

DRAFT

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 10.10.010 AND 10.10.040 OF CHAPTER 10.10 OF TITLE 10 OF THE SAN JOSE MUNICIPAL CODE TO ADJUST THE HOURS THE PEDESTRIAN FACILITATION ORDINANCE IS IN EFFECT FROM BETWEEN THE HOURS OF 10:00 A.M. AND 12:00 A.M. TO BETWEEN THE HOURS OF 8:00 A.M. AND 12:00 A.M.

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008 (General Procedure and Policy Making resulting in no changes to the physical environment); and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 10.10.010 of Chapter 10.10 of Title 10 of the San José Municipal Code is amended to read as follows:

10.10.010 Prohibition on Sitting or Lying Down on Sidewalks

No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, in the pedestrian facilitation zone, during the hours between ~~10:00~~8:00 a.m. and 12:00 a.m. (midnight).

SECTION 2. Section 10.10.040 of Chapter 10.10 of Title 10 of the San José Municipal Code is amended to read as follows:

10.10.040 Warning of Violation

No person shall be cited or arrested under this chapter unless the person engages in conduct prohibited by this chapter:

- A. After having been once previously notified by a police officer within a thirty-day period that the conduct violates this chapter; or
- B. Within three hundred feet of a sign which states that sitting or lying upon the public sidewalk is prohibited during the hours between ~~10:00~~8:00 a.m. and 12:00 a.m. (midnight).

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PASSED FOR PUBLICATION of title this _____ day of _____, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk