

Chapter »5.43 «
**NONCOMMERCIAL USE OF CITY STREETS AND SIDEWALKS FOR SALES
AND SOLICITATION***

* Editor's Note: Chapter »5.43 «, Non-Commercial Use of the Pacific Avenue Garden Mall for Sales and Solicitation adopted by Ordinance [81-33](#) was repealed by Ordinance [94-13](#) adopted March 8, 1994. Also previously contained herein were parts of Ords. [85-12](#) and [83-20](#).

Sections:

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5.43.000 DEFINITIONS.

For purposes of this chapter, certain words and phrases are defined as follows:

(a) "Noncommercial use" means any political, civic, religious or other public service or charitable activity, including speech, or the distribution of literature, whether or not such activity is conducted with the assistance of a display device, and where the use is conducted for either the sale of merchandise or the solicitation of donations.

(b) "Display device" means a table, rack, chair, box, cloth, stand, or any container, structure or other object used or capable of being used for holding or displaying tangible things, together with any associated seating facilities; "display device" does not include any street furniture such as benches or planters, or any other structure permanently installed by the city of Santa Cruz or with the consent of the city of Santa Cruz, or newsracks placed in conformity with the provisions of this code regulating newsracks.

(Ord. [94-13](#) § 2 (part), 1994).

5.43.010 CONDITIONS OF USE.

Persons may place, erect, or maintain a display device for noncommercial use on any public sidewalk only as provided in this chapter. A display device may not exceed six feet by three feet in size. A display device may not exceed six feet in height.

(Ord. [94-13](#) § 2 (part), 1994).

5.43.020 PROHIBITED LOCATIONS.

(1) In order to assure safe, orderly and adequate public access and pedestrian traffic on city streets and sidewalks, no display device shall be placed in any of the following locations in the C-C

Community Commercial; C-N Neighborhood Commercial; C-B Commercial Beach; CBD Central Business District; and R-T Tourist Residential zone districts:

- (a) Within ten feet of any building entrance or fence or other structure separating private property from the public right-of-way other than cyclone fences between vacant lots and the public right-of-way, or ten feet directly in front of any window. Where any such entrance or window is recessed from the public sidewalk, the ten feet shall be measured from the point at which the building abuts the sidewalk;
- (b) Within ten feet of any street corner or intersection;
- (c) Within ten feet of any kiosk or mid-block crosswalk;
- (d) Within ten feet of any drinking fountain, public telephone or bench;
- (e) Within any portion of the sidewalk between the license-area limit line of any sidewalk cafe or other open-air eating establishment and the curb of the sidewalk and in no other location within ten feet of any such license-area limit line; or
- (f) Within ten feet of any vending cart.

(2) No person shall allow a display device to remain in the same location on the sidewalk for a period of time exceeding one hour. After one hour the person who placed the display device on the sidewalk shall not place a display device on the sidewalk within 100 feet of the original display device location. After one hour the person who placed the display device shall not place a display device in the original display device location, or within 100 feet of the original display device location, for twenty-four hours.

(3) No person shall be cited under this section unless he or she has first been notified by a public officer or downtown host that he or she is in violation of the prohibition in this section, and thereafter continues the violation.

(Ord. [2002-49](#) § 1, 2002: Ord. [94-21](#) § 1, 1994: Ord. [94-13](#) § 2 (part), 1994).