

**Staff Report**

File #: 19-348**Version:** 1**Date:** 11/25/2019**Item #:** 7.1 a.

TO: Mayor and City Council**FROM:** Steve Powers, City Manager**SUBJECT:**

Regulating the use of sidewalks and public spaces

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Areas: Good Governance; Safe Community; Strong and Diverse Economy; Welcoming and Livable Community

ISSUE:

Shall the City Council conduct first reading of Ordinance Bill No. 10-19 to regulate use of sidewalks and public spaces and advance to second reading for enactment?

RECOMMENDATION:

Conduct first reading of Ordinance Bill No. 10-19 (Attachments 1 & 2) to regulate use of sidewalks and public spaces and advance to second reading for enactment.

SUMMARY:

The proposed ordinance is narrow in scope, and allows a variety of exceptions, to preserve and protect the rights of all residents to use the city's sidewalks. The ordinance bill:

- Restricts sitting or lying on public sidewalks between the hours of 7:00 am and 9:00 pm with certain exceptions,
- Imposes a 24-hour restriction on maintaining a campsite on public sidewalks or public property,
- Restricts leaving personal property unattended on public sidewalks.

The ordinance allows individuals to sit, lie or sleep on public sidewalks outside the hours the ordinance is in effect.

The ordinance bill makes changes to the City's crime prevention zones to implement the ordinance and update those sections to be consistent with state law.

In recent years, the City of Salem has seen an increase in the frequency and duration of campsites in public areas and of people sitting, lying, and leaving personal property unattended on sidewalks. These uses are detrimental to public safety and welfare and the economic vitality of affected businesses and neighborhoods. The City has received complaints from residents, businesses, and social service providers regarding these issues. Urban Development and Police Department staff receive multiple complaints each week. The complaints are received in a variety of ways, including calls into the dispatch center, Urban Development, and through individual contacts with Police officers and other City staff while working in the area.

Residents, employees, and visitors have reported feeling unsafe using public sidewalks. Businesses have reported customer concerns and economic harm from behaviors on public sidewalks. People sitting, laying, or camping on sidewalks discourage others from using the sidewalks, particularly people with disabilities. Camping in public areas creates problems with trash and human waste that constitutes a public nuisance and harms public health and safety.

In 2018, a task force was formed to evaluate specific impacts of homelessness in Salem, including regarding safety, trash, health, and hygiene. Included in the task force recommendations was the establishment of a Downtown Good Neighbor Partnership. In conjunction with forming the Partnership staff was asked to review Salem's codes and ordinances to ensure that the City balances the rights of people that live, work, and shop downtown.

Other communities have adopted policies and regulations to address the issues with public sidewalks that Salem is now experiencing. The communities that have had the greatest success in implementing the regulations are those that balance need to preserve public safety and economic vitality of the community with the rights of individuals to use the public sidewalks. Ordinance Bill No. 10-19 balances those, sometimes, conflicting objectives, by limiting the scope of the restrictions, providing for exceptions where appropriate, and requiring City personnel to provide notice or warn offenders before taking enforcement action. The City will continue to connect people needing help with services available at non-profit organizations.

FACTS AND FINDINGS:

The City conducted three public forums to share information and receive input on the proposed ordinance. Outreach efforts and comments are summarized in Attachment 3. Copies of actual comments are contained in Attachment 4. Throughout the public outreach process, one of the most commonly asked questions had to do with how the ordinance would be implemented and enforced.

Prior to issuing a citation, the ordinance bill requires City personnel to warn individuals that the conduct is in violation of the code and give them an opportunity to correct their conduct. Through the ordinance, Police will have an additional opportunity to contact individuals in need of services. The City is committed to working directly with service providers to connect their services to individuals in need.

Enforcement inside the City's two crime prevention zones will differ from enforcement outside the zones. Inside a zone, an individual in violation of the ordinance will be issued a warning. They will be told that they are in violation of the ordinance, what the violation is, and encouraged to take advantage of available resources. If the officer returns and finds the individual has not complied with the ordinance, they will be issued a civil citation for violating the ordinance and they may also issue an exclusion order, that prohibits the individual from being within the zone. If the individual needs to be within the zone for reasons such as receiving services, work, or transit, the officer can provide them with an exclusion waiver, but not to engage in activities that violate the ordinance. If the individual refuses to comply with the exclusion or the terms of a waiver, they may be cited or arrested for trespass.

Outside of a crime prevention zone, warnings and citations will be issued for violating the ordinance, but the violation will not escalate to a trespass offense. Campsites, unpermitted structures and abandoned property in the public right of way in violation of the ordinance will continue to be subject to removal, after posting of notice.

Council may:

- 1) Proceed to second reading for enactment of the ordinance bill at a future meeting,
- 2) Direct that the ordinance bill be scheduled for a public hearing at a future meeting to receive public testimony,
- 3) Refer the ordinance back to staff to draft changes to the ordinance bill, or
- 4) Reject the ordinance.

BACKGROUND:

Over the past several years, the City, Urban Renewal Agency, and the Salem Housing Authority have addressed homelessness through a variety of measures, including; the City-funded HRAP (housing first) program; aggressive expansion of additional affordable housing; expanded housing voucher opportunities for veterans; acquisition of the Union Gospel Mission property to aid in the Mission's relocation and expansion; work with community partners, such as ARCHES to provide expanded homeless services, as well as a variety of other programs and support.

Steve Powers
City Manager

Attachments:

1. Ordinance Bill No. 10-19
2. Exhibit A - Proposed Text.
3. Summary of Public Outreach and Comments

4. Comments

DRAFT

1 **ORDINANCE BILL NO. 10-19**

2 AN ORDINANCE RELATING TO CONDUCT ON SIDEWALKS; AMENDING SRC 95.720,
3 95.730, 95.740; AMENDING AND RENUMBERING 95.735, 95.736, 95.750, 95.760;
4 RENUMBERING 95.770; CREATING 95.800, 95.830 AND 95.990.

5 *The City of Salem ordains as follows:*

6 **Section 1.** SRC chapter 95 are hereby amended as set forth in Exhibit A, attached hereto and by
7 this reference incorporated herein.

8 **Section 2. Findings.**

- 9 (a) The City of Salem is a geographically diverse city, largely comprised of residential,
10 commercial, and industrial areas.
- 11 (b) Maintaining pedestrian and authorized commercial activity on public sidewalks is
12 essential to public safety and welfare, thriving neighborhoods, and economic vitality
13 within the city.
- 14 (c) Sitting or lying down on a public sidewalk, camping, or leaving personal property
15 unattended on a public sidewalk, is not the ordinary, customary, or intended use of a
16 public sidewalk.
- 17 (d) The need to maintain pedestrian and commercial traffic is greatest during the customary
18 hours of operation of businesses, shops, restaurants, and other public and private
19 enterprises, services, and activities within the city, when public sidewalks are in greatest
20 use, and when city residents are most likely to use their neighborhood sidewalks.
- 21 (e) Persons who sit or lie down on public sidewalks, camp, or who leave personal property
22 unattended on public sidewalks, during customary business hours threaten the safety and
23 welfare of all pedestrians, with the greatest impact on those pedestrians who are elderly,
24 young children, or who have physical and mental disabilities.
- 25 (f) Persons who sit or lie down on public sidewalks, camp, or who leave personal property
26 unattended on public sidewalks, deter city residents and visitors from patronizing local
27 shops, restaurants, and businesses, and enterprises, and from utilizing public and private
28 services, and activities within the city, and deter people from using the sidewalks in their
29 neighborhoods, with the greatest impact occurring during customary business hours.
- 30 (g) Persons sitting or laying on public sidewalks, camping, or the accumulation of trash and
personal property unattended on public sidewalks, is detrimental to pedestrian safety,

1 public welfare and the economic vitality of the community, with the greatest impact
2 occurring during customary business hours. This behavior causes a cycle of decline as
3 residents and tourists go elsewhere to walk, meet, shop, dine, and access other services
4 and activities, and residents become intimidated from using the public sidewalks in their
5 own neighborhoods.

- 6 **(h)** Sitting or lying down, camping, or leaving personal property unattended, is an
7 incompatible and detrimental use of the public sidewalks in all areas of the city.
- 8 **(i)** The people of the City of Salem promote policies that preserve the right to enjoy public
9 spaces and to traverse freely, while protecting free-speech rights, as well as other safe
10 activity consistent with city ordinances and permitting requirements.
- 11 **(j)** The prohibitions against sitting or lying down on public sidewalks, camping, or leaving
12 personal property unattended on public sidewalks, contained in this ordinance leaves
13 fully intact the right to speak, protest, or engage in other lawful activity on any public
14 sidewalk consistent with city ordinances and permitting requirements.
- 15 **(k)** The prohibition against sitting or lying down on public sidewalks, or leaving personal
16 property unattended on public sidewalks, contained in this ordinance, apply only to
17 public sidewalks. There are numerous places within the city where the restrictions of this
18 ordinance do not apply, including private property, public benches, private seating areas
19 of sidewalk cafés, non-sidewalk areas of public parks, public plazas, and other non-
20 sidewalk common areas open to the public.
- 21 **(l)** The prohibition against sitting or lying down on public sidewalks contained in this
22 ordinance contains exceptions for medical emergencies, persons in wheelchairs, and
23 permitted activities, among others.
- 24 **(m)** The City of Salem desires to help persons in need to obtain services. In order to provide
25 persons sitting or lying down on public sidewalks, or camping, the opportunity to obtain
26 referrals to appropriate service entities, a peace officer may not issue a citation without
27 first warning the person that sitting or lying down on a public sidewalk during certain
28 hours is unlawful.
- 29 **(n)** The City of Salem desires to provide persons an opportunity to remove their personal
30 property from public sidewalks on their own. Prior to removing unattended personal
property from a public sidewalk in accordance with the provisions of this ordinance,

1 advance notice is to be given unless the property poses an immediate threat to public
2 health, safety and welfare.

3 (o) “Campsites” have become a frequent occurrence throughout the City, including on public
4 sidewalks, public property, and public rights-of-way. These campsites are unsafe and
5 unhealthy for the people living in them, and have a detrimental effect on the economic
6 vitality of the city, and the safety and welfare of the residents and visitors of the City of
7 Salem.

8 (p) The City of Salem is a compassionate city, and desires to help persons experiencing
9 residential instability or homelessness, to transition to safe and permanent housing.
10 However, allowing camping on our public sidewalks, in our neighborhoods, and in other
11 areas of our city does not help people transition to housing and has a detrimental effect on
12 the economic vitality of the city, and the public safety and welfare.

13 (q) Maintaining accessible and attractive sidewalks for pedestrian and commercial traffic is
14 an important public safety objective, and important to maintain the economic vitality of
15 the city. Blocked and obstructed sidewalks present hazards to pedestrians, and
16 discourages visitors and patrons to community businesses.

17 (r) The placement of tents or other items on public sidewalks, public property, and public
18 rights-of-way, for habitation, is not the ordinary, customary, or intended use of these
19 areas, and is an incompatible and detrimental use of these spaces in all parts of the City.

20 (s) Campsites can also obstruct and delay emergency personnel responding to emergencies.
21 Campsites can obstruct ingress to and egress from businesses, residential buildings, and
22 other establishments and property. Campsites often exhibit the presence of human waste
23 and uncontained food, which poses public health risks.

24 **Section 3. Codification.** In preparing this ordinance for publication and distribution, the City
25 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
26 limitations, may:

- 27 (a) Renumber sections and parts of sections of the ordinance;
- 28 (b) Rearrange sections;
- 29 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 30 (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division numbers;

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- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical or typographical errors.

Section 4. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this _____ day of _____, 2019.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: S.Miller

DRAFT

EXHIBIT A

SRC 95.720 is amended to read:

95.720. Sitting or Lying Down on Public Sidewalks During Certain Hours

- (a) Definitions. Unless the context specifically requires otherwise, as used in this section, the following words and phrases mean:
- (1) “Public Sidewalk” means the area lying between the street and the abutting property.
 - (2) “Street” means any public right-of-way that is open to the public, used, or intended to be used, by vehicular traffic.
- (b) It shall be unlawful for any person to sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours of between 7:00 a.m. and 9:00 p.m.
- (c) The prohibitions in subsection (b) shall not apply to any person:
- (1) Sitting or lying down on a public sidewalk due to a medical emergency;
 - (2) Who, as the result of a physical disability, is using a wheelchair, walker, or similar movement-supporting device for mobility purposes;
 - (3) Who is a child in a stroller or similar movement-supporting device;
 - (4) Operating or patronizing a business conducted upon a public sidewalk in conformance with applicable law;
 - (5) Participating in or attending a parade, festival, performance, rally, demonstration, meeting or similar event conducted on the public sidewalk pursuant to and in accordance with applicable law;
 - (6) Sitting on a fixed chair or bench located on the public sidewalk;
 - (7) Sitting on a public sidewalk at a marked bus stop while waiting for public or private transportation; or
 - (8) Performing a City approved or permitted activity.
- (d) Nothing in this section shall be construed to permit conduct that is prohibited by SRC 95.700 “Pedestrian Interference.”
- (e) No person shall be cited 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.

Violations.

