



CITY OF SACRAMENTO

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CITY MANAGER'S OFFICE
RECEIVED
MAR 4 1987

March 4, 1987

City Council
City Hall
Sacramento, CA 95814

Re: Emergency Ordinances Amending Chapters 25 (Motor Vehicles and Traffic: Light Rail Rights-of-Way) and 51 (Pedestrian Malls) in Connection With Opening of Light Rail System

Honorable Members in Session:

SUMMARY

This report recommends adoption of two emergency ordinances in connection with the upcoming start of light rail service. First, it is recommended that a new article be added to Chapter 25 (Motor Vehicles and Traffic) primarily to regulate stopping, standing or parking in the light rail right-of-way throughout the City. Second, amendments to Chapter 51 (Pedestrian Malls) are recommended to prevent interference with light rail service on the "K" Street Mall and to help maintain the newly-reopened "K" Street Mall in good condition.

BACKGROUND

With the completion of light rail construction on the mall, staff deemed it appropriate to review the existing mall regulations to determine if changes were appropriate. In addition, an ordinance prohibiting parking or standing on the light rail tracks which traverse City streets was clearly needed. Discussions were held among staff from the City Manager's Office, Regional Transit, Public Works, and Parks and Community Services resulting in the proposed ordinances recommended herein.

City Council
City Hall
March 4, 1987
Page 2

An ordinance adding Article XIII to Chapter 25 (Motor Vehicles and Traffic) defines the light rail right-of-way, and prohibits stopping, standing or parking thereon, except for emergency vehicles, Regional Transit vehicles, City solid waste vehicles, and motorists traversing the right-of-way and stopped pursuant to a traffic control device or in a traffic queue. Bicycles, roller skates, skate boards, other wheeled devices, kites and other potential interferences are also prohibited; however, bicyclists may ride across the right-of-way perpendicular to the tracks.

An ordinance amending Chapter 51 would reaffirm the general rule against vehicles on the "K" Street Mall, and reduce the exceptions to that rule. Staff believes that it is prudent to protect the new brick pavers and other new surfaces on the mall to the fullest extent possible. Maintenance or construction vehicles which must enter the mall will be required to obtain written permits and must schedule work outside light rail service hours. Delivery vehicles will be barred (with the rare case of no alternative to a delivery on the mall by truck to be handled by special exception outside of the ordinance). Staff believes that the limited access to the mall during construction has demonstrated that business can be conducted without practices which damage the mall surface, disrupt pedestrian access, and interfere with light rail service.

Other changes authorize the placement of light rail vending devices, light rail public address system, and authorize light rail vehicles to operate at up to _____ miles per hour on the mall.

Staff believes these proposals will be workable. After light rail service is in full swing, if changes appear necessary, a report will be brought back to this Committee.

On March 3, 1987, the Transportation and Community Development Committee unanimously recommended adoption of the emergency ordinances. The Committee did not endorse a specific speed limit for light rail vehicles on the K Street Mall (See 51.205). The Committee asked staff to bring a speed limit recommendation to the full Council, and that recommendation will be made orally.

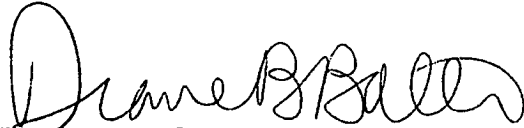
City Council
City Hall
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RECOMMENDATION

It is recommended that the Council enact the attached emergency ordinances to take effect immediately.

Respectfully submitted,

JAMES P. JACKSON
City Attorney

By 
DIANE B. BALTER
Deputy City Attorney

RECOMMENDATION APPROVED:


WALTER J. SLUPE
City Manager

ORDINANCE NO. 87-023

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

APPROVED
BY THE CITY COUNCIL

MAR 10 1987

OFFICE OF THE
CITY CLERK

AN ORDINANCE ADDING ARTICLE XIII TO CHAPTER 25 OF THE SACRAMENTO CITY CODE RELATING TO LIGHT RAIL RIGHTS-OF-WAY AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

SECTION 1

Article XIII is hereby added to Chapter 25 of the Sacramento City Code, to read as follows:

ARTICLE XIII

Light Rail Rights-of-Way

Sec. 25.280. Definition of Light Rail Right-of-Way.

