

ORDINANCE NUMBER \_\_\_\_ (CCS)  
(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA  
AMENDING SANTA MONICA MUNICIPAL CODE SECTION 4.08.097 TO EXPAND TO  
OTHER LOCATIONS WITHIN THE CITY OF SANTA MONICA

WHEREAS, on October 22, 2002, City Council enacted Municipal Code Section 4.08.097 to prohibit sitting or lying within the Downtown and Main Street areas due, in part, to growing concerns in those locations by local business owners; and

WHEREAS, within the last year, City Council and local business owners in other areas of the City, especially in the City's transit corridors, have expressed growing concerns with the number of individuals who have been sitting or lying in the doorways of buildings in other areas of the City during the late night and early morning hours; and

WHEREAS, during these hours, businesses are closed and, in most cases, no one is present on the premises to protect the property; and

WHEREAS, persons working in businesses must remove individuals who are blocking ingress and egress to their buildings in the morning when they come to work; and

WHEREAS, persons sitting or lying in doorways overnight also often leave behind food and trash which block access to the buildings and also attract pests to these locations; and

WHEREAS, the doorways may give the illusion of shelter and security, but they are often poorly lit, have obstructed sight lines, are not safe places to sit, lie, or sleep, and are otherwise not suitable for human habitation because, among other things, there are no available restrooms or other sanitary facilities; and

WHEREAS, City Council now wishes to expand the prohibition for sitting and lying in doorways to the City's transit corridors to address these concerns; and

WHEREAS, the proposed amendments also seek to clarify the definition of "entrance" for ease of enforcement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Section 4.08.097 Prohibition against sitting or lying in downtown and the Main Street areas doorways at night, is hereby amended to read as follows:

**4.08.097 Prohibition against sitting or lying in doorways at night.**

(a) No person shall sit or lie down in any entrance to a building in the Downtown, Main Street, Broadway, Colorado Avenue, Lincoln Boulevard, Pico Boulevard, Santa Monica Boulevard, and Wilshire Boulevard areas between the hours of eleven p.m. and seven a.m. if that entrance is posted with a sign prohibiting such conduct.

(b) As used in this Section, the following items shall have the following meanings:

(1) "Downtown" means the area bounded by and including the west side of Ocean Avenue, the north side of Wilshire Boulevard, the east side of Lincoln Boulevard, and the south side of Pico Boulevard.

(2) "Main Street area" means the area bounded by and including the west side of Neilsen Way, the north side of Pico Boulevard, the east side of Main Street from Pico Boulevard to Strand Street, the north side of Strand Street to Second Street, the east side of Second Street and the City's southern border.

(3) "Broadway" means the area bounded by the west side of Ocean Avenue and the City's eastern border.

(4) "Colorado Avenue" means the area bounded by the west side of Ocean Avenue and the City's eastern border.

(5) "Lincoln Boulevard" means the area bounded by the north side of Wilshire Blvd. and the City's southern border.

(6) "Pico Boulevard" means the area bounded by the west side of Ocean Avenue and the City's eastern border.

(7) "Santa Monica Boulevard" means the area bounded by the west side of Ocean Avenue and the City's eastern border.

(8) "Wilshire Boulevard" means the area bounded by the west side of Ocean Avenue to the City's eastern border.

(9) "Building" means any building, other than a building used for solely residential purposes, located in the areas specified in sections (b)(1)-(b)(8).

(10) "Entrance" means the entire area between the outer edge of any entrance to a building and any exterior door and includes entry ways, doorways, vestibules, alcoves, and areas located under cantilevers.

(c) Any person violating the provisions of this Section shall be guilty of a misdemeanor which shall be punishable by a fine not exceeding five hundred dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(d) The prohibition contained in this Section shall not apply to any person sitting or lying down in any entrance to a building due to a medical emergency.

SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the same to be published once in the official

newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:

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Douglas Sloan, City Attorney