



Kane County Attorney's Office

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CLARIFICATION OF OCTOBER 15, 2020 JOINT PRESS RELEASE FROM THE KANE COUNTY ATTORNEY, KANE COUNTY SHERIFF, AND KANAB CITY CHIEF OF POLICE

For Immediate Release

October 22, 2020

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On October 15, 2020, the Kane County Attorney (partnering with the Kane County Sheriff and Kanab City Chief of Police) issued a joint press release regarding the enforcement of sidewalk and pedestrian laws and the unsafe conditions that have resulted from protests happening at the intersection of State Route 89 and 89A (300 South and 100 East). We reiterate our commitment to ensuring each individuals' right to freedom of speech while also ensuring the safety of pedestrian and vehicle traffic. We want to clarify more specifically the laws that regulate pedestrian activities on sidewalks. Under Utah Code §§ 41-6a-1401(1)(a)&(b), vehicles (not pedestrians) cannot park, stop, or stand within twenty feet of a crosswalk, thirty feet of a roadside traffic signal, or in front of any public or private driveway. Under Utah Code 76-9-102(2) it is illegal for any person, whether using a vehicle or acting as a pedestrian, to obstruct pedestrian or vehicular traffic in a way that recklessly creates a risk of public inconvenience, annoyance or alarm. Kanab City Ordinance 11-370 prohibits congregating or doing any other activity on sidewalks which obstructs free travel or passage of persons.

Groups exercising their first amendment rights are free to do so on public property including on sidewalks. However, they are not free to congregate in a manner that blocks or obstructs the safe travel of vehicles or pedestrians. We reemphasize that this type of congregating at the intersection of State Route 89 and 89A is very dangerous for both vehicles and pedestrians. Any individual or group that is engaging in this type of activity will be asked to move their activity to a safer location.

Examples of a safer locations include the lawn of the Kanab Center or a Kanab City Park.

Additionally, at this time, early voting has begun at the Kane County Courthouse. This location was previously suggested as a safe location for protesting activities. Under Utah Code 20A-3a-501 certain activities are not allowed within 150 feet of the Courthouse while it is open as a polling location. These activities include electioneering, circulating cards or handbills of any kind, soliciting signatures for a petition, or interfering with voters or the administration of the election.