- ~~(a) Violation of SRC 95.010, 95.025, 05.190, 95.200, 95.210, 95.220, 95.300, 95.340, 95.440, 95.510, 95.520, 95.530, 95.610, 95.640 or 95.710 is an infraction.~~
- ~~(b) Violation of SRC 95.580 is a misdemeanor punishable by a fine of not more than \$250, imprisonment for a period not to exceed 30 days, or by both such fine and imprisonment.~~
- ~~(c) Except as provided in subsections (a) and (b) of this section, violation of any other provision of SRC 95.010-95.720 is a misdemeanor.~~

SRC 95.730 is amended to read:

SRC 95.730. Camping Prohibited on Public Property and Public Right of Way.

- (a) Definitions. Unless the context specifically requires otherwise, as used in this Section, the following words and phrases mean:
- (1) “To camp” means to set up, or to remain in or at a campsite, for the purpose of establishing or maintaining a temporary place to live.
- (2) “Campsite” means any place where there is a tent, or any structure or assemble of materials consisting of any material with a top or roof or any other upper covering or that is otherwise enclosed on one or more sides, that is of sufficient size for a person to fit underneath or inside while sitting or lying down.
- (b) It is unlawful for any person to camp in or upon any public sidewalk, public property, or public right of way, unless otherwise specifically authorized by law or by declaration of the Emergency Program Manager in emergency circumstances.
- (c) Upon finding it to be in the public interest, the City Council may exempt a special event from compliance with this section. The resolution shall specify the period of time and location covered by the exemption.
- (d) Nothing in this section shall be construed to permit conduct that is prohibited by SRC 95.700 “Pedestrian Interference.”

~~**Definitions.** The following words, terms and phrases, when used in SRC 95.730 through 95.770, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Arrest* means to place a person under actual or constructive restraint, or to take a person into custody, for the purpose of charging that person with the commission of any enumerated offense which is a misdemeanor or felony.~~

~~*Cite* means to issue a citation to appear to a person for commission of an enumerated offense.~~

~~*Crime prevention district* means a geographic area of exclusion to which the provisions of SRC 95.730 through 95.770 apply.~~

~~*Enforcement officer* means a peace officer as defined by ORS 133.005, or any other person with authority to enforce the Salem Revised Code.~~

~~*Enumerated offense* means any of the offenses establishing the basis for exclusion in a crime free zone.~~

~~*Hearings officer* means a person appointed pursuant to SRC 2.315 to serve in a quasi-judicial capacity in the review of civil penalties or disabilities imposed under the Salem Revised Code.~~

~~*Pedestrian ways* means any sidewalk, plaza, alley, parking structure or parking area, or other way designed and regularly used for pedestrian travel, any planter strip or landscaped area located adjacent to or contained within such streets, plazas, alleys, or other ways, and includes that portion of public rights of way used for the parking of vehicles, but does not include that portion of public rights of way regularly and traditionally used for vehicular travel.~~

~~*Public ways* means any highway, roadway, street, alley or other way designed and regularly used for vehicular travel, but excluding that portion of public rights of way used for the parking of vehicles.~~

~~*Travel* means movement by foot on a pedestrian public way, from one point to another, without delay other than to obey traffic control devices, or by vehicle on a public way, from one point to another without delay other than to obey traffic control devices.~~

SRC 95.735 is amended and renumbered to SRC 95.810.

95.73595.810. Downtown Crime Prevention District Created.

- (a) The geographic area bounded on the north by the north curb line of Union Street, on the south by the south curb line of Trade Street, on the east by the east curb line of Cottage Street and on the west by the west curb line of Front Street is hereby designated as the Downtown Crime Prevention District.
- (b) An enumerated offense in the Downtown Crime Prevention District means any of the following felonies, misdemeanors, violations, or infractions, unless the offense was committed entirely within a private residence:

(1) Felonies: ORS 161.405(1)(2)(b)-(c), “Attempt,” if the crime is an enumerated offense; ORS 161.450(1)(2)(b)-(c), “Conspiracy,” if the crime is an enumerated offense; ORS 163.165, “Assault in the third degree”; ORS 163.175, “Assault in the second degree”; ORS 163.185, “Assault in the first degree”; 163.160(3) and (4), “Assault in the fourth degree”; ORS 163.425, “Sexual abuse in the second degree”; ORS 163.427, “Sexual abuse in the first degree”; ORS 163.465(1)(2)(b), “Public indecency”; ORS 164.055, “Theft in the first degree”; ORS 164.057, “Aggravated theft in the first degree”; ORS 164.315, “Arson in the second degree”; ORS 164.325, “Arson in the first degree”; ORS 164.365, “Criminal mischief in the first degree”; ORS 166.023(2)(b), “Disorderly conduct in the first degree”; ORS 166.165, “Intimidation in the first degree”; ORS 167.012, “Promoting prostitution”; ~~OR~~ ORS 167.017, “Compelling prostitution”; ORS 167.262(2)(a), “Use of minor in controlled substance or marijuana item offense”; ORS ~~475.752(1)(a)-(c), (2)(a)-(c), (3)(a)-(b), and (6), 475.840(1)(a)-(c), (2)(a)-(c) and (3)(a),~~ “Prohibited acts generally; penalties”; ORS 475.806, “Unlawful manufacture of hydrocodone”; ORS 475.808, “Unlawful manufacture of hydrocodone within 1,000 feet of school”; ORS 475.810, “Unlawful delivery of hydrocodone”; ORS 475.812, “Unlawful delivery of hydrocodone within 1,000 feet of school”; ORS 475.816, “Unlawful manufacture of methadone”; ORS 475.818 Unlawful manufacture of methadone within 1,000 feet of school”; ORS 475.820, “Unlawful delivery of methadone”; ORS 475.822, “Unlawful delivery of methadone within 1,000 feet of school”; ORS 475.824(2)(b), “Unlawful possession of methadone”; ORS 475.826, “Unlawful manufacture of oxycodone”; ORS 475.828, “Unlawful manufacture of oxycodone within 1,000 feet of school”; ORS 475.830, “Unlawful delivery of oxycodone”; ORS 475.832, “Unlawful delivery of oxycodone within 1,000 feet of school”; ORS 475.834(2)(b), “Unlawful possession of oxycodone”; ORS 475.850, “Unlawful delivery of heroin”; ORS 475.852, “Unlawful delivery of heroin within 1,000 feet of school”; ORS 475.854, “Unlawful possession of heroin”; ORS 475.860(1)(2) and (4)(a) “Unlawful delivery of marijuana”; ORS 475.862, “Unlawful delivery of marijuana within 1,000 feet of school”; ORS 475.864(1)(2) “Unlawful possession of marijuana”; ORS 475.870, “Unlawful delivery of 3,4 methylenedioxymethamphetamine”; ORS 475.872, “Unlawful

delivery of 3,4 methylenedioxyamphetamine within 1,000 feet of school”; ORS 475.874(2)(b), ”Unlawful possession of 3,4 methylenedioxyamphetamine”; ORS 475.876, “Unlawful manufacture of cocaine”; ORS 475.880, “Unlawful delivery of cocaine”; ORS 475.882, “Unlawful delivery of cocaine within 1,000 feet of school”; ORS 475.884(2)(b), “Unlawful possession of cocaine”; ORS 475.886, “Unlawful manufacture of methamphetamine”; ORS 475.890, “Unlawful delivery of methamphetamine”; ORS 475.892, “Unlawful delivery of methamphetamine within 1,000 feet of school”; ORS 475.894(2)(b), “Unlawful possession of methamphetamine”; ORS 475.904, “Unlawful manufacture or delivery of controlled substance within 1,000 feet of school”; ORS 475.906(1) and (2), “Penalties for unlawful delivery distribution to minors.”; ORS 475B.227(4)(b), “Prohibition against importing or exporting marijuana items”; ORS 475B.337(3)(c), “Unlawful possession by person 21 years of age or older”; ORS 475B.341(3), “Unlawful possession by person under 21 years of age”; ORS 475B.346(3)(b), “Unlawful delivery of marijuana item”; ORS 475B.349(3)(b), and (3)(c) “Unlawful manufacture of marijuana item”; ORS 475B.359, “Arson incident to manufacture of cannabinoid extract in the first degree”; ORS 475B.363 “Arson incident to manufacture of cannabinoid extract in second degree”; ORS 475B.367, “Causing another person to ingest marijuana”; ORS 475B.371, “Administration to another person under 18 years of age.”

- (2) “Class A” Misdemeanors: ORS 161.405(1)(2)(d), “Attempt,” if the crime is an enumerated offense; ORS 161.450(1)(2)(d), “Conspiracy,” if the crime is an enumerated offense; ORS 162.247, “Interfering with a peace officer or parole and probation officer”; ORS 162.315, “Resisting Arrest”; ORS 163.160(2), “Assault in the fourth degree”; ORS 163.190, “Menacing”; ORS 163.435, “Contributing to the sexual delinquency of a minor”; ORS 163.465(1) and (2)(a), “Public indecency”; ORS 163.575, “Endangering the welfare of a minor”; ORS 164.045, “Theft in the second degree”; ORS 164.255, “Criminal trespass in the first degree”; ORS 164.265, “Criminal trespass while in possession of firearm”; ORS 164.335, “Reckless burning”; ORS 164.354, “Criminal mischief in the second degree”; ORS 163.415, “Sexual abuse in the third degree”; ORS 166.023(2)(a), “Disorderly conduct in the

first degree"; ORS 166.025(2)(b), "Disorderly conduct in the second degree"; ORS 166.155, ~~165.155~~, "Intimidation in the second degree"; ORS 166.065(4), ~~166.065(1) and (4)~~, "Harassment"; ORS 167.007, "Prostitution"; ORS 167.262(2)(b), "Use of minor in controlled substance or marijuana item offense"; ORS 475.752(3)(c), 475.840(3)(e), "Prohibited acts generally; penalties"; ~~ORS 475.860(1)(3)(a)~~ "Unlawful delivery of marijuana"; ORS 475.814, "Unlawful possession of hydrocodone"; ORS 475.824(2)(a), "Unlawful possession of methadone"; ORS 475.834(2)(a), "Unlawful possession of oxycodone"; ORS 475.874(2)(a), "Unlawful possession of 3,4 methylenedioxymethamphetamine"; ORS 475.894(2)(a), "Unlawful possession of methamphetamine"; ORS 475.906(3), "Penalties for unlawful delivery distribution to minors"; ORS 475B.227(4)(a), "Prohibition against importing or exporting marijuana items"; ORS 475B.329 "Prohibition regarding person who is visibly intoxicated; prohibition against allowing consumption of marijuana by person under 21 years of age on private property; penalty"; ORS 475B.337(2), "Unlawful possession by person 21 years of age or older"; ORS 475B.341(2) "Unlawful possession by person under 21 years of age"; ORS 475B.346(2), "Unlawful delivery of marijuana item"; ORS 475B.349(2) "Unlawful manufacture of marijuana item."

(3) "Class B" Misdemeanors, "Class C" Misdemeanors, Violations and Infractions: ORS 161.405(1)(2)(e)-(g), "Attempt," if the crime is an enumerated offense; ORS 163.445, "Sexual misconduct"; ORS 164.043, "Theft in the third degree"; ORS 164.245, "Criminal Trespass in the second degree"; ORS 164.345, "Criminal mischief in the third degree"; ORS 164.383, "Unlawfully applying graffiti"; ORS 164.386, "Unlawfully possessing graffiti implement"; ORS 164.805, "Offensive littering"; ORS 166.025(2)(a), ~~166.025~~, "Disorderly conduct in the second degree"; ORS 166.065(3), 166.065(1) & (3), "Harassment"; ORS 167.755, "Selling tobacco products or inhalant delivery systems to person under 21 years of age; penalties"; ORS 167.785, "Possession of tobacco products or inhalant delivery systems by person under 18 years of age; penalty"; ~~ORS 167.400~~, "Tobacco possession by minors"; ~~ORS 167.401(1) and (2)~~, "Tobacco purchase by minors"; ORS 471.430(1), "Purchase or possession of liquor by person under 21"; ORS 471.410(2), "Providing liquor to person under 21"; ORS 475.752(1)(d)-(e), (2)(d)-(e), and (3)(d)-(e), ~~475.840(1)(d)-~~

~~(e), (2)(d) (e) and (3)(d) (e), “Prohibited acts generally; penalties”; ORS 475.860(1)(3)(b) and (4)(b) “Unlawful delivery of marijuana”; ORS 475.864(1)(3) and (4) “Unlawful possession of marijuana”; ORS 475.904, “Unlawful manufacture or delivery of controlled substance within 1,000 feet of school”; ORS 475.906(4), “Penalties for unlawful delivery distribution to minors”; ORS 475B.227(3), “Prohibition against importing or exporting marijuana items”; ORS 475B.306, “Prohibition against producing, processing, possessing or storing homegrown marijuana or homemade cannabinoid products, extracts”; ORS 475B.316(3), “Prohibition against person under 21 years of age possessing, attempting to purchase or purchasing marijuana item; penalty” ORS 475B.337(3)(a) and (b), “Unlawful possession by person 21 years of age or older”; ORS 475B.346(3)(a), “Unlawful delivery of marijuana item”; ORS 475B.349(3)(a) “Unlawful manufacture of marijuana item”; ORS 475B.376, “Unlawful sale or delivery of marijuana paraphernalia”; ORS 475B.381, “Prohibition against using marijuana item in public place”; ORS 811.482, “Use of marijuana in motor vehicle; penalty”; SRC 45.025, “Regulation of smoking on City property”; SRC 45.030, “Establishment of smoke-free zones on public sidewalks and landscape strips adjacent to smoke-free premises”; SRC 45.990 “[Smoking] Violations and penalties”; SRC 90.020, “Consumption and Sale of Alcohol Prohibited in Certain Places”; SRC 93.010, “Noise Disturbance Prohibited”; SRC 95.040, “Assault and Battery”; SRC 95.041, “Menacing”; SRC 95.042, “Harassment”; SRC 95.043, “Recklessly endangering another”; SRC 95.120, “Disorderly Conduct”; SRC 95.125, “Urinating or Defecating in Public”; SRC 95.160, “Firearms; Discharge”; SRC 95.330, “Minors Nighttime Curfew”; SRC 95.335, “Minors Daytime Curfew”; SRC 95.550, “Trespass”; SRC 95.580, “Littering Public Places”; SRC 95.610, “Prohibited Graffiti”; SRC 95.700, “Pedestrian Interference”; SRC 95.710, “Sports Activity Prohibited in Certain Areas”; SRC 95.720, “Sitting or Lying down on Public Sidewalks at Certain Hours”; SRC 95.730, “Camping Prohibited on Public Property and Public Rights of Way”; SRC 95.740, “Unattended Personal Property on a Public Sidewalks”; SRC 96.220, “Public Indecency”; SRC 96.400, “Prohibited Prostitution Conduct”; or SRC 97.080, “Intimidation”; SRC 101.110, “Riding on street and bicycle paths”; SRC 101.150,~~

“Parking of bicycles”; SRC 101.990, “[SRC Chapter 101] Violations”; SRC 103.015, “Skateboarding prohibited in certain areas.”