For purposes of this article, the light rail right-of-way shall be deemed to be the area between light rail tracks and extending seven and one-half (7½) feet on either side of any track.

Sec. 25.281. Stopping, Standing, Parking Prohibited.

No person shall stop, stand or park any motor vehicle upon any light rail track or within any light rail right-of-way. Any vehicle found in violation of this section may be removed as authorized by the Vehicle Code or this Chapter.

Sec. 25.282. Exceptions.

The provisions of Section 25.281 shall not apply to the following:

- a. Fire vehicles, police vehicles, and ambulances while responding to emergency calls.
- b. Utility vehicles or building services vehicles engaged in the repair of hazards or the correction of disruptions of essential services.
- c. Light rail vehicles operated by the Sacramento Regional Transit District.
- d. Sacramento Regional Transit District supervisory, maintenance, and revenue collection vehicles.

- e. Motor vehicles traversing the right-of-way and stopped pursuant to a traffic control device or in a traffic queue.
- f. City of Sacramento solid waste division vehicles while engaged in collection of refuse or street cleaning.

Sec. 25.283. Bicycles, Roller Skates, Skate Boards, Other Wheeled Devices Prohibited.

No person shall ride any bicycle, roller skates, skate board or other wheeled device within any light rail right-of-way; provided, however, that a person may ride a bicycle across a light rail right-of-way perpendicular to the tracks.

Sec. 25.284. Kite-Flying and Other Air Space Intrusions Prohibited.

No person shall fly a kite within, operate a remote-controlled or radio-controlled device within, or cause any other object to intrude into the lowest twenty-five (25) feet of airspace above a light rail right-of-way.

SECTION 2

This ordinance is hereby declared to be an emergency measure to take effect immediately. The reason for the emergency is the imminent public opening of the Sacramento Regional Transit District's light rail system and the need to have regulations in place at that time which will govern conduct within and near the light rail right-of-way to permit the smooth operation of the light rail system on the K Street Mall and elsewhere in the City.

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 51 OF THE SACRAMENTO CITY CODE, RELATING TO PEDESTRIAN MALL REGULATIONS AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Sections 51.202, 51.204 and 51.205 of the Sacramento City Code are hereby amended to read as follows:

Sec. 51.202 Same--Exceptions.

The provisions of section 51.201 shall not apply to the following:

- (a) Fire vehicles and ambulances responding to emergency calls.
- (b) Utility vehicles engaged in the repair of hazards or the correction of disruptions of essential services.
- (c) Building services vehicles engaged in the repair of hazards or the correction of disruptions of essential services.
- (d) Trams operated by the Sacramento Regional Transit District.
- (e) Vehicles leaving the parking garage at 11th Street between the K-L alley and L Street from the exit to L Street only; provided, however, that no vehicle shall stop or stand unless in a traffic queue exiting from the garage.
- (f) Vehicles traversing the K-L alley from 12th to 10th Streets over the extension of the alley right-of-way only.
- (g) Self-propelled wheel chairs or invalid tricycles operated by persons whose physical disabilities prohibit normal walking.
- (h) City-operated maintenance vehicles not exceeding ten feet long and five feet wide.

- (i) Maintenance vehicles and equipment used between the hours of 10:30 P.M. and 4:30 A.M. for maintenance of the mall, utilities and buildings which cannot be reached from adjacent streets and alleys, if authorized by a written permit issued by the City Manager.
- (j) Waste removal vehicles being used between the hours of 10:30 P.M. and 6:30 A.M., or during emergencies or special events.
- (k) Construction vehicles and equipment used between the hours of 10:30 P.M. and 4:30 A.M. in construction or demolition of buildings adjacent to malls or the installation of maintenance of signs thereon, if authorized by a written permit issued by the City Manager.
- (l) Funeral vehicles including no more than one hearse and three vehicles, and wedding vehicles including no more than three vehicles on 11th Street from the J-K alley to north line of K Street.
- (m) Vehicles for display or operated for special events at such times and places as may be authorized by a written permit issued by the City Manager.
- (n) Police vehicles.
- (o) Light rail vehicles and supervisory, maintenance and revenue collection vehicles operated by the Sacramento Regional Transit District.

