

**ORDINANCE NO. 20110303-029**

**AN ORDINANCE AMENDING CHAPTER 9-4, ARTICLE 2 OF THE CITY CODE RELATING TO OFFENSES RELATED TO PROHIBITED ACTS.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** City Code Section 9-4-14 is amended to amend the title to read:

SITTING OR LYING DOWN ON PUBLIC SIDEWALKS OR SLEEPING OUTDOORS IN THE DOWNTOWN [~~BUSINESS~~] AUSTIN COMMUNITY COURT AREA PROHIBITED

**PART 2.** City Code Section 9-4-14 (*Sitting or Lying Down on Public Sidewalks or Sleeping Outdoors in the Downtown [~~Business~~] Austin Community Court Area Prohibited*) is amended to add a definition of "disability" to read as follows and to reletter the remainder of Section 9-4-14 accordingly:

- (A) **DISABILITY** means having a physical or mental impairment which substantially limits one or more major life activities.
  - (1) **PHYSICAL OR MENTAL IMPAIRMENT** means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
  - (2) **MAJOR LIFE ACTIVITIES** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, learning, breathing, and working.

**PART 3.** Section 9-4-14 (*Sitting or Lying Down on Public Sidewalks or Sleeping Outdoors in the Downtown [Business] Austin Community Court Area Prohibited*) of the City Code is amended to repeal and replace Subsection (C) and relettered to read:

- (D) This section applies in the following area, including the streets and pedestrian rights-of-way that bound the area, but does not apply on the campus of the University of Texas:
- (1) beginning at the intersection of 29th Street (West) and Lamar Boulevard (North);
  - (2) south on Lamar Boulevard (North) to the north shore of Lady Bird Lake;
  - (3) east along the north shore of Lady Bird Lake to the point directly south of the curve at the intersection of Jesse E. Segovia Street and Robert Martinez, Jr. Street;
  - (4) north to the curve at the intersection of Jesse E. Segovia Street and Robert Martinez, Jr. Street;
  - (5) west along Jesse E. Segovia Street to the intersection of Chicon Street;
  - (6) north on Chicon Street to the intersection of Seventh Street (East);
  - (7) west on Seventh Street (East) to the IH-35 East Frontage Road;
  - (8) north on the IH-35 East Frontage Road to the intersection of Martin Luther King, Jr. Boulevard;
  - (9) west on Martin Luther King, Jr. Boulevard to the intersection of Guadalupe Street;
  - (10) north on Guadalupe Street to the intersection of 29th Street (West);  
and
  - (11) northwest on 29th Street (West) to the intersection of Lamar Boulevard (North), the place of beginning.

**PART 4.** Subsection (E) of Section 9-4-14 (*Sitting or Lying Down on Public Sidewalks or Sleeping Outdoors in the Downtown [Business] Austin Community Court Area Prohibited*) of the City Code is amended and relettered to read:

- (F) This section does not apply to a person:
- (1) sits or lies down because of a medical emergency;

- ~~[(2)]~~ ~~sits or lies down as the result of a disability, uses a wheelchair or similar device to move about];~~
- [(3)](2) operates or patronizes a commercial establishment that conducts business on the sidewalk under Title 14 (*Streets and Use of Public Property*) of the Code;
- [(4)](3) participates in or views a parade, festival, performance, rally, demonstration, or similar event;
- [(5)](4) sits on a chair or bench that is supplied by a public agency or by the abutting private property owner;
- [(6)](5) sits within a bus stop zone while waiting for public or private transportation; or
- [(7)](6) is waiting in a line ~~[to purchase tickets to or attend a performance]~~ for goods, services, or a public event.

**PART 5.** Section 9-4-14 (Sitting or Lying Down on Public Sidewalks or Sleeping Outdoors in the Downtown [Business] Austin Community Court Area Prohibited) of the City Code is amended to add subsection (G) to read as follows:

- (G) It is an affirmative defense to prosecution if a person sits or lies down as the result of a physical manifestation of a disability, not limited to visual observation.

**PART 6.** This ordinance takes effect on May 1, 2011.

**PASSED AND APPROVED**

\_\_\_\_\_ March 3 \_\_\_\_\_, 2011      §  
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    \_\_\_\_\_  
    Lee Leffingwell  
    Mayor

**APPROVED:** \_\_\_\_\_  
    Karen Kennard  
    Acting City Attorney

**ATTEST:** \_\_\_\_\_  
    Shirley A. Gentry  
    City Clerk