SRC 95.736 is amended and renumbered to SRC 95.820.

95.736~~95.820~~. **North Salem Crime Prevention District Created.**

(a) The geographic area bounded on the west by the west curb line of Front Street NE, on the south by the south curb line of Market Street NE, on the east, the west side of the Union Pacific right of way between Market Street NE to the intersection with Silverton Road NE, continuing with the west curb line of Silverton Road NE to the east curb line of Hawthorne Avenue NE, continuing north to Hyacinth Street NE, on the north, the north curb line of Hyacinth Street NE to the Salem Parkway, bounded by the north/west curb line of the Salem Parkway, to the north curb line of Tryon Street NE is hereby designated at the North Salem Crime Prevention District.

(b) An enumerated offense in the North Salem Crime Prevention District means any of the following felonies, misdemeanors, violations or infractions, unless the offense was committed entirely within a private residence:

(1) Felonies: ORS 161.405(1)(2)(b)-(c), “Attempt,” if the crime is an enumerated offense; ORS 161.450(1)(2)(b)-(c), “Conspiracy,” if the crime is an enumerated offense; ORS 163.425 “Sexual abuse in the second degree”; ORS 163.427, “Sexual abuse in the first degree”; ORS 163.465(1) & (2)(b), “Public indecency”; ORS 167.012, “Promoting prostitution”; ORS 167.017, “Compelling prostitution”; ORS 475.752(1)(a)-(c), (2)(a)-(c), (3)(a)-(b), and (6), 475.840(1)(a)-(e), (2)(a)-(e) & (3)(a), “Prohibited acts generally; penalties”; ORS 475.806, “Unlawful manufacture of hydrocodone”; ORS 475.808, “Unlawful manufacture of hydrocodone within 1,000 feet of school”; ORS 475.810, “Unlawful delivery of hydrocodone”; ORS 475.812, “Unlawful delivery of hydrocodone within 1,000 feet of school; ORS 475.816, “Unlawful manufacture of methadone”; ORS 475.818, Unlawful manufacture of methadone within 1,000 feet of school”; ORS 475.820, “Unlawful delivery of methadone”; ORS 475.822, “Unlawful delivery of methadone within 1,000 feet of school”; ORS 475.824(2)(b), “Unlawful possession of methadone”; ORS 475.826, “Unlawful manufacture of oxycodone”; ORS 475.828, “Unlawful manufacture of oxycodone within 1,000 feet of school”; ORS 475.830, “Unlawful delivery of

oxycodone"; ORS 475.832, "Unlawful delivery of oxycodone within 1,000 feet of school"; ORS 475.834(2)(b), "Unlawful possession of oxycodone"; ORS 475.850, "Unlawful delivery of heroin"; ORS 475.852, "Unlawful delivery of heroin within 1,000 feet of school"; ORS 475.854, "Unlawful possession of heroin"; ~~ORS 475.860(1),(2) and (4)(a) "Unlawful delivery of marijuana"; ORS 475.862, "Unlawful delivery of marijuana within 1,000 feet of school"; ORS 475.864(1)(2) "Unlawful possession of marijuana";~~ ORS 475.870, "Unlawful delivery of 3,4-methylenedioxymethamphetamine"; ORS 475.872, "Unlawful delivery of 3,4-methylenedioxymethamphetamine within 1,000 feet of school"; ORS 475.874(2)(b), "Unlawful possession of 3,4-methylenedioxymethamphetamine"; ORS 475.876, "Unlawful manufacture of cocaine"; ORS 475.880 "Unlawful delivery of cocaine"; ORS 475.882, "Unlawful delivery of cocaine within 1,000 feet of school"; ORS 475.884(2)(b), "Unlawful possession of cocaine"; ORS 475.886, "Unlawful manufacture of methamphetamine"; ORS 475.890, "Unlawful delivery of methamphetamine"; ORS 475.892, "Unlawful delivery of methamphetamine within 1,000 feet of school"; ORS 475.894(2)(b), "Unlawful possession of methamphetamine"; ORS 475.904, "Unlawful manufacture or delivery of controlled substance within 1,000 feet of school"; ORS 475.906(1) and (2), "Penalties for unlawful delivery distribution to minors."; ORS 475B.227(4)(b), "Prohibition against importing or exporting marijuana items"; ORS 475B.337(3)(c), "Unlawful possession by person 21 years of age or older"; ORS 475B.341(3), "Unlawful possession by person under 21 years of age"; ORS 475B.346(3)(b), "Unlawful delivery of marijuana item"; ORS 475B.349(3)(b), and (3)(c) "Unlawful manufacture of marijuana item"; ORS 475B.359, "Arson incident to manufacture of cannabinoid extract in the first degree"; ORS 475B.363 "Arson incident to manufacture of cannabinoid extract in second degree"; ORS 475B.367, "Causing another person to ingest marijuana"; ORS 475B.371, "Administration to another person under 18 years of age."

- (2) "Class A" Misdemeanors: ORS 161.405(1)(2)(d), "Attempt," if the crime is an enumerated offense; ORS 161.450(1)(2)(d), "Conspiracy," if the crime is an enumerated offense; ORS 163.435, "Contributing to the sexual delinquency of a

minor”; ORS 163.465(4)(2)(a), “Public indecency”; ORS 164.255, “Criminal trespass in the first degree”; ORS 164.265, “Criminal trespass while in possession of firearm”; ORS 163.415, “Sexual abuse in the third degree”; ~~OR~~ ORS 167.007, “Prostitution”; ORS ~~475.752(3)(c), 475.840(3)(e)~~, “Prohibited acts generally; penalties”; ~~ORS 475.860(1)(3)(a)~~ “Unlawful delivery of marijuana”; ORS 475.814, “Unlawful possession of hydrocodone”; ORS 475.824(2)(a), “Unlawful possession of methadone”; ORS 475.834(2)(a), “Unlawful possession of oxycodone”; ORS 475.874(2)(a), “Unlawful possession of 3,4 methylenedioxymethamphetamine”; ORS 475.894(2)(a), “Unlawful possession of methamphetamine”; ORS 475.906(3), “Penalties for unlawful delivery distribution to minors”; ORS 475B.227(4)(a), “Prohibition against importing or exporting marijuana items”; ORS 475B.329 “Prohibition regarding person who is visibly intoxicated; prohibition against allowing consumption of marijuana by person under 21 years of age on private property; penalty”; ORS 475B.337(2), “Unlawful possession by person 21 years of age or older”; ORS 475B.341(2) “Unlawful possession by person under 21 years of age”; ORS 475B.346(2), “Unlawful delivery of marijuana item”; ORS 475B.349(2) “Unlawful manufacture of marijuana item.”

- (3) “Class B” Misdemeanors, “Class C” Misdemeanors, Violations and Infractions: ORS 161.405(1)(2)(e)-(g), “Attempt,” if the crime is an enumerated offense; ORS 163.445, “Sexual misconduct”; ORS 164.245, “Criminal Trespass in the second degree”; ORS ~~475.752(1)(d)-(e), (2)(d)-(e), & (3)(d)-(e), 475.840(1)(d)-(e), (2)(d)-(e) & (3)(d)-(e)~~, “Prohibited acts generally; penalties”; ~~ORS 475.860(1)(3)(b) and (4)(b)~~ “Unlawful delivery of marijuana”; ORS ~~475.864(1)(3) and (4)~~ “Unlawful possession of marijuana”; ORS 475.904, “Unlawful manufacture or delivery of controlled substance within 1,000 feet of school”; ORS 475.906(4), “Penalties for unlawful delivery distribution to minors”; ORS 475B.227(3), “Prohibition against importing or exporting marijuana items”; ORS 475B.306, “Prohibition against producing, processing, possessing or storing homegrown marijuana or homemade cannabinoid products, extracts”; ORS 475B.316(3), “Prohibition against person under 21 years of age possessing, attempting to purchase or purchasing marijuana item; penalty” ORS 475B.337(3)(a) and (b), “Unlawful possession by person 21 years of age or older”;

ORS 475B.346(3)(a), “Unlawful delivery of marijuana item”; ORS 475B.349(3)(a) “Unlawful manufacture of marijuana item”; ORS 475B.376, “Unlawful sale or delivery of marijuana paraphernalia”; ORS 475B.381, “Prohibition against using marijuana item in public place”; ORS 811.482, “Use of marijuana in motor vehicle; penalty”; SRC 95.550, “Trespass”; SRC 95.720, “Sitting or Lying down on Public Sidewalks at Certain Hours”; SRC 95.730, “Camping Prohibited on Public Property and Public Rights of Way”; SRC 95.740, “Unattended Personal Property on a Public Sidewalks”; SRC 96.220, “Public Indecency”; SRC 96.300, “Prohibited Touching”; or SRC 96.400, “Prohibited Prostitution Conduct.”

SRC 95.740 is amended to read:

SRC 95.740 Unattended Personal Property on Public Sidewalks Prohibited

(a) Definitions. Unless the context specifically requires otherwise, as used in this section, the following words and phrases mean:

(1) “Public Sidewalk” means the area lying between the street and the abutting property.

(2) “Personal property” means tangible items greater than one cubic foot in size, other than signs, which are reasonably recognizable as belonging to individual persons and which have apparent utility or value.

(3) “Street” means any public right-of-way that is open to the public, used, or intended to be used, by vehicular traffic.

(b) It is unlawful for any person to knowingly leave personal property unattended on a public sidewalk during the hours of between 7:00 a.m. and 9:00 p.m.

(c) The prohibitions of subsection (b) do not apply to:

(1) Personal property left unattended on a public sidewalk for less than two hours, that is actively being loaded or unloaded; or,

(2) Any person performing a City approved or permitted activity.

(d) Personal property left unattended on a public sidewalk in violation of this section may be removed by the City if:

(1) The property poses an immediate threat to public health, safety or welfare; or,

(2) The property has been posted with a notice written in English and Spanish at least twenty-four hours in advance. The notice shall contain the following information:

- (a) That it is unlawful to leave personal property unattended on a public sidewalk within the City of Salem during the hours of between 7:00 a.m. and 9:00 p.m.;
- (b) The date and time the notice was posted and the date and time at which the property is subject to being removed by the City;
- (c) That the property subject to the notice is subject to immediate removal if, within the following 30 days, the property is again left unattended on a public sidewalk in violation of this section,
- (d) The contact information for how to reclaim any personal property which has been removed by the City pursuant to this section; and,
- (e) That any property removed by the City pursuant to this section will be disposed of pursuant to applicable law if not claimed within 30 days after removal.
- (e) Personal property removed by the City pursuant to this section shall be stored for a minimum of thirty days during which time it must be made reasonably available to the owner. The thirty-day retention period of this subsection does not apply to personal property that is in an unsafe or unsanitary condition, or perishable.
- (f) The Director, may develop administrative policies for the removal of unattended personal property from public sidewalks, the storage of the property, and procedures by which the property may be reclaimed
- (g) Nothing in this section shall be construed as limiting the City’s ability to seize, remove, abate, or dispose of property in accordance with any other provision of the Salem Revised Code or in accordance with any other provision of law.
- (h) Nothing in this section shall be construed to permit conduct that is prohibited by SRC 95.700 “Pedestrian Interference.”

Civil Exclusion.

