



CITY OF SEBASTOPOL CITY COUNCIL

AGENDA ITEM REPORT FOR MEETING OF: August 4, 2026

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To: Honorable City Councilmembers
From: Mayor Jill McLewis
City Attorney Alex Mog
Department: City Administration
Subject: Consideration of Introduction and Waiving of Full Reading of Proposed Ordinance amending Chapter 12.24 of the Sebastopol Municipal Code to add Section 12.24.060, "Sitting or Lying on Public Sidewalks"

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RECOMMENDATION(s):

That the City Council introduce and waive full reading of the attached proposed Ordinance amending Chapter 12.24 of the Sebastopol Municipal Code to add Section 12.24.060, "Sitting or Lying on Public Sidewalks," prohibiting sitting or lying upon a public sidewalk between the hours of 7:00 a.m. and 11:00 p.m., with specified exceptions, and schedule the second reading and adoption for the Regular City Council Meeting of September 1, 2026.

PROCESS OF AGENDA ITEM:

- Presentation by Presenter Mayor McLewis/City Attorney Mog
- Council questions and discussion
- Public Comment
- Deliberation and action

EXECUTIVE SUMMARY: The proposed ordinance would prohibit any person from sitting or lying down upon a public sidewalk within the City of Sebastopol between the hours of 7:00 a.m. and 11:00 p.m. The prohibition is intended to maintain safe and accessible pedestrian pathways, support walkable neighborhoods, and protect the vitality of local businesses during peak hours of commercial and residential sidewalk use.

The ordinance contains carefully crafted exceptions for medical emergencies, persons using mobility devices due to disability, permitted commercial activity, permitted special events, use of public or private benches, waiting in line for goods or services (provided the path of travel is not impeded), and persons using strollers or similar devices. No citation may be issued unless the individual has first been notified by a peace officer that the conduct violates the ordinance. Penalties include an administrative citation (fine of \$100–\$500) or, alternatively, a misdemeanor punishable by fine, community service, and/or up to ten days in County Jail.

The ordinance applies citywide to public sidewalks only and does not restrict sitting or lying in City parks, on public benches, or in other common areas open to the public. It expressly preserves free-speech and assembly rights consistent with applicable permitting requirements.

BACKGROUND:

At the September 2, 2025 City Council Meeting, the City Council provided direction to the City Attorney to prepare ordinances based upon community concerns. At the request of Mayor McLewis, one of those ordinances was an ordinance to provide standards for public space use and address community safety concerns.

Maintaining clear, safe, and inviting public sidewalks is essential to public safety, neighborhood walkability, and the economic health of Sebastopol's commercial districts. Sidewalks are most heavily used during daytime and

evening hours when local businesses are open and residents are traveling to and from work, school, shopping, and recreation.

Individuals who sit or lie on public sidewalks during these hours can physically obstruct or substantially narrow the path of travel, creating hazards for pedestrians, including persons with disabilities, seniors, parents with strollers, and other sidewalk users. Even when a path of travel remains, the presence of persons sitting or lying on the sidewalk can deter residents and visitors from using neighborhood sidewalks and from patronizing nearby shops, restaurants, and other businesses. The cumulative effect of multiple persons sitting or lying on sidewalks further reduces the likelihood that the public will use those sidewalks.

DISCUSSION:

The proposed ordinance implements Council direction from the September 2, 2025 meeting by establishing clear, enforceable standards for public sidewalk use during peak hours. The ordinance balances the City's interest in maintaining safe, accessible, and inviting public rights-of-way with constitutional protections for free expression and the practical needs of persons with disabilities, those experiencing medical emergencies, and participants in permitted commercial or special events. The required prior warning by a peace officer before any citation ensures that enforcement is educational and proportionate. Citywide application prevents displacement of prohibited activity from one neighborhood to another while leaving parks, benches, and other common areas available for sitting and lying during times sitting or lying on the sidewalk is prohibited.

