

**ORDINANCE NO. C- \_\_\_\_\_**

An ordinance relating to sitting or lying down on public sidewalks in certain places at certain times; and adopting a new section 10.10.026 to chapter 10.10 of the Spokane Municipal Code.

WHEREAS, public sidewalks in business districts are created and maintained for the primary purpose of enabling pedestrians to safely and efficiently move about from place to place, facilitating deliveries of goods and services, and providing potential customers with convenient access to goods and services; and

WHEREAS, during normal business hours, the public sidewalks in the downtown core are prone to congestion, and should be kept available to serve these primary purposes, and

WHEREAS, except in places provided therefore or where reasonably necessary, sitting or lying on the public sidewalks in the downtown core during the hours of greatest congestion interferes with the primary purposes of the public sidewalks, threatens public safety, and damages the public welfare; and

WHEREAS, pedestrians, particularly the elderly, disabled, or vision-impaired, are put at increased risk when they must see and navigate around individuals sitting or lying upon the public sidewalk; and

WHEREAS, the public welfare is promoted by an economically healthy downtown which attracts people to shop, work and recreate. These areas provide easily accessible goods and services, employment opportunities, and tax revenue necessary to support essential public services, and the economic productivity necessary to maintain and improve property within these areas; and

WHEREAS, in some circumstances, people sitting or lying on the sidewalks deter many members of the public from frequenting those areas, which contributes to undermining the essential economic viability of those areas. Business failures and relocations can cause vacant storefronts which contribute to a spiral of deterioration and blight which harms the public health, safety and welfare. An important factor in protecting public safety is attracting people to the streets and sidewalks of the City's business districts, because the presence of many law-abiding citizens serves as a deterrent to crime and increases the public's sense of security and the safety of all; and

WHEREAS, there are numerous other places within the downtown core where sitting or lying down can be accommodated without unduly interfering with the safe flow of pedestrian traffic, impeding commercial activity, threatening public safety or harming the public welfare. These other places include city parks

and plazas, alleyways, private plazas, arcades and common areas open to the public, and generally on private property with the permission of the property owner. In addition, public sidewalks outside the downtown core and all sidewalks outside the designated hours are available for sitting or lying down; and

WHEREAS, the limited regulation of sitting or lying down on sidewalks is both reasonably necessary and appropriately balances the public interest and individual rights; --Now, Therefore,

The City of Spokane does ordain:

Section 1. That there is adopted a new section 10.10.026 to read as follows:

**10.10.026                    Sitting, Lying on Sidewalk in Retail Zone.**

A.     Prohibition.

No person may sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between seven a.m. and nine p.m. in the retail zone of the congested district as defined in SMC 16A.04.020.

B.     Exceptions.

The prohibition in subsection (A) does not apply to any person:

1.     sitting or lying down due to a medical emergency or due to a sensory, mental or physical disability;
2.     who, as the result of a sensory, mental or physical disability, utilizes a wheelchair, walker or similar device to move about the public sidewalk;
3.     operating or patronizing a business with permission to occupy the sidewalk;
4.     participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a special event or other applicable permit;
5.     sitting on a chair or bench supplied by a public agency or by the abutting private property owner pursuant to the appropriate permit or license; or
6.     sitting within a bus stop zone while waiting for public or private transportation.

7. engaging in constitutionally protected expressive activities which would otherwise be unreasonably restricted by the limitations in subsection (A).

- C. No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section and has been given a reasonable amount of time to comply or has refused to comply. If the individual fails to comply in a reasonable time, a law enforcement officer may than issue a citation under this section.
- D. This section does not permit any conduct which is prohibited by SMC 10.10.025 regarding interference with pedestrian or vehicular traffic.
- E. A violation of SMC 10.10.026 is a misdemeanor.
- F. The provisions of this section are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this section, or the invalidity of the application thereof to any person or circumstance does not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

PASSED BY THE CITY COUNCIL ON \_\_\_\_\_, 2008.

\_\_\_\_\_  
Council President

Approved as to form:

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

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Effective Date