- ~~(a) Any person arrested and either cited to appear in court for charging or lodged in jail for presentation to a judicial officer for charging, based upon probable cause to believe that the person has committed an enumerated offense within a crime prevention district shall be prohibited from being present on pedestrian ways or public ways within the district for any purpose, except as allowed by a variance granted pursuant to SRC 97.750. If the enumerated offense is a “Class B” misdemeanor, “Class C” misdemeanor, violation or infraction, the period of exclusion shall be 30 days; if one or more of the enumerated~~

~~offenses are felonies or “Class A” misdemeanors, the period of exclusion shall be 90 days. If the enumerated offense was a felony or a “Class A” misdemeanor, the period of exclusion shall be extended by a period of one year, effective upon date of conviction.~~

~~(b) The exclusion notice shall be issued by the enforcement officer at the time the person is arrested or cited for the commission of the enumerated offense. The exclusion notice shall be in writing, and shall specify the enumerated offenses, the geographical extent of exclusion, the date exclusion takes effect, the procedure for filing an appeal, the availability of a variance, and the extension of the period of exclusion by an additional one year period upon conviction, if the enumerated offense was a felony or “Class A” misdemeanor. The period of exclusion shall commence upon the issuance of the notice of exclusion, but shall be stayed upon the filing of a notice of appeal under SRC 95.770(a) which stay shall remain in place until the Hearings Officer issues a decision upon the appeal under SRC 95.770(f).~~

~~(c) Any person who is issued an additional exclusion notice within six months of the expiration of any prior notice shall have an additional 90 day period of exclusion added onto the period of the additional notice.~~

SRC 95.750 is amended and renumbered to SRC 95.840.

95.75095.840. Variances from Exclusion.

- (a) Notwithstanding SRC ~~95.740~~95.830, the Chief of Police, or the Chief’s designee, may grant a variance to an excluded person at any time during the period of exclusion, upon a showing by the excluded person of a plausible need to engage in one of the following:
- (1) To travel to and from a scheduled meeting with an attorney or scheduled meetings with criminal justice personnel; to and from obligations performed in compliance with an order of the Court or a justice agency; and to and from an administrative or judicial hearing to which the person is a party;
 - (2) To travel to and from a public or private establishment located in the crime prevention district to obtain goods or services not otherwise reasonably available outside the district to satisfy the essential needs of the person. As used in this paragraph, “essential needs” means food, physical care, and medical attention;
 - (3) To travel to and from the person’s place of employment;

- (4) To travel to and from a government agency, private nonprofit corporation, or charity to obtain social services needed for the health or well-being of the person, and which are provided pursuant to written rules and regulations prohibiting unlawful use or possession of controlled substances;
 - (5) To travel to and from an educational facility to enroll as a student or to attend classes;
 - (6) To travel to and from a religious institution for the purposes of exercising the person's right to worship;
 - (7) To travel to and from the person's permanent place of residence for any purpose specified in paragraphs (1) through (6) of this section, or to travel to and from the residence of the person or any member of the person's immediate family. For the purposes of this subsection, "immediate family" means the person's parents, in-laws, stepparents, siblings, grandparents, children, or grandchildren.
- (b) A request for a variance shall be in writing, shall state the purpose for which the variance is sought, and the period of time during which the variance is requested to be effective. If granted, the variance shall allow relief from exclusion only for travel to and from specified locations, activities and events, or for presence at specified locations, activities and events, within the crime prevention district. The variance shall be in writing, shall clearly state the terms of the variance, including that travel within, or presence in, the crime prevention district is allowed only in accordance with the terms specified in the variance. The variance must be carried by the excluded person while within the crime prevention district in order to be effective, and shall be presented to any enforcement officer upon request.
- (c) A person who is present on a pedestrian way or public way pursuant to a variance shall travel by the shortest direct route to and from the locations specified in subsection (a) of this section, and, if stopped by an enforcement officer, has the burden to demonstrate, by clear and convincing evidence, that the person is traveling to and from one of the locations for the purposes specified in the variance.
- (d) A variance may be revoked if:
- (1) The request for the variance contained false information;
 - (2) There is probable cause to believe the excluded person has committed another enumerated offense within the crime prevention district; or

(3) Circumstances upon which the variance was granted no longer exist.

- (e) Refusal to issue a variance or revocation of a variance may be appealed to the Hearings Officer, as provided in SRC ~~97.770~~95.860. A variance shall become effective upon issuance; a revocation of a variance shall become effective upon the fifth business day after the date of the mailing of notice of revocation to the excluded person.

SRC 95.760 is amended and renumbered to SRC 95.850.

~~95.760~~95.850. Violation of Exclusion Notice. Any person to whom an exclusion notice has been issued and who is present in a crime prevention district in violation of the notice or the terms of a variance issued pursuant to SRC 95.840 ~~95.750~~ is subject to immediate arrest for criminal trespass under SRC 95.550(a) or ORS 164.245, and shall have the exclusion extended for an additional period of 30 days.

SRC 95.770 is renumbered to SRC 95.860.

~~95.770~~95.860. Appeals.

- (a) A person who has been issued an exclusion notice, who has had the period of exclusion extended, who has been refused a request for a variance, or who has had a variance revoked, may appeal the action or decision by filing a written request with the City recorder, within 15 business days after receipt of notice of the action or decision, setting forth the name and address of the applicant and the reasons why the notice or extension should be rescinded, the variance granted, or the revocation reversed. Failure to file an appeal within such 15-day period shall be a waiver of all rights to review the action or decision, and any such appeal shall be dismissed by the Hearings Officer. The name and address set forth in the request shall be deemed conclusively correct, and mailing to the person at such address, by first class mail, shall be deemed delivered three days after the date of mailing. Failure of the person to actually receive a notice of hearing or the Hearings Officer's decision if mailed to the address set forth in the request shall not in any way invalidate or otherwise affect the validity of any action or decision.
- (b) If a request for an appeal is filed, an exclusion notice, extension of exclusion period or revocation of a variance shall be subject to a stay until such time as the hearings officer has issued a final decision upholding or rescinding the action or decision.

- (c) The request shall be accompanied by an appeal fee, in an amount established by resolution of the Council. Except as provided in subsection (g) of this section, the appeal fee is nonrefundable.
- (d) Unless the appellant and the City agree to a longer period, an appeal shall be heard by a Hearings Officer within ten business days of the filing of the request. At least five business days prior to the hearing, the City shall mail notice of the time and location of the hearing to the appellant at the address set forth on the request.
- (e) The Hearings Officer shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the Hearings Officer deems appropriate. At the hearing the appellant may present testimony and oral argument personally or by counsel. The City has the burden of proof to demonstrate, by a preponderance of the evidence, that the issuance of the exclusion notice is based upon the requisite enumerated offenses by the appellant, that extension of the exclusion notice is based upon the appellant's presence in a crime prevention district in violation of SRC 95.850, or that the grounds for revocation of a variance exist. The appellant has the burden of proof to demonstrate, by a preponderance of the evidence that the ground for issuance of a variance exist.
- (f) The Hearings Officer shall issue a written decision within ten business days of the hearing date. A copy of the decision shall be mailed to the person's address as set forth on the request, and shall be deemed effective upon actual receipt, or three days after mailing, whichever is sooner. If issuance of an exclusion notice, extension of period of exclusion, or revocation of variance is upheld, a period of exclusion shall commence immediately upon the effective date of the decision.
- (g) The decision of the Hearings Officer is final, and may include a determination that the appeal fee be refunded to the appellant upon a finding that the issuance of the exclusion notice, an extension thereof, the refusal to issue a variance, or the revocation thereof, was not grounded in law or fact. Appeals from a decision of the Hearings Officer shall be to circuit court by writ of review, and not otherwise.

SRC 95.800 is created to read:

95.800 Civil Exclusion Definitions. Unless the context otherwise requires, as used in SRC 95.800 - 95.860, the following mean:

- (a) “Arrest” means to place a person under actual or constructive restraint, or to take a person into custody, for the purpose of charging that person with the commission of any enumerated offense which is a misdemeanor or felony.
- (b) “Cite” means to issue a citation to appear to a person for commission of an enumerated offense.
- (c) “Crime prevention district” means a geographic area of exclusion to which the provisions of SRC 95.800 through 95.860 apply.
- (d) “Enumerated offense” means any of the offenses establishing the basis for exclusion in a crime free zone.
- (e) “Hearings Officer” means a person appointed pursuant to SRC 2.035 to serve in a quasi-judicial capacity in the review of civil penalties or disabilities imposed under the Salem Revised Code.
- (f) “Enforcement officer” means a peace officer as defined by ORS 133.005, or any other person with authority to enforce the Salem Revised Code.
- (g) “Pedestrian ways” means any sidewalk, plaza, alley, parking structure or parking area, or other way designed and regularly used for pedestrian travel, any planter strip or landscaped area located adjacent to or contained within such streets, plazas, alleys, or other ways, and includes that portion of public rights-of-way used for the parking of vehicles, but does not include that portion of public rights-of-way regularly and traditionally used for vehicular travel.
- (h) “Public ways” means any highway, roadway, street, alley or other way designed and regularly used for vehicular travel, but excluding that portion of public rights-of-way used for the parking of vehicles.
- (i) “Travel” means movement by foot on a pedestrian public way, from one point to another, without delay other than to obey traffic control devices, or by vehicle on a public way, from one point to another without delay other than to obey traffic control devices.

SRC 95.830 is created to read:

95.830. Civil Exclusion.

- (a) Any person arrested or cited to appear in court for charging or lodged in jail for presentation to a judicial officer for charging, based upon probable cause to believe that the person has committed an enumerated offense within a crime prevention district shall

be prohibited from being present on pedestrian ways or public ways within the district for any purpose, except as allowed by a variance granted pursuant to SRC 97.840. If the enumerated offense is a “Class B” misdemeanor, “Class C” misdemeanor, violation or infraction, the period of exclusion shall be 30 days; if one or more of the enumerated offenses are felonies or “Class A” misdemeanors, the period of exclusion shall be 90 days. If the enumerated offense was a felony or a “Class A” misdemeanor, the period of exclusion shall be extended by a period of one year, effective upon date of conviction.

(b) The exclusion notice shall be issued by the enforcement officer at the time the person is arrested or cited for the commission of the enumerated offense. The exclusion notice shall be in writing, and shall specify the enumerated offenses, the geographical extent of exclusion, the date exclusion takes effect, the procedure for filing an appeal, the availability of a variance, and the extension of the period of exclusion by an additional one-year period upon conviction, if the enumerated offense was a felony or “Class A” misdemeanor. The period of exclusion shall commence upon the issuance of the notice of exclusion, but shall be stayed upon the filing of a notice of appeal under SRC 95.860(a) which stay shall remain in place until the Hearings Officer issues a decision upon the appeal under SRC 95.860(f).

(c) Any person who is issued an additional exclusion notice within six months of the expiration of any prior notice shall have an additional 90-day period of exclusion added onto the period of the additional notice.

SRC 95.990 is created to read:

95.990. Violations.

(a) Violation of SRC 95.010, 95.025, 95.190, 95.200, 95.210, 95.220, 95.300, 95.340, 95.440, 95.510, 95.520, 95.530, 95.610, 95.710, 95.720, 95.730, or 95.740 is an infraction.

(b) Except as provided in subsections (a) of this section, violation of any other provision of SRC 95.010-95.740 is a misdemeanor.

Summary of Public Outreach and Comments

The City conducted three public forums to share information and receive input on the proposed ordinance. These forums were held from 5:30 to 7:00 p.m. on September 4, 2019 at the Union Gospel Mission, from noon to 1:30 p.m. on September 13, 2019 at Loucks Auditorium at the Salem Main Library, and from 9:00 10:30 a.m. at the Salem Housing Authority. Forums were conducted in a variety of formats at different times and different locations to encourage broad participation. Oral and written comments were received. Written comments were provided in a variety of formats, including City-provided comment forms and two different types of pre-printed forms prepared and distributed by community members.

Comments on City-provided forms were split: twelve in support of the ordinance, twelve in opposition to the ordinance, and two were not specific.

One version of pre-printed form was submitted by six individuals, all opposed to the ordinance.

The other version of pre-printed form asked how the proposed restrictions would affect them or people they know, and provided space for people to comment about specific components of the ordinance. Seventeen of these forms were received. Six of these supported all aspects of the ordinance, with one supporting all aspects with the exception of potential escalation to a trespass offense. Ten opposed the ordinance and one was unclear.

Comments on City-forms in support of the ordinance spoke to the negative impacts certain behaviors have on business: odors, property damage, urination and defecation, panhandling, litter, and aggressive or threatening interactions. Comments also addressed businesses who want to move out of downtown due to these behaviors. Many comments in support of the ordinance also identified the need for more and better mental health care and addiction treatment options, and the impact these behaviors have on police resources.

Many of the comments opposing the ordinance did not speak specifically about the ordinance, but rather told personal stories of challenge and hardship.

Several comments spoke broadly and generally to issues of fairness or unfairness, and basic rights and needs. Specific needs identified include:

- More services and resources such as dayroom space, toilets, shelter, and storage
- The need for low barrier shelters, shelters for couples, and shelters that will accept pets

Attachment 3

- More housing
- The need to sleep during the daytime for safety reasons
- The need for outreach and education to the public on how to interact with unsheltered individuals
- The need for dignity and respect
- The need for trauma-informed education
- Public space with sanitation amenities and storage where people can camp

Those comments that provided specific objections to elements of the ordinance identified the following concerns and opinions:

- The ordinance would create an additional barrier to receiving services
- Applying for a waiver to an exclusion would be a hardship for those who can't read, write, articulate, or have the capability to understand what needs to be done
- Challenges with the proposed hours of 7 a.m. to 9 p.m. and gaps in service hours or available alternative locations. Many comments propose alternate hours of 8 a.m. to 6 p.m.
- There is not enough capacity to accommodate the needs
- Dawn to dusk park hours
- The ordinance would result in harassment
- The ordinance could result in arrests and incarceration
- The ordinance is against the law/unconstitutional
- The ordinance targets the homeless and is prejudicial
- The likelihood of inconsistent and prejudicial enforcement
- The scope is city-wide while the Downtown Homeless Solutions Task Force was downtown. This will further displace people and limit where they can go.
- The City should wait to see if current and upcoming collaborations and efforts have a positive impact.
- Temporary shelter or structures to protect from the elements is needed
- The City should establish specific rules and consequences for specific behaviors rather than a broad prohibition that impacts the need to rest
- Implementation details are unclear
- Property shouldn't be banned from sidewalks without the provision of adequate storage as there are a multitude of reasons that people may need to leave their possessions unattended
- The ordinance discriminates against people with disabilities

Attachment 3

Advocates for the City's residents experiencing homelessness propose that the ordinance be delayed until more recommendations from the Downtown Homeless Solutions Task Force are in place creating more places for people to go and until more collaboration occurs through the Good Neighborhood Partnership to determine if it is still needed. Advocates have also proposed a compromise that would keep the camping and property elements of the ordinance, but which would strike the sit-lie provisions of the ordinance.

