

1 [Police Code—Prohibiting Sleeping or Lying on the Sidewalk.]

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3 **Ordinance amending Police Code sections 22, 23 and 24 to prohibit sleeping or lying**
4 **on the sidewalk.**

5 Note: Additions are *single-underline italics Times New Roman*;
6 deletions are *strikethrough italics Times New Roman*.
7 Board amendment additions are double underlined.
8 Board amendment deletions are ~~strikethrough normal~~.

8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. The San Francisco Police Code is hereby amended by amending Section
10 22, to read as follows:

11 **SEC. 22. SLEEPING OR LYING ON A SIDEWALK OR OBSTRUCTING ANY STREET,**
12 **SIDEWALK, PASSAGEWAY OR OTHER PUBLIC WAY PROHIBITED; PENALTY;**
13 **EXCEPTIONS.**

14 (a) Findings.

15 (1) The sidewalks of the City and County of San Francisco are an essential and
16 valuable community resource, and the public has the right to safe, unobstructed
17 passage and use of the sidewalks.

18 (2) Promotion and protection of the right to safe, unobstructed passage and use
19 of the public sidewalks is crucial to maintaining the economic, social and
20 cultural vitality of the City.

21 (3) Sleeping on the sidewalk is unsafe, unsanitary, undignified and
22 inhumane. It is the policy of the City and County of San Francisco to
23 provide shelter to its homeless residents and to encourage people to
24 accept the wide array of health and human services offered by the City.

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1 (4) Recognizing that many people who sleep or lie on the public sidewalks are in
2 need of health and human services, it is the policy of the City and County of San
3 Francisco that all reasonable and practical efforts will be made to direct people
4 to the appropriate services and obtain voluntary compliance with these
5 provisions before any citation is issued.

6 (~~a~~b) No person shall sleep or lie on a sidewalk or willfully and substantially
7 obstruct the free passage of any person or persons on any street, sidewalk, passageway or
8 other public place.

9 (~~b~~c) Penalty. Any person who shall violate the provisions of this Section shall
10 be guilty of an infraction, the penalty for which shall be a fine of not less than \$50 nor more
11 than \$500.

12 (~~e~~d) Exceptions. (1) It is not intended that this Section shall apply where its
13 application would result in an interference with or inhibition of any exercise of the
14 constitutionally protected right of freedom of speech or assembly; ~~and~~(2) nothing contained
15 herein shall be deemed to prohibit persons from sitting on public benches or other public
16 facilities provided for such purpose; ~~(3) nothing contained herein shall apply to a person~~
17 experiencing a medical emergency.

18 (e) No person shall be cited for sleeping or lying on a sidewalk unless such person
19 engages in the prohibited conduct after written or verbal notification by a law enforcement officer that
20 the conduct violates this section.

21 Section 2. The San Francisco Police Code is hereby amended by amending Section
22 23, to read as follows:

23 **SEC. 23. SLEEPING OR LYING ON A SIDEWALK OR OBSTRUCTING ANY STREET,**
24 **SIDEWALK, PASSAGEWAY OR OTHER PUBLIC WAY PROHIBITED, SECOND OFFENSE**
25 **WITHIN 24 HOURS; PENALTY; EXCEPTIONS.**

1 (a) Any person who sleeps or lies on a sidewalk or willfully and substantially
2 obstructs the free passage of any person or persons on any street, sidewalk, passageway or
3 other public place within 24 hours after violating and being cited for said violation of Section
4 22 shall be in violation of this Section.

5 (b) Penalty. Any person who shall violate the provisions of this Section shall
6 be guilty of a misdemeanor, the penalty for which shall be imprisonment in the County Jail for
7 a period not exceeding six months or by a fine of not more than \$500, or by both such fine
8 and imprisonment.

9 (c) Exceptions. (1) It is not intended that this Section shall apply where its
10 application would result in an interference with or inhibition of any exercise of the
11 constitutionally protected right of freedom of speech or assembly; ~~and~~ (2) nothing contained
12 herein shall be deemed to prohibit persons from sitting on public benches or other public
13 facilities provided for such purpose; and (3) nothing contained herein shall apply to a person
14 experiencing a medical emergency.

15 (d) No person shall be cited for sleeping or lying on a sidewalk unless such person
16 engages in the prohibited conduct after written or verbal notification by a law enforcement officer that
17 the conduct violates this section.

18 Section 3. The San Francisco Police Code is hereby amended by amending Section
19 24, to read as follows:

20 **SEC. 24. SLEEPING OR LYING ON A SIDEWALK OR OBSTRUCTING ANY STREET,**
21 **SIDEWALK, PASSAGEWAY OR OTHER PUBLIC WAY PROHIBITED: SECOND OFFENSE**
22 **WITHIN 120 DAYS OF CONVICTION; PENALTY; EXCEPTIONS.**

23 (a) Any person who sleeps or lies on a sidewalk or willfully and substantially
24 obstructs the free passage of any person or persons on any street, sidewalk, passageway or
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1 other public place within 120 days after the date of conviction of a violation of Section 22 shall
2 be in violation of this Section.

3 (b) Penalty. Any person who shall violate the provisions of this Section shall
4 be guilty of a misdemeanor, the penalty for which shall be imprisonment in the County Jail for
5 a period not exceeding six months or by a fine of not more than \$500, or by both such fine
6 and imprisonment.

7 (c) Exceptions. (1) It is not intended that this Section shall apply where its
8 application would result in an interference with or inhibition of any exercise of the
9 constitutionally protected right of freedom of speech or assembly; ~~and~~ (2) nothing contained
10 herein shall be deemed to prohibit persons from sitting on public benches or other public
11 facilities provided for such purpose; and (3) nothing contained herein shall apply to a person
12 experiencing a medical emergency.

13 (d) No person shall be cited for sleeping or lying on a sidewalk unless such person engages in
14 the prohibited conduct after written or verbal notification by a law enforcement officer that the conduct
15 violates this section.

16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By: MARGARET W. BAUMGARTNER
19 Deputy City Attorney
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