

**§ 9-4-14 SITTING OR LYING DOWN ON PUBLIC SIDEWALKS OR SLEEPING OUTDOORS IN THE DOWNTOWN AUSTIN COMMUNITY COURT AREA PROHIBITED.**

(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.

(B) The council finds that the City has a compelling interest in:

- (1) encouraging and preserving a vital, pedestrian-friendly urban core;
- (2) promoting tourism and business in the central business district;
- (3) preserving the quality of urban life and in protecting its citizens from intimidating behavior; and
- (4) encouraging businesses and neighborhoods in the central city where walking is a realistic alternative to vehicles that use fossil fuels.

(C) The council finds that in areas with high pedestrian traffic and a high incidence of petty crime related to public disorder, individuals sitting or lying in the pedestrian right-of-way:

- (1) contribute to a sense of fear, intimidation, and disorder;
- (2) are disruptive to residents, businesses, and customers;
- (3) discourage, block, or inhibit the free passage of pedestrians; and
- (4) contribute to the loss of access to and enjoyment of public places.

(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.

(E) A person commits an offense if, after having been notified by a law enforcement officer that the conduct violates this section:

- (1) the person is asleep outdoors; or
- (2) the person sits or lies down in the right- of-way between the roadway and the abutting property line or structure, or on an object placed in that area.

(F) This section does not apply to a person who:

- (1) sits or lies down because of a medical emergency;
  - (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;
  - (3) participates in or views a parade, festival, performance, rally, demonstration, or similar event;
  - (4) sits on a chair or bench that is supplied by a public agency or by the abutting private property owner;
  - (5) sits within a bus stop zone while waiting for public or private transportation;
- or
- (6) is waiting in a line for goods, services, or a public event.

(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.

(H) A culpable mental state is not required, and need not be proved, for an offense under this section.

*Source: 1992 Code Section 10-1-26; Ord. 031023-13; Ord. 031211-11; Ord. 20051215-017; 20110303-029.*