



*City of Charleston
South Carolina*

Clerk of Council Department

JOHN J. TECKLENBURG
MAYOR

VANESSA TURNER MAYBANK
CLERK OF COUNCIL

PUBLIC SAFETY COMMITTEE

**80 Broad Street
City Hall, First Floor Conference Room**

Monday, March 25, 2019

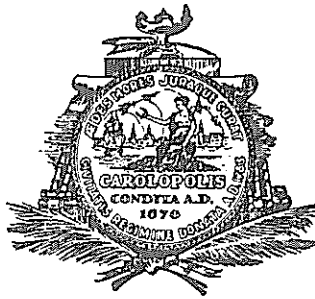
4:00 p.m.

Mayor John J. Tecklenburg
Councilmember Peter Shahid, Chair
Councilmember James Lewis, Vice Chair
Councilmember Michael Seekings
Councilmember Marvin Wagner

AGENDA

1. Moment of Silence
2. Approval of minutes
- February 25, 2019
3. Report in accordance with the Civil Sidewalks Ordinance
4. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 28, Section 45 to include streets crossing King Street for one block in either direction of King Street between and including Line and Broad Streets and streets crossing North and South Market Streets for one block in either direction of North and South Market Streets between King Street and East Bay Streets.
5. Adjournment

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.



Ratification
Number _____

A N O R D I N A N C E

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 28, SECTION 45 TO INCLUDE STREETS CROSSING KING STREET FOR ONE BLOCK IN EITHER DIRECTION OF KING STREET BETWEEN AND INCLUDING LINE AND BROAD STREETS AND STREETS CROSSING NORTH AND SOUTH MARKET STREETS FOR ONE BLOCK IN EITHER DIRECTION OF NORTH AND SOUTH MARKET STREETS BETWEEN KING STREET AND EAST BAY STREETS.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 28 of the Code of the City of Charleston is hereby amended by adding thereto a new Section 45 which shall read as follows:

Sec. 28-45. PROMOTION OF CIVIL SIDEWALKS

(a) **Findings.** The King and Market Street corridors in the downtown area of the City are places of gathering and commerce, where patrons, residents and visitors conduct business, shop, sightsee and recreate. Being in the heart of the peninsula, these corridors offer an array of services to support residents living nearby and those coming into the peninsula to enjoy the urban core of the City, to include shopping, dining and art venues. Being in the heart of the tourism district, these corridors are heavily impacted not by just visitors, but also by vendors and service providers tending to the needs of the industry businesses. Being adjacent to the College of Charleston campus, these corridors are also impacted by students tending to daily needs or seeking places to recreate. The sidewalks of these corridors, part of an urban street grid established in the eighteenth century, are narrow by modern standards and are incapable of being enlarged in any meaningful way. It is imperative that pedestrian flow along the sidewalks of these corridors be safe, effective and efficient during times of heavy use. The primary purpose of a sidewalk is to provide a means of conveyance by foot. Interferences with that purpose should be minimized to the extent feasible. Sitting or lying on the sidewalks of the King and Market Street corridors during times of heavy use poses a threat to safe pedestrian passage, especially for the elderly, disabled, vision-impaired and small children. As there ~~exists~~ exists alternate public places in the vicinity of the King and Market Street corridors that accommodate sitting or lying down, Council finds it necessary and in furtherance of the public peace and good order that sitting or lying on the sidewalks of the King and Market Street corridors be regulated in a manner that promotes safety but which preserves these areas for traditional constitutional expression and other lawful activity on sidewalks consistent with any City permitting requirements.

(b) Prohibition. During the hours between eight (8:00) a.m. and two (2:00) a.m., it is unlawful to sit or lie down upon a public sidewalk:

- 1) on King Street, between Line Street and Broad Street;
- 2) on streets crossing King Street for one block in either direction of King Street between and including Line Street and Broad Street;
- 3) on North and South Market Streets, between King Street and East Bay Street, and
- 4) on streets crossing North and South Market Streets for one block in either direction from North and South Market Streets between and including King and East Bay Street.

(c) Exceptions. The prohibitions in Subsection (b) shall not apply to any person:

1. Sitting or lying on a public sidewalk due to a medical emergency;
2. Using a wheelchair, walker, or similar device as the result of a disability;
3. Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a sidewalk use permit;
4. Participating in or attending a parade, festival, performance, rally, demonstration, meeting, picketing, or similar event conducted on the public sidewalk pursuant to and in compliance with a street use or other applicable permit;
5. Sitting on a fixed chair or bench located on the public sidewalk supplied by a public agency or by the abutting private property owner;
6. Sitting in line for goods or services unless the person or person's possessions impede the ability of pedestrians to travel along the length of the sidewalk or enter a doorway or other entrance alongside the sidewalk; or,
7. Who is a child seated in a stroller.

(d) Warning. No person shall be cited under this Section unless the person engages in conduct prohibited by this Section after having been notified by a police officer that the conduct violates this Section.

(e) Other laws and orders. Nothing in any of the exceptions listed in Subsection (c) shall be construed to permit any conduct which is prohibited by City Code Sections 17-93, 17-98, and 21-109, which prohibit willfully and substantially obstructing the free passage of any person.

(f) Penalties.

1. **First Offense.** Upon conviction for a first offense of this Section, the court shall impose a fine of not more than \$25.
2. **Subsequent Offenses.** Upon conviction for a second offense of this Section, the court shall impose a fine of not more than \$50. All further violations of this Section maybe handled in a manner consistent with the City's general penalty provision as provided in Section 1-16 of this Code.

(g) Reporting. One year after the effective date of this ordinance, and every two years thereafter, the Police Department shall make a written report to the Mayor and the City

Council Members that evaluates the effectiveness of enforcement of this ordinance in the King and Market Street Corridors as set out herein.

(h) Outreach. The City shall maintain an outreach plan summarizing the City's efforts with assisting those that are chronically found sitting or lying down on a public sidewalk. The outreach plan must outline what assistance the City supplies to connect individuals in need of social services with providers of the social services. The plan must also include, but not be limited to, health care and social service capacity, evaluation of service delivery and identification of areas for improved service delivery.

(i) Severability. If any subsection, sentence, clause, phrase, or word of this Section be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such declaration shall not affect the validity or the effectiveness of the remaining portions of this Section or any part thereof which can be given meaning without the offensive subsection, sentence, clause, phrase or word.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of _____ in the
Year of Our Lord, 2019, in the _____ Year of Independence
of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank
Clerk of Council