
Meeting Date: July 7, 2025

Subject: New TMC Section 10.36.020 – Sitting, Lying on Sidewalk in the Designated Zone

Attachments: Draft Ordinance No. 2025-06

Presented by: Daniel B. Heid – City Attorney and
Joseph Mehline – Public Safety Director

Approved for Agenda by: Dan Ford, PE – City Manager

Discussion:

The Ordinance submitted for the Council's consideration is an ordinance commonly referred to as a no sit – no lie ordinance (also sometimes referred to as sit-lie law).

The Ordinance prohibits sitting or lying on the sidewalk or in other public spaces. This ordinance was drafted to be in conformity with the recent U. S. Supreme Court decision in *City of Grants Pass v. Johnson* that ruled that local governments can enforce anti-camping ordinances, and that allows cities to penalize individuals for sleeping or camping on public property.

The Court decision clarifies the authority of cities to regulate activity on their streets and other public property under Art. 11 § 11 of the Constitution of the State of Washington, as well as RCW 35.22.280 and RCW 46.61.570.

Similar ordinances have been adopted in a number of cities in this state, including Seattle, Spokane, Everett, Pasco, Kennewick, Lakewood, Marysville, and others.

Sit-lie ordinances have also been adopted in out-of-state cities, such as Portland, Oregon, and several San Francisco Bay Area cities – Santa Cruz, Palo Alto, and even the City of San Francisco.

The rationale for such ordinances is that such ordinances are useful or necessary in keeping sidewalks free from obstruction, particularly for use by mobility-impaired persons, and that they are a useful tool in resisting undesirable behavior.

These ordinances are intended to deter activities that are seen as harmful or disruptive.

The problems sought to be addressed by this ordinance are problems that the City of Toppenish and its citizens have faced.

Recommendation:

Consider adopting proposed Ordinance No. 2025-06 at a future meeting for the new TMC Section 10.36.020 for Sitting, Lying on Sidewalk in the Designated Zone.