

Order
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City will try to regulate Pacific Garden Mall's vendors

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SANTA CRUZ — The City Council will try to find a better way to regulate commercial activities on the Pacific Avenue Mall.

The Downtown Association has been complaining that sidewalk sellers are illegally vending their wares on the mall.

The council voted Tuesday to consider abolishing the city's registration certificates, which allow persons to set up stands on the mall for political, charitable, religious and other non-commercial activities.

Police Chief Jack Bassett said the certificates cause confusion and give the impression they are permits to sell on the mall.

The idea of the certificates was to allow non-commercial activities, but to ban selling for profit unless the seller receives council approval.

Certificates are granted if the applicant states a sidewalk stand will be used for non-commercial purposes.

The problem with the certificate process has been the hazy line between commercial and non-commercial ventures involving non-profit organizations asking donations.

The Downtown Association offered an example of a T-shirt vendor selling shirts for \$8 on the sidewalk in the name of "Central American issues."

The merchants in the association complained that the seller was in private business, and maintained he should fold up shop unless given approval from the council to sell.

Tarot card readers regularly spread blankets on the mall, offering advice to passersby.

When asked recently if there is a fee, one tarot card reader told a reporter he asks for no donations, but sometimes people "choose" to give

something to him in turn for his straightening out their life.

Councilwoman Mardi Wormhoudt said she recently passed a person sleeping on a bedspread on the mall with a sign saying, "barter or trade."

"You're lucky he was asleep," said Mayor John Laird.

Chief Bassett said certificate holders sometimes wrongfully think the certificate is a permit to sell on the mall.

Free-speech activities, whether religious, political or charitable, are protected under the First Amendment.

But Assistant City Attorney Gerald Bowden noted in a report to the council, "Despite their constitutionally protected status, religious, political and public service groups often engage in commercial activities for generating funds. When a church acts like a business it is entitled to protection."

The difficulty with existing regulations, said Bowden, is "profit-making activities are not clearly distinguished from protected free-speech activities."

The council directed the city at-

torney to draft an ordinance abolishing the certificate system, define "commercial use" and to draft an alternate ordinance allowing commercial use with council approval only.

Bowden said another problem has been that the term "commercial use" is not defined in codes.

Currently, commercial uses are allowed on sidewalks, but only with permission from the council.

Non-commercial stands can be erected almost anywhere in the city without obtaining a certificate, except on the mall, said Bowden.

REFERENCE
11/11/84