No person authorized to operate or park a motor vehicle on a mall shall stop, stand or park such vehicle on a mall at any time in such a manner as to block passage of any emergency vehicle or light rail vehicle or to block pedestrian movement or access to any buildings.

Sec. 51.204 Roller skates prohibited.

Except as authorized by Section 51.202, no person shall roller skate, ride on a skate board or operate any device having wheels on any mall.

Sec. 51.205 Speed.

No person shall operate any vehicle on any mall at a speed of more than five miles per hour, except that Sacramento Regional Transit District may operate light rail vehicles on a mall up to _____ miles per hour.

SECTION 2

Section 51.207 of the Sacramento City Code is hereby repealed.

SECTION 3

Sections 51.401, 51.402, 51.406, 51.409 and 51.410 of the Sacramento City Code are hereby amended to read as follows:

Sec. 51.401 Prohibited uses.

It shall be unlawful for any person to engage in any of the following activities upon a mall unless such activity has been specifically authorized by a franchise, lease, concession contract, or permit issued under chapter 12 of this code or a permit to conduct a special event issued in accordance with article III of this chapter.

- (a) Displays of merchandise upon any area of a mall.
- (b) Street sales of flowers, souvenirs, or other merchandise, excluding newspapers which are sold from other than a fixed location.
- (c) Any other commercial activity not specifically authorized by this chapter or a permit for a special event.

Sec. 51.402 Vending machines and coin-operated amusement device prohibited.

No vending machines or coin-operated amusement devices shall be placed upon any mall. This section shall not apply to any newspaper vending device or light rail vending device which shall have been installed on the mall pursuant to a permit granted in accordance with article V of this chapter.

Sec. 51.406 Climbing upon fountains, etc.

No person shall climb or ascend any fountain, shade structure, sculpture, statuary object, railing, lightpost, vending machine, shrub or tree situated upon a mall other than those situated in designated children's play areas and designed for such use. Ascending, climbing or sitting upon retaining walls having a height of less than five feet shall not constitute a violation of this section.

Sec. 51.409 Sound amplification equipment prohibited.

No person shall use any public address or sound amplification equipment upon a mall unless such use has been specifically authorized by a permit issued for a special event. No person shall use any public address or sound amplification equipment upon any private property within eighty feet of a mall in such a manner that the sound, as amplified, is readily audible on a mall. The term "sound amplification equipment" shall not include radios, tape recorders and similar devices when operated in such manner that the volume of sound produced thereby is not unreasonably loud, raucous, jarring, disturbing, or a

nuisance to a person of normal sensitiveness within the area of audibility, or a light rail vehicle public address system.

Sec. 51.410 Removal of garbage, etc., from mall.

No person shall place any garbage, rubbish or waste matter (as those terms are defined in section 19.1 of this code) upon any mall except as follows:

- (a) Pedestrians may place their own personal garbage and rubbish in designated trash receptacles.
- (b) Persons owning or leasing properties fronting upon a mall may place garbage, rubbish and waste materials in their own approved receptacles upon the surface of a mall between the hours of 10:30 P.M. and 6:30 A.M. for purposes of having the same removed within such designated hours by a public or private garbage or waste removal service.

Any garbage, rubbish or waste material placed upon a mall in violation of this section may be immediately removed by the city. The cost of removal shall be that specified in section 19.7 of this code. Such costs shall be a charge against the person who produced such garbage, rubbish or waste material and shall be collected by the city in the same manner as charges for garbage collection service.

SECTION 4

The title of Article V of Chapter 51, Sections 51.501 and 51.502 are hereby amended to read as follows:

**Article V. Newspaper Kiosk, Newspaper Dispensing
Equipment and Light Rail Vending Device Regulations**

Sec. 51.501 Permit required.

No newspaper kiosk, newspaper storage stand, newspaper vending machine or light rail vending device shall be located or maintained upon a mall or upon a sidewalk area within one hundred sixty feet of a mall unless a permit authorizing its location at such point has been issued by the City Manager.

Sec. 51.502 Design and location standards.

The City Manager shall have the authority to establish standards for the design and location of newspaper kiosks, newspaper storage stands, newspaper vending machines and light rail vending devices which are subject to permit requirements of this article.

