

ORDINANCE NO. 832 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING CHAPTER 11.30 OF THE CITY'S MUNICIPAL CODE
TO REVISE CERTAIN REGULATIONS FOR STREET FURNITURE

WHEREAS, the City Council finds it necessary to make minor revisions to the Street Furniture Code (Chapter 11.30 of the Municipal Code) to provide adequate protection to the public health and safety and to ensure that the City is properly indemnified with regard to the placement of street furniture in the public right-of-way.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 11.30.011 of the Municipal Code, as established by Ordinance 667 N.S. is hereby amended to read as follows:

“11.30.011 Definition of Street Furniture.

(a) ‘Street furniture’ shall consist of portable signs, planters, benches, bicycle racks, flag poles, tables, chairs and umbrellas; other items of similar class and nature may be approved by the City’s Development Review Committee (DRC), based on recommendations of the Main Street Board. Street furniture may be permitted to be located on public sidewalks in a manner that does not impede pedestrian traffic as determined by the Director of Public Works or his designee.

(b) The City Council finds that the northeast and northwest corners of 12th and Park Streets are uniquely located at the entrance to the historic downtown, as point at which visitors to the City are most likely to look for information about the historic downtown and the city as a whole. On these two corners, the curb radii have been significantly expanded to form “bulbs” with the dual purpose of calming vehicular traffic and serving as miniature plazas at which pedestrians may gather. ‘Street furniture’ shall also include one (1) informational kiosk maintained by Paso Robles Main Street, which may be placed on either corner, subject to the following conditions:

(1) The footprint of the informational kiosk shall measure no more than 36 inches square; the height shall not exceed ten (10) feet;

(2) The informational kiosk shall be located not less than 4 feet from the curb and in a precise location to be approved by the Director of Public Works or his/her designee who shall ensure that the location is both

(a) Not hazardous to the safety of pedestrians and the operation of vehicles traveling on 12th and Park Streets; and

(b) Maintains sufficient clear area between the kiosk and other street furniture to provide access for physically disabled persons in the manner prescribed by state law.

(3) The design of the informational kiosk shall be approved by the DRC.

SECTION 2. Section 11.30.014 of the Municipal Code, as established by Ordinance 667 N.S. is hereby amended to read as follows:

“11.30.014 Where permitted and minimum clearance.

(a) Street furniture will only be allowed on public sidewalks of a width greater than six feet from the curb face to the back of walk. In all instances street furniture shall be located in such a manner so as to ensure and maintain a minimum clearance width of four feet along the public sidewalk. In no instance shall street furniture be located in such a manner so as to block access for the disabled or in a manner that the street furniture would constitute a tripping hazard or other hazards to the pedestrian.

(b) Persons and businesses shall obtain an encroachment permit from the Public Works Department prior to placing street furniture on public sidewalks.

SECTION 3. Section 11.30.015 of the Municipal Code, as established by Ordinance 667 N.S. is hereby amended to read as follows:

“11.30.015 Indemnity and insurance for use of public right-of-way.

(a) Any persons or business wishing to locate street furniture in the public right-of-way shall indemnify the city for liability for use of public right-of-way in a manner to be approved by the city attorney.

(b) Any persons or business wishing to locate street furniture in the public right-of-way shall provide the City with a certificate of comprehensive liability insurance, from an insurance company acceptable to the City, naming the City as additional insured. The amount of insurance shall be not less than one million dollars (\$1,000,000) combined single limit coverage for bodily and personal injury, including death resulting therefrom, and property damage.

SECTION 4. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 6. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 7. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on July 2, 2002, and passed and adopted by the City Council of the City of El Paso de Robles on the 16th day of July 2002 by the following roll call vote, to wit:

AYES:	Finigan, Heggarty, Nemeth, Picanco and Mecham
NOES:	None
ABSENT:	None
ABSTAINING:	None

Mayor Frank R. Mecham

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk