays any type of food, wares, merchandise, or service at any location other than a permanent foundation which is occupied, rented , or leased, or owner by that person. A person engaged in a business conducted from a building or structure constructed on a permanent foundation that involves outdoor display, sale, or storage of the same types of goods or merchandise sold as part of the primary business activity on those premises shall not be considered a vendor under this section. A sidewalk café shall not be considered a vendor.

Sign. A sign is a free standing element used by adjacent business', community groups, or individuals to convey information regarding activities promoted by said interests.

13.10.040 Regulation of Sidewalks

The Superintendent of Streets and Repairs, acting under authority to issue encroachment permits and the regulations established under Title 13, shall regulate activities upon the sidewalk area for the convenience of the public in order to utilize the sidewalk area in a safe and efficient manner.

13.10.042 Regulation of Vendors

All vendors active within the public road right of way must obtain the necessary business license and meet the health and safety codes applicable in the County of San Luis Obispo prior to conducting business.

a) Vendor motor vehicles. Vendor motor vehicles are allowed adjacent to the sidewalk area such that the vehicle staying at that location does not exceed 30 minutes and that once said thirty minutes has passed, the vehicle must move to a location at least 300 feet removed therefrom. Such vehicles may not return to a location where they have previously stopped to vend within the previous three hours.

b) Non-motorized carts. Non-motorized carts are not allowed to be operated within the sidewalk area unless the operation is conducted under the limits of a permitted farmer's market operation within the community or special event street closure set up under authorization established pursuant to Chapter 15.610 of the County Code.

c) Vendors. No vending stalls, counters, tables, booths, stands or vending from persons are permitted to be operated within the sidewalk area unless the operation is conducted under the limits of a permitted Farmer's Market operation or special event street closure set up under authorization established pursuant to Chapter 15.610 of the County Code.

13.10.044 Control of News Racks

No news rack shall be installed, used, or maintained in any location where such installation, use, or maintenance endangers the safety of persons or property or unreasonably interferes with public utility, public transportation, bicyclists, wheelchairs, or

vehicular traffic, or access to or from any residence, place of business, or any legally parked or stopped vehicle, or the use of traffic signs or signals, hydrants, call boxes, or mailboxes.

No news rack shall be placed, installed, used, or maintained:

a) Within three feet of a marked crosswalk;
b) Within 15 feet of the curb return of any unmarked crosswalk;
c) Within five feet of a fire hydrant;
d) Within three feet of any driveway, building entrance, or sidewalk leading to entrance of a building;
e) Within five feet of a marked bus stop.

Non conforming news racks shall be removed and held by the County for the owner to pick-up at their expense. News rack designated to be removed shall be posted for removal five days prior to the removal. It is the responsibility of the owner to monitor news racks for this notice. Removed news racks which go unclaimed for more than 30 days shall be disposed of.

13.10.046 Sidewalk Cafes

A sidewalk café may be permitted only by approval of a conditional encroachment permit that is issued under the Department of Public Works in conjunction with the Department of Planning and Buildings approval of the use permit. The Director of Public Works may impose conditions as deemed necessary to assure the proposed operation meets the requirements of this article and to maintain the public safety and welfare. A sidewalk café may be permitted only on a commercially zoned property and the layout must be located at least five feet from the face of the curb to provide an area for pedestrian passage, or in another configuration acceptable to the Director of Public Works which will afford public pedestrian passage, safety and welfare.

13.10.050 Removal of Obstructions

The Director of Public Works, or his/her designated agent, is hereby authorized and empowered to remove, or cause to be removed, to any place selected by the Director, all materials and things of whatever nature obstruct the free use of any street, lane, or sidewalk, or portion thereof, in the County or which render the same dangerous to the public. All items removed under this section may be sold after three days notice. The owner of the materials or things so removed may recover the same before the same are sold by said Director on payment of the actual costs and charges of such removal and other incurred expenses.

13.10.060 Construction Involving Sidewalk

Whenever sidewalks are impeded, occupied, or removed due to construction of the adjoining property or used for material storage for said construction, a temporary walkway of not less than three feet in width, with substantial railings, shall be constructed around the outside of the obstruction and maintained during the obstruction of the sidewalk. If there are excavations on either side of the sidewalk, said walkway must be protected by substantial railings not less than 32 inches high from the floor of the walkway. The railings must be maintained so long as such excavations and depressions must be barricaded. Waterways and gutters must be bridged over, and kept clear of, obstructions to free passage of water. Obstructions shall not be placed within 12 feet of an existing in-service fire hydrant. In all

cases, such temporary sidewalks, railings, and approaches shall be made as regards ease of approach, strength and safety to the satisfaction of the Director of Public Works or their designated agent.

SECTION 2: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____day of _____, 20__, and PASSED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the ___ day of _____, 20__, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

_____
Chairperson of the Board of Supervisors of the County of San Luis Obispo, State of California

ATTEST:

_____
County Clerk and Ex-Officio Clerk of the Board of Supervisors, County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISION APPROVED AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel
County of San Luis Obispo

By: _____
Deputy County Counsel

Date: 6/15/06

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