

**CITY OF MONROE  
ORDINANCE NO. 004/2018**

AN ORDINANCE OF THE CITY OF MONROE,  
WASHINGTON, AMENDING TITLE 12 MMC BY THE  
ADDITION OF A NEW CHAPTER 12.35 SITTING OR  
LYING DOWN ON PUBLIC SIDEWALKS; PROMOTING  
PEDESTRIAN SAFETY BY PROHIBITING PERSONS  
FROM SITTING OR LYING DOWN UPON PUBLIC  
SIDEWALKS NEAR PUBLIC ENTRYWAYS;  
ESTABLISHING EXCEPTIONS, ENFORCEMENT  
PROCEDURES AND PENALTIES THEREFORE;  
PROVIDING FOR SEVERABILITY; AND FIXING A TIME  
WHEN THE SAME SHALL BECOME EFFECTIVE

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WHEREAS, the City of Monroe has a significant public interest in ensuring the safe and efficient flow of pedestrian traffic on public sidewalks; and

WHEREAS, the City has recently experienced an increased frequency of persons who sit or lie down on public sidewalks, particularly near businesses; and

WHEREAS, persons who sit or lie down upon the public sidewalk cause safety hazards that obstruct the lawful flow of pedestrian traffic, impede the ability of disabled persons to utilize the sidewalk, and interfere with the safe and efficient ingress and egress of commercial establishments that directly abuts the public sidewalk area; and

WHEREAS, these concerns are particularly acute near businesses, where there is a significant volume of pedestrian traffic and a high concentration of storefronts directly abutting the public sidewalk area; and

WHEREAS, the City Council desires to preserve the safety of the public sidewalk area and to reaffirm the primary purpose of said area for lawful pedestrian uses by adopting the regulations set forth in this ordinance; and

WHEREAS, the regulations set forth herein will directly serve and promote the public health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The above recitals, together with the content of Agenda Bill Nos. 18-051 and 18-066, are hereby adopted as legislative findings in support of this ordinance.

Section 2. Amendment of Title 12 MMC. Title 12 of Monroe Municipal Code is hereby amended by the addition of a new Chapter 12.35, Sitting or Lying Down on Public Sidewalks, to provide in its entirety as follows.

**Chapter 12.35**  
**SITTING OR LYING DOWN ON PUBLIC SIDEWALKS**

Sections:

- 12.35.010 Prohibition.
- 12.35.020 Exceptions.
- 12.35.030 Notice and inquiry.
- 12.35.040 Construction.
- 12.35.050 Penalty.

**12.35.010 Prohibition.**

A. No person may sit or lie down upon a public sidewalk during the hours between six o'clock in the morning (6:00 a.m.) and two o'clock in the morning (2:00 a.m.) within one hundred feet of a public entryway of any store, shop, office, business, or other building open to the public.

B. At all times it is unlawful to sit or lie down upon any drinking fountain, trash container, planter, bicycle rack or any other public sidewalk fixture not designed primarily for the purpose of sitting within one hundred feet of a public entryway of any store, shop, office, business, or other building open to the public.

C. At all times it is unlawful to sit or lie down upon the area of any public sidewalk that is located within a curb cut for vehicular access or adjacent to any vehicular loading dock within one hundred feet of a public entryway of any store, shop, office, business, or other building open to the public.

D. The prohibitions set forth in this section shall include without limitation the sitting or lying down upon a blanket, sleeping bag, mattress, chair, stool, or any other object that is placed upon a public sidewalk except as expressly authorized under this chapter.

**12.35.020 Exceptions.**

The prohibitions set forth in MMC 12.35.010 do 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, license or approval;
5. Sitting on a chair or bench supplied by a public agency or by the abutting private property owner pursuant to the appropriate permit, license or approval;

6. Sitting within a bus stop zone while waiting for public or private transportation;
7. Sitting on a privately-owned sidewalk fixture with the permission of the owner; or
8. Engaging in constitutionally protected expressive activities which would otherwise be restricted by the limitations in MMC 12.35.010.

**12.35.030 Notice and inquiry.**

A. No person shall be cited under this chapter unless the person engages in conduct prohibited by this chapter after having been notified by a city enforcement officer that such conduct violates this chapter.

B. Prior to citing a person under this chapter, the city enforcement officer shall first inquire as to the homeless status of the person. If the person responds that he/she is homeless, the officer shall not cite the person under this chapter unless: (i) the officer has verified the availability of shelter space no further than fifteen (15) miles from the Monroe city limits; (ii) the officer has notified the person of such availability and has offered to transport the person to the shelter; and (iii) the person continues to engage in conduct prohibited by this chapter notwithstanding such notification and offer.

**12.35.040 Construction.**

This chapter shall be construed and enforced in a manner consistent with the First and Fourteenth Amendments to the United States Constitution and Article I of the Washington Constitution.

**12.35.050 Penalty.**

Any person violating the provisions of this chapter is guilty of a misdemeanor, and upon conviction shall be punished by a fine in an amount not exceeding one thousand dollars, or by imprisonment in jail for a term not exceeding ninety days, or by both.

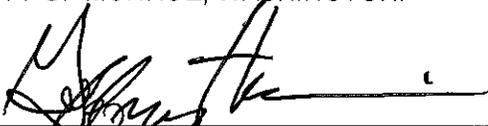
Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall be published in the City's newspaper of record and shall take effect thirty (30) days from and after its final passage as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 6th day of March, 2018.

First Reading: February 20, 2018  
Adoption: March 6, 2018  
Published: March 9, 2018  
Effective: April 5, 2018

CITY OF MONROE, WASHINGTON:

  
\_\_\_\_\_  
Geoffrey Thomas, Mayor

(SEAL)  
ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Elizabeth M. Adkisson, MMC, City Clerk

  
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J. Zachary Lell, City Attorney