SECTION 5

Those sections of Chapter 51 not amended by this ordinance shall remain in full force and effect.

SECTION 6

This ordinance is hereby declared to be an emergency measure to take effect immediately. The reason for the emergency is the imminent public opening of the Sacramento Regional Transit District's light rail system and the need to have regulations in place at that time which will govern conduct within and near the light rail right-of-way to permit the smooth operation of the light rail system on the K Street Mall and elsewhere in the City.

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

337

ORDINANCE NO. 87-024

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

APPROVED
BY THE CITY COUNCIL

MAR 10 1987

OFFICE OF THE
CITY CLERK

AN ORDINANCE AMENDING CERTAIN SECTIONS OF
CHAPTER 51 OF THE SACRAMENTO CITY CODE,
RELATING TO PEDESTRIAN MALL REGULATIONS
AND DECLARING THIS ORDINANCE TO BE AN
EMERGENCY MEASURE TO TAKE EFFECT
IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Sections 51.202, 51.204 and 51.205 of the Sacramento City Code are hereby amended to read as follows:

Sec. 51.202 Same--Exceptions.

The provisions of section 51.201 shall not apply to the following:

- (a) Fire vehicles and ambulances responding to emergency calls.
- (b) Utility vehicles engaged in the repair of hazards or the correction of disruptions of essential services.
- (c) Building services vehicles engaged in the repair of hazards or the correction of disruptions of essential services.
- (d) Trams operated by the Sacramento Regional Transit District.
- (e) Vehicles leaving the parking garage at 11th Street between the K-L alley and L Street from the exit to L Street only; provided, however, that no vehicle shall stop or stand unless in a traffic queue exiting from the garage.
- (f) Vehicles traversing the K-L alley from 12th to 10th Streets over the extension of the alley right-of-way only.
- (g) Self-propelled wheel chairs or invalid tricycles operated by persons whose physical disabilities prohibit normal walking.
- (h) City-operated maintenance vehicles not exceeding ten feet long and five feet wide.

- (i) Maintenance vehicles and equipment used between the hours of 10:30 P.M. and 4:30 A.M. for maintenance of the mall, utilities and buildings which cannot be reached from adjacent streets and alleys, if authorized by a written permit issued by the City Manager.
- (j) Waste removal vehicles being used between the hours of 10:30 P.M. and 6:30 A.M., or during emergencies or special events.
- (k) Construction vehicles and equipment used between the hours of 10:30 P.M. and 4:30 A.M. in construction or demolition of buildings adjacent to malls or the installation of maintenance of signs thereon, if authorized by a written permit issued by the City Manager.
- (l) Funeral vehicles including no more than one hearse and three vehicles, and wedding vehicles including no more than three vehicles on 11th Street from the J-K alley to north line of K Street.
- (m) Vehicles for display or operated for special events at such times and places as may be authorized by a written permit issued by the City Manager.
- (n) Police vehicles.
- (o) Light rail vehicles and supervisory, maintenance and revenue collection vehicles operated by the Sacramento Regional Transit District.

No person authorized to operate or park a motor vehicle on a mall shall stop, stand or park such vehicle on a mall at any time in such a manner as to block passage of any emergency vehicle or light rail vehicle or to block pedestrian movement or access to any buildings.

Sec. 51.204 Roller skates prohibited.

Except as authorized by Section 51.202, no person shall roller skate, ride on a skate board or operate any device having wheels on any mall.

Sec. 51.205 Speed.

No person shall operate any vehicle on any mall at a speed of more than five miles per hour; provided, however, that this speed limit shall not apply to the light rail transit vehicles operated by the Sacramento Regional Transit District. It is understood that said vehicles are governed by and shall operate in compliance with the regulations of the California Public Utilities Commission relating to the speed of light rail transit vehicles on pedestrian malls such as the K Street Mall.

SECTION 2

Section 51.207 of the Sacramento City Code is hereby repealed.

SECTION 3

Sections 51.401, 51.402, 51.406, 51.409 and 51.410 of the Sacramento City Code are hereby amended to read as follows:

Sec. 51.401 Prohibited uses.

