

## **LEGISLATIVE DIGEST**

[Prohibition on Sitting or Lying on City Sidewalks.]

**Ordinance amending San Francisco Police Code by adding Section 168 to prohibit sitting or lying down upon a public sidewalk during specified hours and with exceptions for the disabled and others.**

### Existing Law

There is no current law prohibiting sitting or lying on public sidewalks in San Francisco.

### Amendments to Current Law

The proposed ordinance would make it unlawful to sit or lie upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between 7 a.m. and 11 p.m. at night.

The ordinance contains exceptions for a person: with a medical emergency, using a wheel chair or similar device due to disability, operating or patronizing a commercial establishment with a sidewalk use permit, participating in a parade, demonstration or similar event in compliance with a permit, sitting in a fixed chair or bench provided by a public agency or an abutting private property owner, sitting in line for goods or services so long as pedestrians are not impeded, or who is a child seated in a stroller.

No person may be cited under this section unless the person continues to engage in prohibited conduct after having been warned by a peace officer.

A first offense is an infraction punishable by a fine of not less than \$50 or more than \$100, and/or community service, for each provision violated.

A second offense within 24 hours of being cited for a first offense is a misdemeanor punishable by a fine of not less than \$300 and not more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for not more than 10 days, or by both fine and imprisonment.

A second offense within 120 days after being convicted of an offense is a misdemeanor punishable by a fine of not less than \$400 and not more than \$500, and/or community service, for each provision violated, or by imprisonment in the County Jail for not more than 30 days, or by fine and imprisonment.

The Police Department must make a written report to the mayor and the Board of Supervisors, evaluating the effect of the ordinance on the City's neighborhoods, one year from the effective date of the ordinance and every two years after that.

### Background Information

The proposed ordinance contains findings that persons who sit or lie on public sidewalks cause neighborhood residents, business patrons and tourists to avoid public streets, leading to neighborhood decline and decay. The proposed ordinance applies citywide so that enforcement of the law in one neighborhood or district will not permit individuals breaking the law to move to another neighborhood or district.

There is currently no City ordinance that prohibits sitting or lying on the public sidewalks. Police Code 22 prohibits willfully and substantially blocking a pedestrian. The proposed ordinance does not require the intent to block or the actual blocking of a particular pedestrian. The proposed ordinance is an attempt to address the deterrent effect on pedestrians who may not enter a neighborhood if they see individuals sitting or lying on the sidewalks.

Other cities around the country have enacted ordinances prohibiting sitting or lying on public sidewalks.