



Office of the Mayor

REVISED AGENDA MATERIAL

Meeting Date: January 24, 2016

Item Number: #3

Item Description: Emergency Measures to Address Homeless Crisis

Submitted by: Mayor Jesse Arreguin

The ordinance adopted by Council on December 13th did not give the City Council the authority to approve any future changes to the Traffic Engineer regulations. The revised ordinance language requires Council review and approval of Traffic Engineer regulations.

In addition language regarding exceptions to the size limitations in the Traffic Engineer regulations need to be clarified to exempt any insulating material used to sit on, to provide cushion and to protect someone from the heat or cold while sitting on the sidewalk. The revisions make this change.

ORDINANCE NO. 7,527–N.S.

AMENDING BERKELEY MUNICIPAL CODE SECTION 14.48.170, REGULATING
SIDEWALKS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 14.48.170 is hereby amended to read as follows:

14.48.170 Temporary noncommercial uses.

A. Such items not otherwise prohibited by law designed for temporary noncommercial uses at such locations and at such times as may be permitted under any regulation adopted by the Traffic Engineer.

B. The Traffic Engineer may adopt regulations specifying what objects may be permitted under this Section and where such objects may be permitted, as well as procedures and limitations to implement this Section. Any such regulation shall contain provisions and shall be applied in such a manner as to ensure that it is applied in a manner that does not deprive any person of rights protected by the state or federal constitutions, including freedom of expression, and any size limitation contained therein shall not apply to dogs, or to insulating material used to sit on such as, but not limited to, blankets, ~~or~~ cushions or mats used for sitting. Regulations adopted by the Traffic Engineer under this Section shall not take effect until they have been presented to the City Council for reviewapproval at a regularly scheduled meeting.

C. After approval review by the City Council, Traffic Engineer regulations adopted pursuant to this Section shall be publicized by the City in a manner substantially equivalent to the manner in which ordinances are publicized.

D. No person may be cited for a violation of this Section or the regulations adopted pursuant to it unless that person has first been warned that his or her conduct is in violation hereof, is allowed a reasonable opportunity to comply but refuses to do so.

E. Violations of this Section or the regulations adopted pursuant to it shall be charged as infractions, and not as misdemeanors.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.