It shall be unlawful for any person to engage in any of the following activities upon a mall unless such activity has been specifically authorized by a franchise, lease, concession contract, or permit issued under chapter 12 of this code or a permit to conduct a special event issued in accordance with article III of this chapter.

- (a) Displays of merchandise upon any area of a mall.
- (b) Street sales of flowers, souvenirs, or other merchandise, excluding newspapers which are sold from other than a fixed location.
- (c) Any other commercial activity not specifically authorized by this chapter or a permit for a special event.

Sec. 51.402 Vending machines and coin-operated amusement device prohibited.

No vending machines or coin-operated amusement devices shall be placed upon any mall. This section shall not apply to any newspaper vending device or light rail vending device which shall have been installed on the mall pursuant to a permit granted in accordance with article V of this chapter.

Sec. 51.406 Climbing upon fountains, etc.

No person shall climb or ascend any fountain, shade structure, sculpture, statuary object, railing, lightpost, vending machine, shrub or tree situated upon a mall other than those situated in designated children's play areas and designed for such use. Ascending, climbing or sitting upon retaining walls having a height of less than five feet shall not constitute a violation of this section.

Sec. 51.409 Sound amplification equipment prohibited.

No person shall use any public address or sound amplification equipment upon a mall unless such use has been specifically authorized by a permit issued for a special event. No person shall use any public address or sound amplification equipment upon any private property within eighty feet of a mall in such a manner that the sound, as amplified, is readily audible on a mall. The term "sound amplification equipment" shall not include radios, tape recorders and similar devices when operated in such manner that the volume of sound produced thereby is not unreasonably loud, raucous, jarring, disturbing, or a

nuisance to a person of normal sensitiveness within the area of audibility, or a light rail vehicle public address system.

Sec. 51.410 Removal of garbage, etc., from mall.

No person shall place any garbage, rubbish or waste matter (as those terms are defined in section 19.1 of this code) upon any mall except as follows:

- (a) Pedestrians may place their own personal garbage and rubbish in designated trash receptacles.
- (b) Persons owning or leasing properties fronting upon a mall may place garbage, rubbish and waste materials in their own approved receptacles upon the surface of a mall between the hours of 10:30 P.M. and 6:30 A.M. for purposes of having the same removed within such designated hours by a public or private garbage or waste removal service.

Any garbage, rubbish or waste material placed upon a mall in violation of this section may be immediately removed by the city. The cost of removal shall be that specified in section 19.7 of this code. Such costs shall be a charge against the person who produced such garbage, rubbish or waste material and shall be collected by the city in the same manner as charges for garbage collection service.

SECTION 4

The title of Article V of Chapter 51, Sections 51.501 and 51.502 are hereby amended to read as follows:

**Article V. Newspaper Kiosk, Newspaper Dispensing
Equipment and Light Rail Vending Device Regulations**

Sec. 51.501 Permit required.

No newspaper kiosk, newspaper storage stand, newspaper vending machine or light rail vending device shall be located or maintained upon a mall or upon a sidewalk area within one hundred sixty feet of a mall unless a permit authorizing its location at such point has been issued by the City Manager.

Sec. 51.502 Design and location standards.

The City Manager shall have the authority to establish standards for the design and location of newspaper kiosks, newspaper storage stands, newspaper vending machines and light rail vending devices which are subject to permit requirements of this article.

SECTION 5

Those sections of Chapter 51 not amended by this ordinance shall remain in full force and effect.

SECTION 6

This ordinance is hereby declared to be an emergency measure to take effect immediately. The reason for the emergency is the imminent public opening of the Sacramento Regional Transit District's light rail system and the need to have regulations in place at that time which will govern conduct within and near the light rail right-of-way to permit the smooth operation of the light rail system on the K Street Mall and elsewhere in the City.

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

dirty copy

33

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING CERTAIN SECTIONS OF
CHAPTER 51 OF THE SACRAMENTO CITY CODE,
RELATING TO PEDESTRIAN MALL REGULATIONS
AND DECLARING THIS ORDINANCE TO BE AN
EMERGENCY MEASURE TO TAKE EFFECT
IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Sections 51.202, 51.204 and 51.205 of the Sacramento City Code are hereby amended to read as follows:

Sec. 51.202 Same--Exceptions.