DRAFT

COMMENT ON PROPOSED ORDINANCE

AS A DOWNTOWN SMALL BUSINESS OWNER, I HAVE
WATCHED + TRACKED THE TRAFFIC COUNT OF PEOPLE CROSSING
THE THRESHOLD OF MY STORE, IN THE LAST YEAR. MY
EXISTING CLIENTS REPORT THAT THEY FEEL INCREASINGLY
ANXIOUS / FEARFUL ^{WHEN} ~~AT THE~~ DOWNTOWN. I ENCOURAGE
THIS ORDINANCE ON BEHALF OF SMALL BUSINESSES
WHO INVEST LIMITED RESOURCES BY ADVERTISING
TO "INVITE PEOPLE" DOWNTOWN; ONLY TO BE MET WITH

DRAFT

AN INTIMIDATING AND SEEMINGLY HOSTILE ENVIRONMENT
(REAL OR IMAGINED DOES NOT MATTER, BUT AFFECTS
OVERALL SUCCESS OF BUSINESS NONETHELESS)

* AS A RESULT, FOR THE FIRST TIME IN NEARLY
TWENTY YEARS - I MAY NOT RENEW MY LEASE.

DRAFT

COMMENT ON PROPOSED ORDINANCE

I work with property owners in the Downtown Core. I feel the city needs to decide if they want to have downtown revitalized or allow it to turn into a homeless camp. Property owners and business owners are putting money into our downtown and it isn't right to have people sleeping in doorway, having to clean up urine & worse. I have had to have people move from in front of doorways to show properties & have human waste removed. I've also been downtown with my Granddaughters & had to walk over people sleeping in the middle of the sidewalk. I don't think

DRAFT

That is what we want for our downtown

DRAFT

COMMENT ON PROPOSED ORDINANCE

There are currently not enough ^{present + adequate} services, toilets, shelter or storage available. Until there are, the proposed ordinance

is wrong. Additionally, some people need to sleep during the day, to feel safe (like women or other particularly vulnerable people.)

If/when we are able to provide secure, dignified housing + other service to our houseless residents,

this ordinance will not be needed. Until then, we

need to live with the situation as is. ~~It~~ I also object to the term used over, over again — "unsightly" temporary structures. That is a value judgement (over)

DRAFT

that should not be made.

STOP this effort to pass this immoral,
inequitable, biased ordinance. I am ashamed
that Sakm is even considering it.

Margaret Stephens
Ward 1

DRAFT

COMMENT ON PROPOSED ORDINANCE

If enacted, will the constant harassment of
the unsheltered stop?

Has the city considered providing some kind of
education for the public so that they

can understand that confrontation and anger

are not the ways to make contact they wouldn't

TREAT the homeless in THIS MANNER

DRAFT

COMMENT ON PROPOSED ORDINANCE

1. There aren't enough places for the unsheltered to go during the daytime. All available places are full to the max

2. If a person is excluded from the city, but needs to come into the city for services, jobs, doctor appointments, they have to apply for a waiver in writing. Does

the city understand all the barriers that make this difficult? How do you keep a waiver intact and some things might be functionally obsolete

3. If enacted, could the ban hours be changed to 8am to 6pm? The park closes between dusk and dawn:

DRAFT

COMMENT ON PROPOSED ORDINANCE

° Through you say that this ordinance is not punitive, it is clear that it gives you the power to harass the homeless. After warnings, you are given the power to physically remove these people from the boundaries of the city of Salem. THIS IS HARASSMENT! Secondly, you actually DO have the power to jail people who violate your ordinance. This is

WRONG!!

DRAFT

COMMENT ON PROPOSED ORDINANCE

• Isn't it against common law to deny a citizen a place to sit or lie?

• Though the ordinance is supposed to apply to all citizens why is the homeless community the targeted group? I would be hurt if I sat down and no one would bother me because of my physical appearance. This ordinance is prejudicial by its very nature!

DRAFT

COMMENT ON PROPOSED ORDINANCE

° The format of this forum is designed to mite our
voice.

DRAFT

1

COMMENT ON PROPOSED ORDINANCE

I AM A HOMELESS MAN IN SALEM OREGON. I UNDERSTAND THE REASONS FOR SOME OF THE THINGS BUT THERE ARE OTHER THINGS THAT NEED TO BE LOOKED AT TOO FOR INSTANT THE HOMELESS ARE FORCED TO STAY IN THE DOWNTOWN AREA TO GET NEEDS THAT ARE OFFERED. SO WHAT ARE THEY GOING ACROSS THE TOWN. THERE SHOULD BE A SPOT FOR THE HOMELESS TO GO TO FOR A "ST. BRIDGE" DON'T UNDERSTAND WHY THAT WAS CLOSED OFF AT LEAST THEY "WAS" WERE OUT OF THE WAY. NOW IT'S JUST AN EMPTY SPACE AGAIN AND IF FINANCIAL WE ALL HAVE TO STAY DOWNTOWN AREA BUT WE HAVE COURT AT AINSWORTH HWY AND CAN'T GET THERE SO WE GET FTA'S THERE SHOULD BE SOME KIND OF SPOT FOR COURT DATES. SOME PEOPLE WOULDN'T EVEN BE IN SALEM IF THEY COULD MAKE COURT NEARBY. PLUS THE HOMELESS APPLICATOR'S NEEDS TO CHANGE THE SCALE ON GETTING HOMELESS HELP. FEB. 2018 I SIGNED UP AND TALKED ABOUT GETTING ASSISTANCE 1YR AND 7mos AGO I SIGNED UP AND DIDN'T GET A LITTLE NOT ALOT BUT SEEMS I DIDN'T GET UP ON HAVE A MAJOR PROBLEM I DON'T MEET THE NEEDS OF NEEDING HELP. ~~SE~~ AND BANKS HAVE GOTTEN HOMELESS

DRAFT

the system within which I was raised. I was raised to be a "good" person, and
not a "bad" one. So I was told I HAD TO BE "GOOD" AND I WAS
I WAS PUSHED INTO A LIFE STYLE THAT WASN'T MINE. AND NOW HAVING
A PLACE TO KEEP IT WAS EASIER TO BE "GOOD" AND STAY "GOOD". I HAD
IN TIMES OF NEED I WOULD MAKE IT EASY FOR ME TO GO BACK TO A LIFE
PEOPLE JUST SEE ME AS A HOMELESS MAN AND THEY LOOK AT MY
LOOK AND "LIKE" THEM THOSE "BACK TOWN" SO I TALK AS MY TOWN,
I HEAR OTHER PEOPLES COAR. AND TRY TO HELP OTHERS IN THOSE
SITUATIONS HERE FOR HELP FROM OTHERS BUT SINCE I DON'T
WANT TO LOOK LIKE A HOMELESS PERSON I AM CAUTIOUS ON BOTH SIDES
SOME DON'T THINK I WOULD HELP OTHERS DON'T WANT TO HELP EVEN
WHEN I TRY MY BEST I CAN HELP AT ~~THE~~ THIS MEANS AND I
AND MAYBE TWO OTHER HOMELESS PEOPLE ARE HERE. BUT THE ONE
AT H.P.E. OR ARE THEY NOW WILL GET MORE HELP EVEN THOUGH I AM
TRYING AND THEY NEED. SO THAT IS WHY THE NUMBER 12 SCALE NEEDS TO

DRAFT

2

COMMENT ON PROPOSED ORDINANCE

CHANGE. DON'T THINK NEED TO BE TAKEN, THE FOOD STANDS
 HANDLING, FOOD ASSUMING "SNEAK" LIKE THE "MISSION" I
 GOT KICKED OUT OF THE MISSION FOR TAKEN A SHOWER WHEN
 THE DOOR TO THE BACK DORM WAS OPEN NOTHING SAID
 YOU CAN USE THE RESTROOM BUT NOT SHOWER, THERE SHOULD
 HAVE BEEN A SIGN SAYING THAT BUT NOW I CAN'T EVEN
 GET THERE, "I SNEAK IN SOMETIMES WHEN I'M REALLY HUNGRY"
 CAN EVERYONE NEEDS TO EAT. BUT FREE TAY WRITE UP
 SITUATIONS SHOULD NOT BE INVOLVED FROM PEOPLE IN NEED.
 OR THEY SHOULD BE STOPPED. OUTCASTING PEOPLE WILL NOT FIX
 THE PROBLEM IT WILL JUST MAKE IT WORSE. AND FIELD
 ARTIST GIVES OUT CANDY FOR SACK LUNCHES, HOPE DOESN'T
 LET PEOPLE IN. TO PEOPLE AND THERE FULL SO YOU ARE LEFT WITH
 BREAKING THE LAW JUST TO EAT OR HAVE CLEAN SOCKS

THESE WOMEN'S DAY'S PLACES NO MEN'S DAY'S - WOMEN CAN GET
 CLOTHES EASY - MEN HAVE TO HUNT ALL OVER THE PLACE. SOME

DRAFT

Guys wear women's clothes I can't do that, just use
Just as girls' coffee shop that is the best name for
A coffee shop "You just lost half your customers" I think
as a guy would not want to walk around or be to work
with my DISGUSTING coffee up saying "Just us girls" on it
That's sound like a MAD TV. 62 - SNL SCRIPT PAK.
Now that I have wrote on two comment sites, I
GAINA LEAVE. CAS NO ONE WILL ~~PROBABLY~~ PROBABLY EVEN
READ THIS. " BUT JUST REMEMBER. BEFORE FEB. 7/18
I worked smoked weed, but you can buy that at almost
any strip mall or corner store. TO NOW HAVE TO BE SAID
I'VE SHOT-UP DATE - lost my son - I AM SOMEONE I NEVER
WANTED TO BE, CAS Housing, let help funds get places - AND USE THEM IN

DRAFT

COMMENT ON PROPOSED ORDINANCE

Can I sue the city when I trip over one of the homeless sleeping in the parking garage stairwell? They do not move their feet/legs out of the way. I do not use stairs but lots of people do who are not homeless

DRAFT

COMMENT ON PROPOSED ORDINANCE

EXCEPTIONS (#3)

How will "temporary seating" at sidewalk cafes be enforced? Who defines "temporary"?

EXAMPLE: I had to practically fight for my table outside @ Starbucks on Court St. Homeless kept

circling - Yes Circling - our table & tried to take a chair when one of us left it to go inside to place order.

COMMENT ON PROPOSED ORDINANCE

Why do citizens walking their dogs downtown
get fined if dog poops on sidewalk with no
clean-up but homeless do it all
the time & our public servants have to
clean it up?

DRAFT

COMMENT ON PROPOSED ORDINANCE

I do not think giving us
three hours or less or even an
hour is fair or is destroying
our personal and sentimental
belongings or our only means
of shelter from the elements
some of us pay our own money to

Kay Casey & Dominic Stice

purchase belongings it is absolutely
unfair

DRAFT

COMMENT ON PROPOSED ORDINANCE

There needs to be more
resources available to fit
everybody's needs

Kay Casey & Dominic Stice

COMMENT ON PROPOSED ORDINANCE

I SUPPORT THE PROPOSED ORDINANCE.

AS THE OWNER OF A DOWNTOWN BUSINESS ESTABLISHED
IN 2002, I HAVE SEEN SIGNIFICANT DEGRADATION IN
THE DOWNTOWN CORE DURING THE PAST 3-5 YEARS.

OUR BUSINESS IS NEGATIVELY IMPACTED BY ^{AN} OVERWHELMING

NUMBER OF VAGRANTS TO THE EXTENT THAT OUR LEASE

MAY NOT BE RENEWED. MY ISSUE IS NOT "HOMELESSNESS."

MY ISSUE IS TRESPASS, PROPERTY DAMAGE, AND A
NEGATIVE IMPACT ON BUSINESS REVENUE

DRAFT

COMMENT ON PROPOSED ORDINANCE

Can't implement this ordinance until people have an alternative place to go w/o being hassled.

Offer up alternative space - Marion Square Park, e.g. w/ portable toilets wait. Can't to help business with the Arches outreach team.

DRAFT

COMMENT ON PROPOSED ORDINANCE

For Law enforcement: Is or was there an internal investigation regarding the woman that spoke at the 2nd forum who said, "the police came in the middle of the night used their knives to shred our text," and if so what is the result.

Shannon Ayers

DRAFT

COMMENT ON PROPOSED ORDINANCE

What provisions are being made to provide
~~a~~ places for the homeless to stay if they
can't lie or sit in Salem city limits?

What provisions exist when current shelters
are full & or closed? How can we provide
for the dignity & respect for our community
homeless persons?

