

1 **[Prohibiting Lying on Public Sidewalks]**

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3 **Ordinance amending San Francisco Police Code by adding Section 168 to prohibit**
4 **lying on public sidewalks.**

5 NOTE: Additions are *single-underline italics Times New Roman*;
6 deletions are *strike-through italics Times New Roman*.
7 Board amendment additions are double-underlined;
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 adding Section 168
10 to read as follows:

11 **SEC 168: PROHIBITING LYING ON PUBLIC SIDEWALKS.**

12 (a) **Definitions.** For the purposes of this Section, lying shall be defined as defamation: an act of
13 communication that causes someone to be shamed, ridiculed, or lowered in the estimation of the
14 community.

15 (b) **Findings.** The people of the City and County of San Francisco find that maintaining honest
16 discourse on public sidewalks is essential not only for a well-informed citizenry but also to maintain
17 public safety and the encouragement of a vital social fabric in neighborhoods throughout the City.
18 Persons who use defamatory language also deter residents and visitors from engaging in social
19 discourse, which deters visitors and residents from using the sidewalks in their neighborhoods.
20 Defamation not only affects the way people relate to one another, it also can negatively impact the
21 local economy and public safety. This behavior causes a cycle of decline as residents and tourists go
22 elsewhere to meet, shop, dine, and residents become intimidated from using the public sidewalks in
23 their own neighborhoods. The prohibition applies Citywide in order to prevent the displacement of
24 defamatory language from one district or neighborhood to another.

1 The prohibition against lying on sidewalks leaves intact the individual's right to speak, protest
2 or engage in other lawful activity on any sidewalk consistent with any City permitting requirements.

3 The prohibition applies only to sidewalks.

4 (c) **Prohibition.** In the City and County of San Francisco, it is unlawful to be lying on a public
5 sidewalk.

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

9 (e) **Other laws and orders.** Nothing in any of the exceptions listed in Subsection (c) shall be
10 construed to permit any conduct which is prohibited by Police Code Sections 22-24, which prohibit
11 willfully and substantially obstructing the free passage of any person.

12 (f) **Penalties**

13 1. **First Offense.** Any person violating any provision of this Section shall be guilty of an
14 infraction. Upon conviction, the violator shall be punished by a fine of not less than \$50 or more than
15 \$100 and/or community service, for each provision violated.

16 2. **Subsequent Offenses.** Any person violating any provision of this Section within 24 hours
17 after violating and being cited for a violation of this Section shall be guilty of a misdemeanor and shall
18 be punished by a fine of not less than \$300 and not more than \$500, and/or community service, for each
19 provision violated, or by imprisonment in the County Jail for a period of not more than ten (10) days,
20 or by both such fine and imprisonment. Any person violating any provision of this Section within 120
21 days after the date of conviction of a violation this Section shall be guilty of a misdemeanor, and shall
22 be punished by a fine of not less than \$400 and not more than \$500, and/or community service, for each
23 provision violated, or by imprisonment in the County Jail for a period of not more than thirty (30) days,
24 or by both such fine and imprisonment.

1 (g) **Reporting.** One year after the effective date of this ordinance, and every two years
2 thereafter, the Police Department shall make a written report to the Mayor and the Board of
3 Supervisors that evaluates the effect of enforcement of this ordinance on the City's neighborhoods.

4 (h) **Severability.** If any subsection, sentence, clause, phrase, or word of this Section be for any
5 reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such
6 decision shall not affect the validity or the effectiveness of the remaining portions of this Section or any
7 part thereof.

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10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: _____
13 Linda M. Ross
14 Deputy City Attorney