STAFF ANALYSIS:

The draft has been prepared by the City Attorney consistent with Council direction and current constitutional standards following *City of Grants Pass v. Johnson*. The ordinance is narrowly tailored to public sidewalks during specified hours, contains multiple protective exceptions, and requires a prior warning before enforcement. No additional staff positions or significant new resources are required for implementation; enforcement can be conducted within existing Police Department operations. The ordinance is consistent with the City's interest in protecting pedestrian safety, neighborhood livability, and commercial vitality while preserving free-speech and assembly rights.

CITY COUNCIL GOALS/PRIORITIES/ AND OR GENERAL PLAN CONSISTENCY:

This agenda item represents the City Council goals/priorities as follows:

Goal 4: HIGH PERFORMANCE ORGANIZATION

Restore public trust, improve public communications, and strengthen collaborative partnerships with outside agencies and service providers.

Goal 2: PUBLIC SAFETY

Strengthen the public's safety and improve the quality of life. Includes supporting first responders, responding to emergencies, protecting people, property, and businesses, and engaging in coordinated public safety and community outreach efforts.

PUBLIC COMMENT:

As of the preparation of this staff report, no public comments have been received on this item. Any comments received after distribution of the report will be provided to the City Council as supplemental materials. Public comment will also be accepted during the meeting.

COMMUNITY OUTREACH:

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

FISCAL IMPACT:

There is no direct fiscal impact associated with the introduction of this Ordinance. No additional staff positions or significant new resources are required for implementation; enforcement can be conducted within existing Police Department operations.

RESTATED RECOMMENDATION:

That the City Council approve introduction and waiving of full reading of the attached proposed Ordinance amending Chapter 12.24 of the Sebastopol Municipal Code to add Section 12.24.060, "Sitting or Lying on Public Sidewalks," prohibiting sitting or lying upon a public sidewalk between the hours of 7:00 a.m. and 11:00 p.m., with specified exceptions, and schedule the second reading and adoption for the Regular City Council Meeting of September 1, 2026.

CITY COUNCIL OPTIONS:

1. Introduce the ordinance with modifications directed by the City Council.
2. Decline to introduce the ordinance and provide alternative direction to staff.
3. Continue the item to a future meeting for additional public input or analysis.

ATTACHMENT(S):

Proposed Ordinance – Amending Chapter 12.24 to Add Provisions Regarding Sitting or Lying on Public Sidewalks

APPROVALS:

Department Head Approval: Approval Date: 7-27-2026

CEQA Determination (Planning): Approval Date: 7-27-2026

The City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines

General Plan Goal (Planning): Approval Date: 7-27-2026

Administrative Services (Financial) Approval Date: 7-27-2026

Costs authorized in City Approved Budget: ☐ Yes ☐ No ☒ N/A

Account Code (if applicable) _____

City Attorney Approval: Approval Date: 7-27-2026

City Manager Approval: Approval Date: 7-27-2026

ORDINANCE NUMBER XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL AMENDING SEBASTOPOL MUNICIPAL CODE CHAPTER 12.24, OBSTRUCTION OF STREETS, SIDEWALKS OR PUBLIC PLACES

WHEREAS, maintaining pedestrian and authorized commercial activity on public sidewalks is essential to public safety, walkable neighborhoods, and the local economy; and

WHEREAS, maintaining such access to the sidewalk is greatest during the hours when local businesses operate and sidewalks are most used, which is also the time when City residents are most likely to use their neighborhood sidewalks; and

WHEREAS, individuals who sit or lie down on the public sidewalk during these hours often impede a safe path of travel, threatening the safety of pedestrians and other authorized users; and

WHEREAS, even when individuals who sit or lie down on the public sidewalk do not physically eliminate any safe path of travel, they can greatly reduce the safe path of travel;

WHEREAS, even when individuals who sit or lie down on the public sidewalk do not physically eliminate any safe path of travel, they deter residents and visitors from patronizing local shops, restaurants and businesses, and deter people from using the sidewalks in their neighborhoods; and