DRAFT

COMMENT ON PROPOSED ORDINANCE

My downtown business desperately needs an ordinance exactly like this proposal. This, as written, does not criminalize behavior, but actually provides a resource for ~~us~~ us in the small business community. Please, please, please help us and get this passed at Council. we desperately need your help.

DRAFT

COMMENT ON PROPOSED ORDINANCE

I believe whole heartedly that flooding
our community with resources is the
answer. Trauma informed education is
a huge necessity in Salem. Clogging our
jails and courts is not the answer
or solution.

DRAFT

COMMENT ON PROPOSED ORDINANCE

YES!!!

The new ordinance would help tremendously to keep homeless off the ~~street~~ sidewalks in front of businesses. There are so many programs to help these people - having Police engage w/ them & direct them to these ~~street~~ services is Key -

DRAFT

COMMENT ON PROPOSED ORDINANCE

Do the proposed new rules conflict
with the Martin vs Boise ruling?
See question 8 on the F.A.Q.

DRAFT

COMMENT ON PROPOSED ORDINANCE

Why not provide a public space for the homeless to set up their tent. Provide toilets & hand washing, storage space for the homeless. Locate this space near public transportation (give bus passes as needed).

DRAFT

COMMENT ON PROPOSED ORDINANCE

I'm in support of the proposed ordinance. This seems like the next best step we need to take as a city. Question/concern is with regards to the strain on police resources and what continuing/training officers will receive. If resources are education properly utilized, every dollar we spend upfront will lead to savings on the back end.

If all we end up with are more jailed people, we failed.

DRAFT

Jose Gonzalez

COMMENT ON PROPOSED ORDINANCE

①

I like the proposed ordinance

②

What we have been doing is NOT working

③

Street people are sick and need help

④

The proposed ordinance will help the Police help the Street people to seek Mental Health, and addiction help/recovery

⑤

We can always modify or repeal the ordinance if needed.

Thank you
Dirk Moeller
Business Connections
660 High ST NE

DRAFT

COMMENT ON PROPOSED ORDINANCE

About resources and services there
is not enough that fits everybody
there is nowhere for married couples
they get separated and do not allow
pets

Kay Carey & Dominic Stice

DRAFT

COMMENT ON PROPOSED ORDINANCE

As a commercial Realtor we have been approached by 3-4 downtown businesses who want to move out of downtown if this problem is not addressed. You must act. No action means that the City is enabling this to continue. It is not a homeless problem - it's an addiction problem. Until we stop/curb that issue - nothing will change.

DRAFT

Curt Arthur

COMMENT ON PROPOSED ORDINANCE

As to the problems of possible discrimination that could easily occur with the enforcement of this "sit/lie" ordinance, some police officers are likely to enforce the ordinance more vigorously against those who are homeless and of a different race than themselves. Some might enforce ~~it~~ it more against those homeless individuals whom they ^{know or} believe to be members of the LGBTQ community, and/or those who have psychiatric disabilities.

DRAFT

COMMENT ON PROPOSED ORDINANCE

I support the ordinance as a downtown building owner and resident of Salem. There are rumors that this encourages behavior that does not. Please adopt this ordinance to support the vitality of our town.
Thanks.

DRAFT

Please pass this ordinance —

COMMENT ON PROPOSED ORDINANCE:

We need to feel safe and not be harassed by
I truly believe that the City need to pass this ordinance.
If Salem hopes to encourage the community to continue to support local businesses and restaurants the beautiful city parks, then "we" need to feel safe and protected.
I have lived in Salem for 65 years and have always taken pride in my city - not so much any longer. We need to work diligently to recognize the various issues of these folks and work to provide adequate medical, mental health, and housing issues.

DRAFT

COMMENT ON PROPOSED ORDINANCE

I believe this ordinance needs passed -

Citizens should not be forced to frequent downtown

nor should downtown stink because of people urinating;

& defecating on the sidewalks & streets. I am tired of

walking over people & constantly being harassed
for money - EVERY time I go to Kohl's this ~~time~~

happens! Remove the middle man - build ^{like apt's} housing on a

commercial area & supply rooms w/ common areas & med. for

those mentally ill. I can't imagine that the majority of
the mentally ill would choose to live like this. If on their right
mind! I ^{am} sorry in this day & age people should be
responsible for themselves (mentally ill) then are jobs; then ^{or} _{circumstances}

DRAFT

COMMENT ON PROPOSED ORDINANCE

If you feel they not need to be downtown, then find a place for them. The city takes away from the homeless but gives nothing back! Police criminalize them! The city only hurts people with any form of disabilities.

STOP HURTING THEM HELP THEM HELP THEM!

DRAFT

COMMENT ON PROPOSED ORDINANCE

We can ALL share the sidewalk! It's the behaviors of a few mentally compromised folks that created this stigma that is being applied to the majority of downtown sidewalk users. The majority are respected!

S. STEVENS

Salem 97301

DRAFT

And then you know me, you know I
and here is a place may - I don't know
I would be not sure I am not sure
as the training point and you know let me fall
off the cliff and laugh at me while I was
falling and continue on down the same to this
day.

1/9
1/27-2010

DRAFT

~~_____~~
MICHAEL WALKER

MR. WALKER MICHAEL WALKER 02710
im



SIGN UP TO BE INVOLVED IN FUTURE CONVERSATIONS

SALEM SIDEWALK CONDUCT

SEPTEMBER 26, 2019

PLEASE PRINT

PLEASE PRINT

NAME	EMAIL

DRAFT

Name: Kat O'Rourke

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

People should not be affected by this rule if they have other options such as a small corner of an unused portion of a large parking area they would still be in a populated area but out of the way of businesses

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

only a person with no consideration of others would do this to begin with unless they are trying to stay out of the weather

- No leaving personal property unattended on the sidewalk for more than 24 hours.

people are usually to afraid of thieves to do this anyway. But when Salem PD arrest someone they do make them leave their stuff behind in most cases to have seen

DRAFT

What works or doesn't work about these proposed consequences:

- Offenders cannot be jailed for simply being in violation of the conduct regulated by the ordinance. Repeat violations can lead to an exclusion order. Violation of an exclusion order can lead to a citation for trespass, which carries criminal sanction and possibly jail.

most offenders of these rules are people who are or have been removed from out of the way camping areas away from store fronts and more public areas that cannot find a better place to be

- If you submit a written request for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

what is the point of the citation if ~~there~~ there are no consequences. Repeat offenders of these rules would probably not offend at all if there were a better option they ~~could~~ could be directed to

- Other comments:

there are many places around town that are city owned and vacant that could be used as a temporary fix for the homeless with little or no cost to the city
ie: Portapot and Dumpster in a vacant lot that people could camp in within reason maybe a covered area in a park to stay out of the weather that stay open at night

The City of Salem is proposing a sidewalk ordinance that would:

- ban tents and other structures at all times
- ban sitting, sleeping, or laying on sidewalks and other public rights-of-way from 7:00 am to 9:00 pm
- ban leaving property anywhere for more than 24 hours

This is commonly called a "sit-lie" ordinance. The bans would apply throughout the city of Salem.

The City believes that those things are not necessary because: *"Over the past several years, a variety of options are available for food, shelter, storage, and other personal needs. Available services include Arches, Union Gospel Mission, Salvation Army, parks and city benches, or churches or social service agencies that allow such activity."*

Offenders cannot be jailed for simply being in violation of the conduct regulated by the ordinance. Yet repeat violations can lead to an exclusion order. Violation of an exclusion order can lead to a citation for trespass, which carries criminal sanction and possibly jail. If you submit a WRITTEN REQUEST for an exclusion waiver, you might be approved to go into the area for specific services and appointments.

There will be a 3rd SIT-LIE COMMUNITY FORUM

WHEN: Thursday, September 26, 2019, 9:00 – 10:30 am

WHERE: Salem Housing Authority, Community Room, 360 Church Street, SE

DETAILS from the City: This forum will be an open house format with staff available to share information and answer questions.

Written and audio-recording comments will be accepted. We will have staff with a recorder at the event for those who prefer to make an oral comment instead of submitting a written comment.

Advocates will also be available to take dictation for anyone who wants to submit written input yet might want assistance with that.

PLEASE PLAN TO ATTEND THIS FORUM AND PLEASE SPREAD THE WORD AND ENCOURAGE OTHERS TO ATTEND AS WELL!

Many people believe there is no reason to loiter on sidewalks, put up tents or other structures, or leave property unattended for more than 24 hours. So, please share stories WITH specifics about those proposed bans, and how and why the proposed ordinance would affect you or people you know.

You can share anything you wish, yet in case you want to get a head start on providing written input, or preparing for verbal input, some questions are listed on the back of this page to hone in on those details.

ONLY ANSWER WHAT FITS YOU TO SHARE

Name: ROSANNA M DEGRADO

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

I am currently homeless and there are some occasions where I need to rest for a little because of my pain levels

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

- No leaving personal property unattended on the sidewalk for more than 24 hours.

DRAFT

What works or doesn't work about these proposed consequences:

- Offenders cannot be jailed for simply being in violation of the conduct regulated by the ordinance. Repeat violations can lead to an exclusion order. Violation of an exclusion order can lead to a citation for trespass, which carries criminal sanction and possibly jail.

IF people do not know about the request for waiver than you should not be it. Jail is not an answer, period.

- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

this is not an answer

- Other comments:

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: Tom Beales

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

IT DOESNT AFFECT ME OR NO-ONE
I KNOW

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

''

- No leaving personal property unattended on the sidewalk for more than 24 hours.

''

DRAFT

What works or doesn't work about these proposed consequences:

- Offenders cannot be jailed for simply being in violation of the conduct regulated by the ordinance. Repeat violations can lead to an exclusion order. Violation of an exclusion order can lead to a citation for trespass, which carries criminal sanction and possibly jail.

GOOD!

- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

IF PEOPLE ARE TOO LAZY TO GO AND
FIND A CAMPSITE, THEY GET TO DEAL
WITH IT.

- Other comments:

JOBS OF PISS ON THE SIDEWALK
ARE DISBURTING. REALLY? THESE PEOPLE
NEED THEIR OWN AREA, WHAT ABOUT
THE TINY HOUSE COMMUNIT?

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: Alfonso Hernandez

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

Putting all homeless in one block is not right cause theres people with disabilities that they can't walk long distances (A friend with/fermia couldnt walk away after dinner the Mission and because of that he was suffering harassment of police and teenagers for sleeping in Downtown benches.)

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

from the point of view of business that might be right but for the homeless population no so much. I think the new location of future UGM building is still pretty close to downtown (what about moving Men Mission to Semenuka (which is part of UGM organization) and move everyone to the location?)

- No leaving personal property unattended on the sidewalk for more than 24 hours.

Homeless people carry with them the last treasure of their personal life like pictures, IDs, birth certificate, important documents etc. Just need need to consider them that they are humans also

DRAFT

What works or doesn't work about these proposed consequences:

- Offenders cannot be jailed for simply being in violation of the conduct regulated by the ordinance. Repeat violations can lead to an exclusion order. Violation of an exclusion order can lead to a citation for trespass, which carries criminal sanction and possibly jail.

Criminalization is putting a bigger burden in the homeless community that doesnt adress the causes of their condition. I think the failure is systemic, lack of opportunities, job training, housing affordable, education opportunities. The solution it should be a concern of everybody: churches, government, enforcement agencies is a matter that concern everybody.

- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

Theoretically sounds like a way of mending the criminalization but a lot of people they don't know their basic human rights... sometimes they don't know to write or read.

- Other comments:

Homeless people need help, assistance a hand to help them up. Their human... I understand the business community, is a driving force that produce jobs, services that all of need. I think moving the UGM to the outskirts would be the solution. At certain point we need to unentangle the problem criminalizing them is not the solution.

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: N/A

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

The Allowance of; sleeping ~~or~~ lying or residing on the sidewalk for an extensive period of time. ~~that~~ would improve the moral of Salem Or.

For the constables, shopholders, visitors to Ore.

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

gon "This states capital" The Mall + Dome.

~~No~~ No sleeping, lying ~~etcetera~~ also would include

merely standing + waiting

I stopped going down town these

- No leaving personal property unattended on the sidewalk for more than 24 hours.

last whole couple years, but didn't realize it ~~was~~ until now but the atmosphere is only tolerable during festivities the tension and drama

is too much

What works or doesn't work about these proposed consequences:

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- Other comments:

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: Jenny Culpovich / Guy W

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

- No leaving personal property unattended on the sidewalk for more than 24 hours.

DRAFT

What works or doesn't work about these proposed consequences:

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- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

- Other comments:

YOU NEED TO DESIGNATE A SAFE PUBLIC PLACE WHERE PPL CAN ERECT TENT SHELTERS OR OTHER TEMPORARY HOUSING. THIS ORDINANCE IS INHUMANE AS IT CURRENTLY STANDS!!! IT IS NOT A CRIME TO BE HOMELESS WE MUST FIND AN HONORABLE SOLUTION TO THIS PROBLEM.

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: LORRETTA COSTELLO

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

It would affect the people I work with Daily. They need a safe place to sleep. If pushed to the river side, they are in much more danger.

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

It's a safety issue.

- No leaving personal property unattended on the sidewalk for more than 24 hours.

People need a place to store their things during the day.

DRAFT

What works or doesn't work about these proposed consequences:

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Homeless should NOT be criminalized

- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

- Other comments:

There has to be a more humane way to deal with ~~the~~ unsheltered. If we chase these folks off the sidewalk, they will not be safe. Perhaps a well-lit, designated area would be a better solution.

