



## Kane County Attorney's Office

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### **JOINT PRESS RELEASE FROM THE KANE COUNTY ATTORNEY, KANE COUNTY SHERIFF, AND KANAB CITY CHIEF OF POLICE**

#### **For Immediate Release**

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### **ENFORCEMENT OF SIDEWALK AND PEDESTRIAN LAWS ALONG STATE HIGHWAY 89 AND 89A IN KANAB CITY AND KANE COUNTY**

The United States of America and the State of Utah enjoy a rich history of peaceful protesting. These actions of engaged citizens enjoy strong protections under the First Amendment and other portions of the Constitution of the United States and corresponding portions of the Constitution of the State of Utah. As law enforcement officials we have sworn an oath to protect and uphold these rights.

Constitutional law, while protecting the freedom of speech and the freedom of assembly, also allows state and local governments to pass and enforce laws of general applicability that may result in placing some limitations on peaceful protests. These laws must not relate to any of the substance or content of speech and can only restrict the time, place, and manner of the otherwise lawful protest activity. Also, the restrictions must have a rational basis for protecting the health, safety, and welfare of the community.

Under Utah State Code it is unlawful to impede traffic on a state highway or to stop or stand on any sidewalk. More specifically it is unlawful to stop or stand on the sidewalk of a state highway within thirty feet of any traffic signal, within twenty feet of a crosswalk, or in front of any public or private driveway. See Utah Code §§ 41-6a-1401(1)(a)&(b); 41-6a-1009(4)(a); and 76-9-

102(2); see also, Kanab City Code Sections 11-370 and 11-371.

This summer our nation and state have seen many large and sustained protests over various causes. Many of these protests have been peaceful. However, many protests quickly or over time have turned into violent riots resulting in serious criminal behavior including theft, the destruction of property, injury to protesters, bystanders, and public servants, and in some cases death.

In Kanab we have seen many protests. By and large these gatherings have been peaceful and have not resulted in any serious incident to persons or property. However, over the last few weeks we have seen an escalation of the actions of competing groups of protestors who congregate on the sidewalks at the intersection of State Route 89 and 89A (300 South and 100 East). Just last week an incident occurred between a few individuals at the protests. This incident is currently under investigation for potential criminal charges.

The protests occurring at this intersection are not only unlawful but they are becoming increasingly dangerous. This intersection has a history of pedestrian-vehicle accidents which have resulted in serious injuries including one death last year. Although the State has made recent changes to improve the safety of the intersection, congregations of people at the intersection still result in distraction and obstructed views for drivers and pedestrians and are very dangerous. We must take action now to mitigate these dangerous conditions. We also refuse to take no action when protests escalate to more serious criminal activity.

Beginning immediately Kanab City Police Officers and Kane County Sheriff's Deputies will strictly enforce all state and local laws regarding stopping or standing on the sidewalks adjacent to State Route 89 and 89A or impeding the flow of traffic. Any individual who is found to be congregating on these sidewalks or impeding traffic will be asked to leave. Any individual who refuses to obey a lawful order to leave will be cited or arrested.

We strongly encourage any person or group desiring to engage in peaceful protesting activities to find other locations that are safer for our community. Examples of safe locations could be the lawn in front of the County Courthouse, the lawn in front of the Kanab Center, the Jacob Hamblin Park, or the Ranchos Park. Organizers of peaceful protests should ensure that they are otherwise in compliance with all state and local laws.

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