

ORDINANCE No. 10867

AN ORDINANCE RELATING TO THE USE OF PUBLIC SIDEWALKS ADDING A NEW SECTION TO CHAPTER 10.24, OFFENSES AGAINST PUBLIC ORDER, PROHIBITING SITTING OR LYING ON PUBLIC SIDEWALKS.

WHEREAS, the City of Bellingham has received numerous complaints from business owners, employees, shoppers, and other pedestrians that persons sitting or lying in public sidewalks in commercial business districts have created a danger to the public health, safety, and welfare by blocking and intimidating pedestrians, by littering, and by causing minor property damage to plantings; and

WHEREAS, persons sitting or lying on sidewalks may deter other members of the public from frequenting those commercial areas which can then undermine the economic vitality of the area; and

WHEREAS, the City of Bellingham has determined that the criminal offense of pedestrian interference has not been effective in addressing the problem in situations where there is a lack of proof that the person intentionally blocked the sidewalk for the purpose of obstructing pedestrians; and

WHEREAS, the City of Bellingham has determined that the Central Business District and the Fairhaven Business District have demonstrated that this conduct creates a substantial danger to pedestrians and a deterrence to economic vitality;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. A new section to the Bellingham Municipal Code shall be identified as 10.24.070 and added as follows:

A. Prohibition. No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, bollard, planter, fountain, railing or any other object placed upon a public sidewalk during the hours between seven a.m (7:00 a.m.) and nine p.m. (9:00 p.m.) in the following zones:

1. Central Business District ("CBD"). The Central Business District, for the purposes of this Section, is the area bounded by the streets hereafter named, including said streets and their abutting sidewalks: On the east bounded by State Street from Whatcom Creek to Maple Street, on the south Maple Street from State Street to Cornwall Street to the intersection of Chestnut and Bay Street, on the west from the intersection of Chestnut and Bay Street to Champion Street, on the southwest from Champion Street to the intersection of Cornwall and York Street, on the north from the intersection of Cornwall and York Street to Railroad and up to Whatcom Creek between Railroad and State Street.

2. The Fairhaven Business District ("FBD"). The Fairhaven Business District, for the purposes of this Section, shall be defined by the area bounded by the streets hereafter named, including said streets and their abutting sidewalks: The area bounded by Mill Avenue on the north from 10th Street to 13th Street to Larrabee Avenue on the east, Larrabee Avenue on the south from 13th Street to 10th Street from Larrabee to Mill Avenue on the west. In addition the prohibited area in the Fairhaven Business District shall include 12th Street from Larrabee to Cowgill and Harris Avenue from 10th Street to 4th Street.

B. Exceptions. The prohibitions in subsection A shall not apply to any person:

1. Sitting or lying down on a sidewalk due to a medical emergency.
2. Who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk.

3. Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit;

4. Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner;

5. Sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by BMC Section 10.24.010 (Disorderly Conduct) or BMC Section 10.24.040 (Pedestrian Interference).

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.

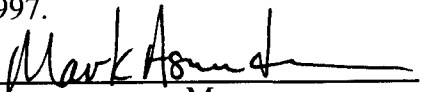
D. A violation of this Section shall be a civil infraction and shall subject the violator to a fine of up to two hundred and fifty dollars (\$250.00), plus statutory assessment. If the person is unable to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty. The default amount shall be one hundred dollars (\$100.00).

PASSED by Council this 28 day of July, 1997.



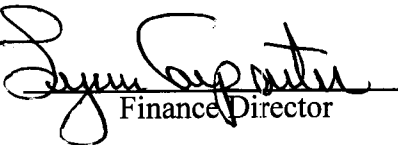
Council President

APPROVED by me this 13 day of Aug., 1997.



Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published: 8/15/97