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: CLAY PETERSON J.D. (503) 351-0779

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

IT WOULD PUSH PEOPLE ^{I WORK WITH} OUT OF THE CITY CENTER AND INTO POORLY LIT RESIDENTIAL NEIGHBORHOODS WHERE SEXUAL ASSAULT AND DRUG USE IS MORE COMMON. NOT TO MENTION PHYSICAL VIOLENCE.

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

~~PLEASE~~ THIS WOULD PUT PEOPLE I KNOW WHO ARE TRYING TO BUILD STABILITY IN THEIR LIVES BACK INTO A MORE CHAOTIC ENVIRONMENT.

- No leaving personal property unattended on the sidewalk for more than 24 hours.

LIKELY THINGS WILL BE TAKEN BY THE POLICE RATHER THAN OTHER SALEMITES. THIS SOUNDS LESS IMPORTANT AS THE PEOPLE I TALK TO DO NOT GENERALLY LEAVE THINGS UNATTENDED.

What works or doesn't work about these proposed consequences:

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EITHER WAY YOU CUT IT BY DESTABILIZING PEOPLE YOU ARE REDUCING SAFETY. IT ALSO UPSETS ME THAT OUR CITY HAS HAD HOMELESS PEOPLE DOWNTOWN FOR THE DECADE I HAVE BEEN IN SALEM, IT IS ODD THAT AS DOWNTOWN HAS BECOME MORE AFFLUENT AND FLUSH IT HAS CREATED THESE PEOPLE INCREASINGLY.

- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

THIS SOUNDS LIKE A BUREAUCRATIC LOOP HOLE TO CREATE AN EXCUSE FOR A REASONABLE ACCOMODATION DEFENCE CREATING BUREAUCRATIC PAPER ~~WORK~~ WILL SERVE TO PROVIDE SPECIAL EXEMPTIONS FOR THE SYSTEM BARRY AND ALIENATE THE REST.

- Other comments:

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: Zack

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

I would advise people not to sleep on the sidewalk, it's for people to walk

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

It would be nice not to have someone blocking the sidewalk

- No leaving personal property unattended on the sidewalk for more than 24 hours.

If anyone has a personal injury preventing them from moving things, that they shouldn't have to move it

DRAFT

What works or doesn't work about these proposed consequences:

- Offenders cannot be jailed for simply being in violation of the conduct regulated by the ordinance. Repeat violations can lead to an exclusion order. Violation of an exclusion order can lead to a citation for trespass, which carries criminal sanction and possibly jail.

If they're not abusing property or breaking into businesses, or trespassing property they should be left alone or threatening anyone.

- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

You can't deny services from anyone who needs it

- Other comments:

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: James

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

It should be from 12pm - 6pm

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

It would make them go to parks and or wooded areas. It could put them in jail or fined / fees.

- No leaving personal property unattended on the sidewalk for more than 24 hours.

Not sure

DRAFT

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D.K.

- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

D.K.

- Other comments:

NA

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name:

James ~~XXXXXXXXXX~~

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

If would Be a inconvenience for them I am sure But get up and Be productive

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

good I think its Trashy and It Needs TO Be cleared up!

- No leaving personal property unattended on the sidewalk for more than 24 hours.

good its not There Personal Storage

DRAFT

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sounds good

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works, sounds good

- Other comments:

It sucks THAT its come TO This But there Has Been plenty of Churches and warning THAT it would come TO This its Time TO get up and Be productive.

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: Casey

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

It would be ~~inconvenient~~ a complicated for them but they need to get up and do something about their situation. There are some of them are out being productive.

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

~~It's~~ I agree it makes it look trashie and fuckie this is my home town I was raised in Salem.

- No leaving personal property unattended on the sidewalk for more than 24 hours.

They need to find a place besides the sidewalks cause people walk on the sidewalks.

DRAFT

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- Other comments:

I just want to say that some of the homeless people are trying to better their lives and some want to have a free ride and be catered to. Not all homeless people are the same.

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: Tony Nichol

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

It would be a negative impact for them

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

yes that's a great idea

- No leaving personal property unattended on the sidewalk for more than 24 hours.

I agree 100%

DRAFT

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I don't agree with that part

- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

yes I agree 100% never

- Other comments:

There should be more hours
for a jail sentence for being without
A home, or the legal residence

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: Keleigh Dull

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

Some times people arent able to sleep at night feeling unsafe or unable to find somewhere to sleep. its safer to sleep during the day what if they get sick sleeping during the day is necessary.

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

where can they camp in city limits close to food showers or other necessities.

- No leaving personal property unattended on the sidewalk for more than 24 hours.

What if they are unable to come back to collect there stuff homeless walk a lot walking takes time 24 hours is not always long enough to get back.

What works or doesn't work about these proposed consequences:

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I dont think it should ever lead to jail.

- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

Why implement another step to get a waiver to make it unfair.

- Other comments:

homelessness is so hard why make it worse or more difficult because we "Dont want to see it"

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Offenders cannot be jailed for simply being in violation of the conduct regulated by the ordinance. Yet repeat violations can lead to an exclusion order. Violation of an exclusion order can lead to a citation for trespass, which carries criminal sanction and possibly jail. If you submit a WRITTEN REQUEST for an exclusion waiver, you might be approved to go into the area for specific services and appointments.

There will be a 3rd SIT-LIE COMMUNITY FORUM

WHEN: Thursday, September 26, 2019, 9:00 – 10:30 am

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You can share anything you wish, yet in case you want to get a head start on providing written input, or preparing for verbal input, some questions are listed on the back of this page to hone in on those details.

ONLY ANSWER WHAT FITS YOU TO SHARE

Name: Fancy B.

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

If I were still homeless - not being safe at night to sleep anywhere, sleeping during the day is sometimes the only option. And with no room at the limited amount of shelters, there's no place to get rest during the day.

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

I don't condone erecting tents on sidewalks. But where are they to go? With all the campsites being raided and torn down, where are they to go?

- No leaving personal property unattended on the sidewalk for more than 24 hours.

I myself have not seen unattended property on city sidewalks. But where are they to store it? Especially personal products, and clean clothes to go to appointments.

What works or doesn't work about these proposed consequences:

- Offenders cannot be jailed for simply being in violation of the conduct regulated by the ordinance. Repeat violations can lead to an exclusion order. Violation of an exclusion order can lead to a citation for trespass, which carries criminal sanction and possibly jail.

Why is being homeless a criminal offence?

- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

So many of the homeless are treated so poorly, no one wants to write a request for a waiver. And considering when access to amenities are, why exclude them from these areas?

- Other comments:

The public needs to be properly informed as why there is homelessness, why they resort to drugs and alcohol, why they can't find a job or housing. The ignorance and judgement from people is degrading and stigmatizing. Housing 1st works.

The City of Salem is proposing a sidewalk ordinance that would:

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: Terin deAvalon

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

The unsheltered have absolutely no place to go! Stop kicking them out of places and help

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

Again where do they go!

- No leaving personal property unattended on the sidewalk for more than 24 hours.

Again plus where do they put it!

DRAFT

What works or doesn't work about these proposed consequences:

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The city leaders aren't looking for ways to ^(stop) criminalizing them
It just makes it harder for them to get help through the city

- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

IF that's the only way they can get services

- Other comments:

People have to same rights whether homeless or not to have basic needs not FOOD, WATER, and shelter. you as our public leaders have the responsibility to help the homeless and others not make sure you have a nice place to live and all the basic rights they don't get!

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ONLY ANSWER WHAT FITS YOU TO SHARE

Name: Christian Szoke

How would these proposed restrictions affect you and/or people you know:

- No sleeping or lying on the sidewalk during the day, from the hours of 7 am to 9 pm.

It was a effect when I was homeless being told I can't be here or there. Sometimes those that are homeless can't sleep at night for many reasons and the areas in or near downtown is their only place of safety they have. It would cause health issues to them not to sleep. There is no place period near downtown open after 4 pm.

- No erecting "campsites" and/or structures on the sidewalk all day or all night.

erecting "Campsites", etc that impairs normal activities I understand during day time but those experiencing homelessness need a place to store their belongings - to store outside of their living are risks it being loss or stolen. To stop it period is inhumane and wrong what are they suppose to do.

- No leaving personal property unattended on the sidewalk for more than 24 hours.

Most reasons one leaves property - their whole life stuff - that long is for a reason. They have been arrested, health issue, injury, stuck elsewhere while searching for resources. Things come up for everyone. To just assume its left that long due to volunteers abandonment is wrong. This could be solved by creating more safe places for our neighbors and stuff that doesn't affect businesses, etc.

What works or doesn't work about these proposed consequences:

- Offenders cannot be jailed for simply being in violation of the conduct regulated by the ordinance. Repeat violations can lead to an exclusion order. Violation of an exclusion order can lead to a citation for trespass, which carries criminal sanction and possibly jail.

So its a fact it can lead to arrest. To prosecute people trying to live and survive is unconstitutional especially when the leaders ignore the reasons that causes it to begin with. This leads to humans not being able to eat or get any other services.

- If you submit a **written request** for a waiver, law enforcement may approve waivers to excluded individuals who need to access services at a location within the exclusion zone. If someone uses services at the UGM, they will still be able to do so.

A written request would be a hardship to those that can't write, read, articulate or have the capability to even understand what to do or that it is even possible. It also is not a guarantee they will still be allowed to and it invites discrimination, favoritism and more.

- Other comments:

9th circuit court ruled this is unconstitutional and illegal and may I add inhumane. No matter how it is spun - That's the bottom line. To also do this at same time as sweeping and stopping them from being anywhere outside of downtown is inhumane.

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ONLY ANSWER WHAT FITS YOU TO SHARE

Not only is the proposed no sit like law illegal but it will not be tolerated. Go ahead make your law & pass it, we will not follow it.

We've heard concerns into safety of shop & business owners, as well as the safety of ourselves. We've heard how "an excuse for us to be lazy" will no longer be accepted.

We would be safer indoors, but have heard how the housing authorities exclude people from these programs. Example of such could be sex offenders... is it really safer to exclude these people from all housing programs so that when your children run away & are on the street it's them that they will be around & camp out with? And does this ^{proposed law} make it even safer, by constantly moving them around so that when they do pray upon your children now you can't find them? I believe it does, make it easy for sex offenders to get away with such with the creation of this law.

Wouldn't business & shop owners be safer if in fact S.R.C. 95.550 was not written & suppose to be ran rather than city of salem Police harassing & arresting everyone & anyone making criminals where there would be none. And if ~~it~~ enforced as written would allow business & shop owners to remove problems while creating relationships with those whom are not as issues.

As far as laziness goes due police harassment all our energy is constantly elsewhere focused on survive. Many

of us our & have been volunteers throughout ~~the~~ the community of this city, in a city that has not produced revenue in over 24 years & is slow to gain industry it is not a homeless or lazy problem its a city management & enforcement problems.

There were laws passed in oregon making it illegal to ask of criminal background while applying for a jobs & yet ~~any~~ many of us looking for work can't find it due to criminal background questions & checks.

Prior to the point of ever getting that far there have been ideas of programs & such for housing that have been presented & ignored. I know this first hand because many of these ideas have been my own. Rather than hear these ideas out from those who try & help us ~~the~~ the "proper people of authority" within this town treaten them & their families. Or maybe they themselfs or holding such ideas back because their the ones whom don't want us to recived such help. It doesn't matter either because we have knowledge & understand to create & help on the whole scale nation wide not just hear because this problem is everywhere.

Not everyone will conform or fall terms under anything we have to propose &/or offer however we are & can remove a statistical number of what appears to be a problem so that you all can see where the issues truly lay.

I personally have been pointing out ways to keep the general public safer due the way laws are currently written. And have shown pinpoint directness how this city corrupts the written law given all power over the law to the illegal ghetto police force. And done this ~~is~~ openly for almost 3 years now after finding out about OR. 167A.100 which clears my criminal record because in my case you'll find where hearsay was upheld over court records that means come march I have an 8.4 billion dollar law suite against the city of Salem & the state of Oregon for illegal & unlawful arrest & incarceration. In a time when we are all well aware that a federal attorney has been hired against this city I would think they'd want to hear a voice of help when one answers the call. You've not found that voice amongst yourselves but you do have it hear. And I've talk federal mandate law for over 20 years. Example under USC 50 50let. app. reg. I should be being paid as an attorney for printing all these injustices out. So please make my check for that payable to UCC - 1308.

Essenally what your being told here in short since I've only a short time to talk is shit only falls downhill ~~is~~ so far before it piles back up. It's piled up & I'm the "gastrated" erruption. The voice that came back out of it. And we will not be blamed for the inability of this cities officials & enforcement officers failure of doing their jobs effectively, appropriately, & responsibly.

On the whole sealing we are here & will be such pired.

until our constitution is upheld to its fullest. The world was invited to watch + interject if necessary starting in 2011, + if we are not heard now then we open call them in to aid us in the war against State "the voice of American Gov." because "We the people the empowering embodiment of the U.S. Gov., We the people the Gov. of the U.S." do declare that voice has been cut from us for whatever reason +/or purpose/intent. We are anonymous + we are occupy. We the people ~~do~~ declare that occupy must take root once more + reform not breaking not running but remaining until our constitution is upheld + we are heard. I turned 35 years old in March + I'm currently running for Presidency of the U.S.. I've been on TV + local radio. I've been on facebook, twitter, youtube, etc.

