

**Town of Erie
Ordinance No. __-2026**

**An Ordinance of the Town Council of the Town of Erie Adding a
New Section 6-10-18 to the Erie Municipal Code to Regulate
Sitting or Lying Down in Public Rights-of-Way**

Whereas, the Town Council finds that it is in the best interest of the public health, safety, and welfare to regulate sitting or lying down in public rights-of-way.

Now Therefore be it Ordained by the Town Council of the Town of Erie, Colorado, as follows:

Section 1. The Noncriminal Violations Table in Section 1-4-6A of the Erie Municipal Code is hereby amended by the addition of the following:

6-10-18	Sitting or lying down in public rights-of-way
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Section 2. Chapter 10 of Title 6 of the Erie Municipal Code is hereby amended by the addition of a new Section 6-10-18, to read as follows:

6-10-18 – Sitting or lying down in public rights-of-way.

A. *Definition.* For purposes of this Section, *public right-of-way* means a street, sidewalk, trail, path, alley, parkway, curb, median, jersey wall, traffic island, or any other publicly owned property intended or used for pedestrian, recreational, or vehicular travel.

B. *Prohibition.* No individual shall sit, kneel, recline, or lie down upon the surface of any public right-of-way, or upon any bedding, chair, stool, or any other object placed upon the surface of the public right-of-way.

C. *Defense.* It is an affirmative defense to a violation of this Section if an individual:

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

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

6. Sits upon a public right-of-way at or near a transit stop while waiting for public transportation.

D. *Warning required.* No law enforcement officer shall issue a citation, make an arrest, or otherwise enforce this Section against any individual unless the individual has first been warned that the conduct violates this Section.

E. *Violation and penalty.* It is unlawful to violate any provision of this Section. Violations of this Section shall be subject to the noncriminal penalties set forth in Chapter 4 of Title 1 of this Code shall apply.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 4. Safety. The Town Council finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 5. Effective Date. This Ordinance shall take effect 10 days after publication following adoption.

Introduced, Read, Passed and Ordered Published this ____ day of _____, 2026.

Andrew J. Moore, Mayor

Attest:

Debbie Stamp, Town Clerk