



CITY OF TEMPE
REQUEST FOR COUNCIL ACTION

Council Meeting Date: 03/17/2016
Agenda Item: 6B4

ACTION: Introduce and hold the first public hearing to adopt an ordinance amending Chapter 29, Article V, of the Tempe City Code relating to sitting or lying down on public sidewalks in the downtown commercial district. The second and final public hearing is scheduled for April 14, 2016. (Ordinance No. O2016.21)

FISCAL IMPACT: There is no direct cost to the City.

RECOMMENDATION: Adopt Ordinance No. O2016.21.

BACKGROUND INFORMATION: Meetings have occurred with representatives of Tempe Community Action Agency, Tempe Community Council, the City of Tempe Homeless Outreach division, Salvation Army (downtown Tempe branch), and Tumbleweed. No representative expressed concern with reinstating the intent of the original ordinance, which was to address the behavior of individuals sitting and lying down directly on City sidewalks in the downtown area.

This ordinance varies from the one presented at the February 18, 2016 Work Study Session in that the times are extended to 2:30 a.m. on weekends to correspond to bar closing. In 2001, the bar close was at 1:00 a.m.; therefore, the ordinance reflected that time.

The ordinance clearly requires a warning process prior to the issuance of any citations, to ensure that this will be used as an educational measure. Nothing in this ordinance will be construed or used to criminalize homelessness.

ATTACHMENTS: Ordinance

STAFF CONTACT(S): Bill Amato, Assistant City Attorney, (480) 350-8610

Department Director: Judi Baumann, City Attorney
Legal Review by: Judi Baumann, City Attorney
Prepared by: Mari Yennie, Executive Assistant