The provisions of section 51.201 shall not apply to the following:

- (a) Fire vehicles and ambulances responding to emergency calls.
- (b) Utility vehicles engaged in the repair of hazards or the correction of disruptions of essential services.
- (c) Building services vehicles engaged in the repair of hazards or the correction of disruptions of essential services.
- (d) Trams operated by the Sacramento Regional Transit District Authority.
- (e) Vehicles leaving the parking garage at 11th Street between the K-L alley and L Street from the exit to L Street only; provided, however, that no vehicle shall stop or stand unless in a traffic queue exiting from the garage.
- (f) Vehicles traversing the K-L alley from 12th to 10th Streets over the extension of the alley right-of-way only.
- (g) Self-propelled wheel chairs or invalid tricycles operated by persons whose physical disabilities prohibit normal walking.
- (h) City-operated maintenance vehicles not exceeding ten feet long and five feet wide.

- ~~(h)~~ (i) Maintenance vehicles and equipment used between the hours of ~~9:30~~ 10:30 P.M. and ~~9:30~~ 4:30 A.M. for maintenance of the mall, utilities and buildings which cannot be reached from adjacent streets and alleys. Mall maintenance vehicles not exceeding ten feet long and five feet wide may be operated on a mall at any time. if authorized by a written permit issued by the City Manager.
- ~~(i)~~ (j) ~~Delivery and Waste removal vehicles being used between the hours of 9:30 10:30 P.M. and 9:30 6:30 A.M., or during emergencies or special events. to deliver or pick up goods which cannot be handled by hand trucks to locations which cannot be reached from adjacent streets and alleys. - No vehicles exceeing fifty feet in length or consisting of more than a tractor and semitrailer shall be operated on any mall street at any time.~~
- ~~(j)~~ (k) Construction vehicles and equipment used between the hours of ~~9:30~~ 10:30 P.M. and ~~9:30~~ 4:30 A.M. in construction or demolition of buildings adjacent to malls or the installation of maintenance of signs thereon, if authorized by a written permit issued by the City Manager.
- ~~(k)~~ (l) Funeral vehicles including no more than one hearse and three vehicles, and wedding vehicles including no more than three vehicles on 11th Street from the J-K alley to north line of K Street.
- ~~(l)~~ (m) Vehicles for display or operated for special events at such times and places as may be authorized by a written permit issued by the City Manager.
- ~~(m)~~ (n) Police vehicles.
- (o) Light rail vehicles and supervisory, maintenance and revenue collection vehicles operated by the Sacramento Regional Transit District.

No person authorized to operate or park a motor vehicle on a mall shall stop, stand or park such vehicle on a mall at any time in such a manner as to block passage of any emergency vehicle or light rail vehicle or to block pedestrian movement or access to any buildings.

Sec. 51.204 Roller skates prohibited.

Except as authorized by Section 51.202, no person shall roller skate, ride on a skate board or operate any device having metal tread wheels on any mall.

Sec. 51.205 Speed.

No person shall operate any vehicle on any mall at a speed of more than five miles per hour; provided, however, that this speed limit

shall not apply to the light rail transit vehicles operated by the Sacramento Regional Transit District. It is understood that said vehicles are governed by and shall operate in compliance with the regulations of the California Public Utilities Commission relating to the speed of light rail transit vehicles on pedestrian malls such as the K Street Mall.

SECTION 2

Section 51.207 of the Sacramento City Code is hereby repealed.

~~Sec. 51.207 Parking generally.~~

~~No person shall stop, stand or park any vehicle:~~

- ~~(a) On any mall at any time in such a manner as to block the passage of any emergency vehicle.~~
- ~~(b) In such a manner as to block pedestrian movement on any mall or access to any building adjacent to any mall.~~
- ~~(c) On any mall for more than thirty minutes at any time unless actively engaged in loading or unloading, maintenance, service or construction.~~
- ~~(d) Within the J-K and K-L alleys between 4th Street and 13th Street for more than thirty minutes unless actively engaged in loading or unloading goods, maintenance, service or construction for sites adjacent to mall streets or to the alleys named.~~
- ~~(e) Within the J-K and K-L alleys between 4th Street and 13th Street at any time during the hours commencing with 2:00 A.M. and ending at 6:00 A.M. except when authorized by a written permit issued by the City Manager.~~

SECTION 3

Sections 51.401, 51.402, 51.406, 51.409 and 51.410 of the Sacramento City Code are hereby amended to read as follows:

Sec. 51.401 Prohibited uses.

