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## municipal code

Tuesday, March 20th - 1:40 PM

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### SPOKANE MUNICIPAL CODE

[Title 10](#) Regulation of Activities

Division I. Penal Code

[Chapter 10.10](#) Offenses Against Peace and Order

[Section 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) of this section 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) of this section.

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 then 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.

Date Passed: Monday, November 24, 2008

Effective Date: Saturday, January 10, 2009

ORD C34338 Section 1

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