



(d) Defense: It is an affirmative defense to a violation of this section that a person:

(1) Sits, kneels, reclines or lies down upon the public right-of-way due to a medical emergency.

(2) As a result of a medically confirmable disability, utilizes a wheelchair, walker or other similar mobility supporting device to move about the public right-of-way.

(3) Is operating or patronizing a commercial establishment located in the public right-of-way pursuant to any permit or license issued by the City.

(4) Sits or kneels on the public right-of-way when attending a parade, festival, performance, rally, demonstration, meeting or similar special event conducted in the public right-of-way pursuant to any permit or license issued by the City.

(5) Sits upon an object intended for sitting in the public right-of-way furnished by the City or by any other public agency.

(6) Sits upon a public sidewalk at or near a transit stop while waiting for public transportation.

(e) Notification by Law Enforcement. No law enforcement officer shall issue a citation, make an arrest, or otherwise enforce this section against any person unless the person engages in conduct prohibited by this section after having first been notified by a law enforcement officer that the conduct violates this section.

(f) Penalties.

(1) Upon a conviction for a first offense for violating this section, the court shall impose a fine of not more than five hundred dollars (\$500.00), or a sentence of probation, or both.

(2) Upon a conviction for a second or subsequent offense for violating this section, the court shall impose a fine of not more than five hundred dollars (\$500.00), or imprisonment in jail for a period of not more than ninety (90) days, or a sentence of probation, or by a combination of fine, imprisonment, and a sentence of probation.

INTRODUCED, READ AND ORDERED POSTED this \_\_\_\_ day of \_\_\_\_\_,  
2016.

\_\_\_\_\_  
JOYCE DOWNING  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2016.

\_\_\_\_\_  
JOYCE DOWNING  
Mayor

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
COREY Y. HOFFMANN  
City Attorney