It shall be unlawful ~~and a misdemeanor~~ for any person to engage in any of the following activities upon a mall unless such activity has been specifically authorized by a franchise, lease, concession contract, or permit issued under chapter 12 of this code or a permit to conduct a special event issued in accordance with article III of this chapter.

- (a) Displays of merchandise upon any area of a mall.
- (b) Street sales of flowers, souvenirs, or other merchandise, excluding newspapers which are sold from other than a fixed location.

- (c) Any other commercial activity not specifically authorized by this chapter or a permit for a special event.

Sec. 51.402 Vending machines and coin-operated amusement device prohibited.

No vending machines or coin-operated amusement devices shall be placed upon any mall. This section shall not apply to any newspaper vending device or light rail vending device which shall have been installed on the mall pursuant to a permit granted in accordance with article V of this chapter.

Sec. 51.406 Climbing upon fountains, etc.

No person shall climb or ascend any fountain, shade structure, sculpture, statuary object, railing, lightpost, vending machine, shrub or tree situated upon a mall other than those situated in designated children's play areas and designed for such use. Ascending, climbing or sitting upon retaining walls or ~~statuary objects~~ having a height of less than five feet shall not constitute a violation of this section.

Sec. 51.409 Sound amplification equipment prohibited.

No person shall use any public address or sound amplification equipment upon a mall unless such use has been specifically authorized by a permit issued for a special event. No person shall use any public address or sound amplification equipment upon any private property within eighty feet of a mall in such a manner that the sound, as amplified, is readily audible on a mall. The term "sound amplification equipment" shall not include radios, tape recorders and similar devices when operated in such manner that the volume of sound produced thereby is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to a person of normal sensitiveness within the area of audibility, or a light rail vehicle public address system.

Sec. 51.410 Removal of garbage, etc., from mall.

No person shall place any garbage, rubbish or waste matter (as those terms are defined in section 19.1 of this code) upon any mall except as follows:

- (a) Pedestrians may place their own personal garbage and rubbish in designated trash receptacles.
- (b) Persons owning or leasing properties fronting upon a mall may place garbage, rubbish and waste materials in their own approved receptacles upon the surface of a mall between the hours of ~~9:30~~ 10:30 P.M. and ~~9:30~~ 6:30 A.M. for purposes of having the same removed within such designated hours by a public or private garbage or waste removal service.

Any garbage, rubbish or waste material placed upon a mall in violation of this section ~~shall~~ may be immediately removed by ~~division of waste removal~~ the City. The cost of removal shall be that specified in section 19.7 of this code. Such costs shall be

a charge against the person who produced such garbage, rubbish or waste material and shall be collected by the City in the same manner as charges for garbage collection service.

SECTION 4

The title of Article V of Chapter 51, Sections 51.501 and 51.502 are hereby amended to read as follows:

Article V. Newspaper Kiosk, and Newspaper Dispensing Equipment and Light Rail Vending Device Regulations

Sec. 51.501 Permit required.

No newspaper kiosk, newspaper storage stand, or newspaper vending machine or light rail vending device shall be located or maintained upon a mall or upon a sidewalk area within one hundred sixty feet of a mall unless a permit authorizing its location at such point has been issued by the City Manager.

Sec. 51.502 Design and location standards.

The City Manager shall have the authority to establish standards for the design and location of newspaper kiosks, newspaper storage stands, and newspaper vending machines and light rail vending devices which are subject to permit requirements of this article.

SECTION 5

Those sections of Chapter 51 not amended by this ordinance shall remain in full force and effect.

SECTION 6

This ordinance is hereby declared to be an emergency measure to take effect immediately. The reason for the emergency is the imminent public opening of the Sacramento Regional Transit District's light rail system and the need to have regulations in place at that time which will govern conduct within and near the light rail right-of-way to permit the smooth operation of the light rail system on the K Street Mall and elsewhere in the City.

DATE ENACTED:
DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK