

ORDINANCE NO. 2015-01

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING SECTION 13.08.100
OF THE SANTA CRUZ MUNICIPAL CODE PERTAINING TO ORDERS TO
VACATE PARK PROPERTY

BE IT ORDAINED by the City of Santa Cruz as follows:

Section 1. Section 13.08.100 of the Santa Cruz Municipal Code is hereby amended to read as follows:

“Section 13.08.100 Order to Vacate Any Property Maintained by the Parks and Recreation Department.

- (a) Any person who receives a citation or is arrested on city park or beach property or any property maintained by the parks and recreation department for a violation of the Santa Cruz Municipal Code or state law may be ordered by the citing/arresting city officer at the time of the citation/arrest to vacate that park or beach property and not to re-enter said property again for the period of time specified below. Any such order shall apply to both the park or beach property at which the citation/arrest occurs and to any other park or beach property at which such an order was issued within the previous year. Any person who violates such an order from a city officer shall be guilty of a misdemeanor.
- (1) First offense: Twenty-four hours from the time of the citing/arresting officer’s order.
 - (2) Second offense within one week of the first offense: One week from the date of the citing/arresting officer’s order in response to the second offense.
 - (3) Third offense within thirty days of the second offense: Thirty days from the date of the citing/arresting officer’s order in response to the third offense.
 - (4) Fourth offense within six months of the third offense: Six months from the date of the citing/arresting officer’s order in response to the fourth offense.
 - (5) Fifth offense within one year of the fourth offense: One year from the date of the citing/arresting officer’s order in response to the fifth offense.
- (b) Any person who receives an order to vacate pursuant to this section and who desires to appeal that order shall, within ten days of the order, file a written notice of appeal with the city manager. The city manager or the city manager’s designee shall hear the appeal within two business days from the date the written appeal is received by the city manager’s office. The appeal shall list the appellant’s contact information including a phone number, if any.

The appellant shall be notified of the date, time and location of the appeal hearing and may personally appear, may be represented by counsel, may call witnesses and may hear and examine the city officer who issued the order.

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Alternatively the appellant may set forth the basis for the appeal and the arguments in support of the appeal in the written appeal notice and waive the appeal hearing. The appeal hearing shall not be governed by the rules of evidence.

If the city manager or city manager's designee determines by a preponderance of the evidence that the appellant did not engage in the conduct for which the order to vacate was issued, the order to vacate shall be immediately withdrawn and of no further force or effect.

The city manager or city manager's designee shall issue a decision on the appeal no later than twenty-four hours after the appeal hearing has been completed or the appeal notice waiving the hearing has been submitted. The decision of the city manager or city manager's designee shall be final."

Section 2. This ordinance shall take effect and be in force thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 18th day of November, 2014, by the following vote:

AYES: Councilmembers Terrazas, Comstock, Mathews; Vice Mayor Lane, Mayor Robinson.
NOES: Councilmember Posner.
ABSENT: Councilmember Bryant.
DISQUALIFIED: None.

APPROVED: ss/Lynn Robinson, Mayor

ATTEST: ss/Bren Lehr, City Clerk Administrator

PASSED FOR FINAL ADOPTION this 13th day of January, 2014, by the following vote:

AYES:
NOES:
ABSENT:
DISQUALIFIED:

APPROVED: _____
Mayor

ATTEST: _____
City Clerk Administrator

This is to certify that the above
and foregoing document is the
original of Ordinance No. 2015-01
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz.

City Clerk Administrator