

**CITY OF SAN ANTONIO
POLICE DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council
FROM: Albert A. Ortiz, Chief of Police
SUBJECT: Ordinance Prohibiting Sitting or Lying Down in the Right-of-Way
DATE: February 03, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes the City Manager to amend Chapter 21 of the San Antonio City Code to prohibit sitting or lying down in the right-of-way in public places; and providing for a criminal fine in an amount not to exceed \$500.00 for violation of this ordinance.

Staff recommends approval.

BACKGROUND INFORMATION

On February 12, 2004, City Councilman Roger O. Flores submitted a Council Consideration Request directing City staff to bring forward an ordinance to amend to Chapter 21 of the City Code. This ordinance would address problematic behaviors affecting safety and the quality of life in public areas, especially downtown, created by persons sitting or lying down in the right-of-way in public places.

The proposed ordinance makes it an offense to sit or lie down in the right-of-way, in public places, and in a manner that would: require a person to take evasive action to avoid physical contact; block the passage of a person entering or leaving a building; or require a person entering or leaving a building to take evasive action to avoid physical contact. If approved, this ordinance will only apply in the Central Business District and only after the person has been notified by a law enforcement officer that his or her conduct violates the ordinance. This does not apply to persons who sit or lie down because of a medical emergency, use a wheelchair or similar device to move about, or operate or patronize a commercial establishment that conducts business on the sidewalk. It also does not apply to those who: participate in or view a parade, festival, performance, rally, demonstration, or similar event; sit on a chair or bench that is supplied by a public agency or by the abutting private property owner; or sit within a bus stop zone while waiting for public or private transportation. This action provides for a fine not to exceed \$500.00 for violation of this ordinance and is intended to serve as a deterrent to sitting or lying down in the right-of-way in public places.

POLICY ANALYSIS

This action continues City Council policy of clarifying existing City Codes. In addition, this ordinance will enhance the City's efforts in dealing with public safety and quality of life issues.

FISCAL IMPACT

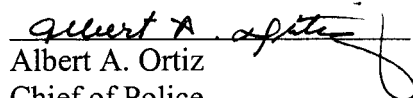
There are no new costs created by this proposed ordinance. Revenue generated by the \$500.00 fine under this ordinance will impact Municipal Court. However, due to a lack of historical perspective, the extent of the impact cannot be determined.

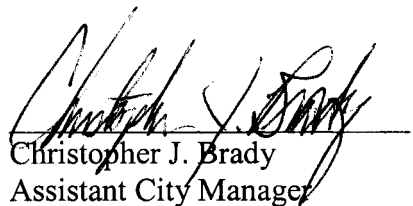
COORDINATION


This ordinance request has been coordinated with the Finance Department, Office of Management & Budget, Municipal Court, and the City Attorney's Office.

SUPPLEMENTARY COMMENTS

This item does not require an Ethics Ordinance Disclosure Statement or a Discretionary Contracts Disclosure Form.


Albert A. Ortiz
Chief of Police


Christopher J. Brady
Assistant City Manager

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J. Rolando Bono
Interim City Manager