WHEREAS, the more individuals who sit or lie on the sidewalk, the less likely residents and visitors are to use the sidewalk; and

WHEREAS, the proposed ordinance preserves the right of everyone to enjoy public space and traverse freely, while protecting the free-speech rights of individuals and groups; and

WHEREAS, the more individuals who sit or lie on the sidewalk, the less likely residents and visitors are to use the sidewalk; and

WHEREAS, in order to prevent displacement of violators from one neighborhood to another, the proposed ordinance applies throughout the City; and

WHEREAS, the proposed ordinance does not limit an individual's right to speak, protest or engage in other lawful activity on any sidewalk consistent with any applicable permitting requirements; and

WHEREAS, the proposed ordinance only applies to public sidewalks, and does not prevent an individual from sitting or lying down anywhere else, including but not limited to, City parks, on public benches, and other common areas open to the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ORDAIN AS FOLLOWS:

1. Recitals. The above Recitals are true and correct and are made a part of this Ordinance.

2. Amendment of Chapter 12.24. Sebastopol Municipal Code Chapter 12.24, Obstructions of Streets, Sidewalks or Public Places, is hereby amended to add Section 12.24.060, Sitting or Lying on Public Sidewalks, to read as follows:

Chapter. 12.50 Sitting or lying on public sidewalks

A. Prohibition. It is unlawful to sit or lie down upon a public sidewalk between seven (7:00) a.m. and eleven (11:00) p.m.

B. Exceptions. This prohibition shall not apply to any person:

1. Sitting or lying down on a public sidewalk due to a medical emergency;
2. Using a wheelchair, walker, or similar device as the result of a disability;
3. Operating or patronizing a commercial establishment legally conducted on the public sidewalk pursuant to a valid permit or license from the City of Sebastopol;
4. Participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted pursuant to and in compliance with a special use permit, encroachment permit, or other applicable permit;
5. Sitting on a chair or bench located on the public sidewalk supplied by a public agency or by the abutting private property owner;
6. Sitting in line for goods or services unless the person or person's possessions impede the ability of pedestrians to travel along the length of the sidewalk or enter a doorway or other entrance alongside the sidewalk;
7. Seated in and using a stroller, or similar device, to move about the sidewalk

C. Warning. No person shall be subject to any punishment under this Section unless the person engages in conduct prohibited by this Section after having been notified by a peace officer that the conduct violates this Section.

D. Penalties

1. **Administrative Citaiton.** Any person violating this Section may be subject to an administrative citation with a fine of not less than \$100 or more than \$500.
 2. **Criminal Violation.** Any person violating this Section shall be guilty of a misdemeanor. Upon conviction, the violator shall be punished by a fine of not less than \$100 or more than \$500 and/or community service, or by imprisonment in the County Jail for a period of not more than ten (10) days, or by both such fine and imprisonment.
3. CEQA. The Sebastopol City Council finds that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines. It can be seen with certainty that the ordinance has no potential for causing a significant effect on the environment.
 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed the Ordinance, and

each and every section, subsection, sentence, clause, phrase or portion not declared invalid or unconstitutional without regard to whether any portion of this Ordinance would be subsequently declared invalid or unconstitutional.

5. Effective Date and Publication. This Ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its adoption. Before the expiration of fifteen (15) days after said passage, this ordinance or a summary therefore as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Sebastopol, along with the names of the Council Members voting for or against its passage.

APPROVED FOR FIRST READING AND INTRODUCTION OF ORDINANCE at the Regular City Council Meeting of August 4, 2026.

SCHEDULED FOR SECOND READING AND ADOPTION OF ORDINANCE at the Regular City Council Meeting of September 1, 2026.

VOTE:

Ayes:

Noes:

Absent:

Abstain:

APPROVED:

Mayor Jill McLewis

ATTEST: _____

Mary Gourley, City Manager

APPROVED AS TO FORM: _____

Alex Mog, City Attorney