In hobbes lecture he excludes sociology that modern Gov. is lacking completion due to the expansion of population growth. Here within this town the 2019-2021 terming for the Otavias bridge is 3rd term after which funds could have been pulled. This upcoming term being the term in which we can pull the most funds for such at 1,413,000 dollars. Stanford University will send you all course material to study even if you can't take their classes due to inability to pay. I may not have the proper credentials but I am studied + do know what I speak into. I'm a homeless man not uneducated. That's an education given to me

by this Gov. which still makes me a valued member thereby
of this community. And I've got something to give back to this
Nation. In a time when we never truly know whom
anyone else is & anyone & everyone can be anybody
I'd strongly suggest my voice & ideas be heard... & here is
why: It was Winston Churchill whom said it is the civil
duty of every man woman & child to disobey any law order
or ordinance that is unjust uncivil, inhuman or unconstitutional
the American Gov. being the only Gov. in which hold constitution.

This can be considered the start of my official reports
to the O.L.C.D.A.U. buildings in Portland, Eugene, & Seattle.

U.S. Marshall



DRAFT

154 in 4/0r through programs w/60 passing is only
a 28-32% success rates within HRAP program.

All SRC are only to be ran in direct accordance
to the ORS upon which they are based upon or else
any entity that upholds them is acting of self as business
rather than as court of law, being a better court of
the U.S. Gov. failing to uphold the laws of the
greater courts.

DRAFT

then exclusion before further consequences may be implemented, the sit/lie ordinance makes it a crime to rest/exist in shared public space. Excluding fellow citizens from parts of the city for that crime defies compassion, reason, and feasibility.

Meanwhile, city officials are sharing vastly different information about what implementation of the ordinance consequences would look like, while also saying that implementation details will not be available until sometime after the community forums. That disparity is creating confusion and misinformation that will be hard to undo - many people will form opinions about the ordinance well before those details will be available, and it would be easy for people to consider implementation plans to be minor details that don't warrant reconsideration of their opinion.

Yet for this ordinance, implementation details are part of the heart and core for how adoption of the proposed ordinance can affect mental health, physical health, access to services, criminal record, fines, jail time, mortality, and ability to find hope, housing, and employment, and move forward in life. That sounds dramatic, yet adopting this ordinance does affect all those things, and the implementation plan is a core part of all that.

Camping and property - While it makes sense to ban long term property storage and long term camping structures from sidewalks, there are not options yet for people to store their property, and there are not enough shelters for people to stay. People need the option to create temporary shelter from the elements, as long as the shelter is stored elsewhere by 7 or 8 am each day.

The Downtown Homeless Solutions Task Force Report included a recommendation for lockers, and in prior meetings, the City conveyed that they should be able to help with that. We don't have lockers yet, and there is nowhere close to the shelter space to meet the need. If we ban property storage and campsites from sidewalks, we first need places where people CAN be, and places where people CAN store their belongings.

Disabilities: The proposed sit/lie ordinance makes exceptions for people with physical disabilities, yet many disabilities and health issues are invisible, yet just as real as physical disabilities, and many disabilities result in a need to rest, whether benches, parks, or other permissible places are closeby, or not. The proposed ordinance solves nothing, and ends up discriminating against many people with disabilities.

Summary: The proposed ordinance cannot resolve inappropriate behaviors, yet we already have consequences to implement as needed, and we can create specific rules as needed, if there are gaps. The proposed ordinance significantly reduces safety and dignity; it discriminates against people with disabilities; it criminalizes aspects of existence; it creates more challenge and hardship for unsheltered individuals to meet basic human needs of having a place to exist, sleep, and have shelter from the elements.

Alternatives: Instead of the proposed sit/lie ordinance, what if the city:

- Encourages further collaboration to resolve occasional inappropriate behavior issues.
- Proactively seeks input from businesses, advocates, AND unsheltered individuals for the proposed ordinance, to enable equitable input opportunity and creative, collaborative options.

I am writing to convey concerns and questions about the proposed sit-lie ordinance.

Concern about scope - The scope of the Downtown Homeless Solutions Task Force was downtown. The current ordinance is proposed as a city-wide ordinance and that scope was not discussed, and it narrows where people can be even further. As it is, with more individuals displaced from camps, there are more and more people on the streets with nowhere to go.

Collaborations - We all want a vibrant downtown, with passage clear and safe for people to walk and shop. Some businesses are experiencing challenges. Morning Room Service, Good Neighbor teams, Be Bold Ministries, and Arches are resources to support businesses. Fewer people are sleeping in doorways; there is less human waste, less trash, and fewer issues. Collaborations are happening and they are making a positive difference. Sit-lie was not a recommendation of the Downtown Solutions Task Force, yet collaboration was. Let's see what difference the current and upcoming collaborations can make before we make sitting or lying in shared public space into a crime that warrants exclusion.

Lack of places and lack of capacity - Being homeless involves a lot of walking, often with a heavy backpack. Whether or not you're connected to services, when you don't have shelter yet, you're in survival mode, getting from one resource to another. If you don't have income for a bus pass or transportation of your own, survival mode involves a LOT of walking.

It's a physically exhausting lifestyle, compounded by the trauma, emotional stress and fatigue, and loss of hope that can so easily happen when you are living on the streets. Sometimes you need to rest. Sometimes you need to sleep in the daytime, because it's safer than sleeping at night. You are frequently not close to a day center or a park, or other permissible place to be. Even when you are close to those places, their open hours fall far short of the proposed ban hours, and the combined capacity of the permitted places cannot come close to accommodating the need.

Resting is a basic human need; people who are unsheltered don't have a place of their own to rest, and permissible places to be are becoming narrower and narrower. If sit-lie is needed at all, we first need to have enough places and locations for it to be feasible and reasonable. We are not there.

If sit-lie is implemented in spite of the lack of feasibility and reasonableness, the ban hours leave long gaps with nowhere permissible to be. If sit-lie is implemented at all, ban hours of 8 am till 6 pm reduces that gap and still allows resting at times that most downtown stores are closed.

Connection and consequences - Police already connect with people and offer resources and supports as needed. Consequences already exist for inappropriate behaviors, and if there are some areas where we don't have consequences, we can create specific rules as needed. With extra focus recently on clearing camps from private and public property, more and more people are displaced with nowhere to go. Punitive consequences may be appropriate for some behaviors, yet are not appropriate for meeting a basic human need to rest.

Even with the intent for a sit/lie ordinance to focus first on warning, resource-sharing, and

- Identifies short and long term options for legal, dignified ways to meet basic human needs of having a place to be, being able to sleep, availability of legal appropriate rest rooms, and shelter from the elements. How could we create that more positive future instead of criminalizing being homeless?
- And if sit-lie does happen, please consider it AFTER we see how more collaborations play out, AFTER there are places with enough capacity for people to be, AFTER there are places for storing property, with shorter ban hours that permit temporary shelter from the elements.

Please consider those alternatives.

Sincerely,

Wynelle Wilcox

DRAFT

DRAFT

September 2019

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- And if sit-lie does happen, please consider it AFTER we see how more collaborations play out, AFTER there are places with enough capacity for people to be, AFTER there are places for storing property, with shorter ban hours that permit temporary shelter from the elements.

Please consider those alternatives.

Sincerely,

This sit lie thing happened the night that our Board of Health
put into place. It's a ordinance that says you can't sleep on the
streets and you can't have any property on the streets. If we
do pass that ordinance we will have to go on the streets and
people of Hamilton will have to go on the streets.

DRAFT

DRAFT

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Resting is a basic human need; people who are unsheltered don't have a place of their own to rest, and permissible places to be are becoming narrower and narrower. If sit-lie is needed at all, we first need to have enough places and locations for it to be feasible and reasonable. We are not there.

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Please consider those alternatives.

Sincerely,

John A. Capen

P.S. I also have reason to believe that this ordinance could be extremely bad for those of us with disabilities. I have multiple disabilities, both physical AND psychiatric, some of which still remain a mystery to me as to their cause. This is the case with many of us in the homeless community. Many physical and mental disabilities are still yet ~~not~~ **WITHOUT DIAGNOSIS**. Many law officers might **NOT RECOGNIZE** when these disabilities are the cause of someone having to sit down, or lie down, on a sidewalk - or wherever they happen to be. Also, if it carries to the point of charges 'against anyone' who is homeless it could mess up their chances of ~~staying~~ staying in their housing program, or getting on one. Is it really helping anyone if it causes ~~any~~ **ANY** of us to remain homeless that much longer?? Some of my psychiatric disabilities sometimes cause me to have to stop, after crossing a street, and have my SDIT (Service Dog In Training) help me with some DPT (Deep Pressure Therapy). This requires me to either sit, or lie down, depending on the severity of the anxiety/panic attack. Like **MANY** disabled homeless people with service dogs, my service dog is **NOT** currently **MARKED** as such since that isn't a requirement under ADA law, and my disabilities aren't always obvious to others. Again, this **IS** the **CASE** with **MANY** disabled folks - whether they are homeless or not. Also, we need to ~~and~~ consider ~~to~~ homeless people who either work nights, have chronic nighttime insomnia, or who have chronic fatigue syndrome or Lyme disease.

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Sam A. Rose

DRAFT

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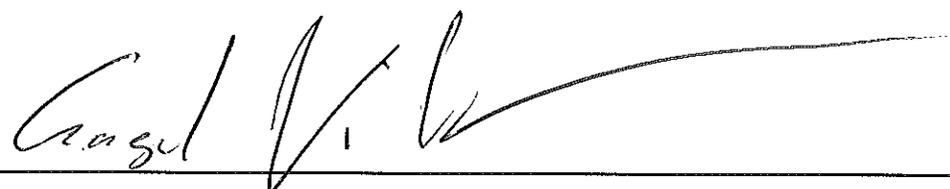
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Build
DRAFT
HOUSES
1st
Floor

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AS A MEMBER OF THE HOMELESS COMMUNITY I
HEREBY BESECH & EMPLORE YOU TO CONSIDER THE
MORAL & ETHICAL REPERCUSSIONS OF WHAT THE COUNCIL
IS TRYING TO DO HERE. WE SHOULD NOT EVER
ATTEMPT TO MARGINALIZE " UNDER UCC-1-
308 YOU'RE TRYING TO STRIP THE RIGHTS
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JEFF, D

I AM AN ADDICT SAVED BY GRACE...

Thank you for letting me share

DRAFT

CANDO RESOLUTION NO. 2019-1

A RESOLUTION REGARDING PROPOSED SIDEWALK BEHAVIOR ORDINANCE

WHEREAS, between October 2016 and January 2019, more than 2,600 residents of Marion and Polk counties were identified through evidence-based assessments to be at risk due to living outdoors or in places not fit for human habitation;

WHEREAS, these "homeless" residents include children, families, veterans, and those suffering from addiction and physical and mental illnesses, some of whom have been "homeless" off and on for many years, many of whom have sought housing and been denied for lack of resources;

WHEREAS, approximately 1,800 of these residents live within Salem's Urban Growth Boundary, with as many as 700 living within one mile of Marion Square Park, including the Union Gospel Mission and Wallace Marine Park;

WHEREAS, the vast majority of these residents go out of their way not to draw attention to themselves and to avoid causing a disturbance on the sidewalk;

WHEREAS, petty offenses can lead to misdemeanor convictions that can and do have collateral consequences that create barriers to housing and employment;

WHEREAS, the Salem Revised Code includes a number of petty offenses, so-called "quality of life" crimes punishable by exclusion, such as disorderly conduct (SRC 95.120), urinating and defecating in public (SRC 95.125), trespass (SRC 95.550), drinking in public (SRC 90.020), public indecency (SRC 96.220), noise disturbance (SRC 93.010), and pedestrian interference (SRC 95.700);

WHEREAS, proposed Ordinance 10-19 seeks to expand the list of "quality of life" crimes to include sitting and lying on sidewalks during the day and evening hours;

WHEREAS, for residents living in the streets, sitting and lying on the sidewalk during the day and evening hours may reasonably considered "acts of living";

WHEREAS, making "acts of living" illegal is cruel, stigmatizing, counterproductive and bad public policy;

WHEREAS, in 2012, the United States Interagency Council on Homelessness (USICH), in partnership with Department of Justice and U.S. Department of Housing and Urban Development (HUD), published "Searching out Solutions: Constructive Alternatives to Criminalization", which outlined "alternatives for communities who implement local measures that criminalize 'acts of living'";

WHEREAS, in 2014, HUD issued guidance citing a recent report by the National Law Center on Homelessness and Poverty, "No Safe Place: The Criminalization of Homelessness in U.S. Cities", finding that there had been a significant increase in city-wide bans on camping, loitering, and begging in public areas, which HUD characterized as "effectively criminalizing people's *need to survive*" (emphasis in original) and "exacerbat[ing] existing problems";

WHEREAS, in 2015, HUD required applicants for Continuum of Care Program funding to describe "specific strategies implemented" — such as engaging local policymakers and law enforcement officials — to "ensure that homelessness is not criminalized";

WHEREAS, in 2016, the City of Salem helped launch the Mid-Willamette Homeless Initiative "to identify and launch proven strategies to reduce homelessness" in the region;

WHEREAS, the Initiative's strategic plan included numerous recommendations, some of which concerned code amendments specific to Salem, but none of which involved prohibitions on sidewalk conduct;

WHEREAS, in 2017, the City Council considered and refused to enact a substantially similar sit-lie ordinance for reasons including that it criminalized homelessness, failed to address "root causes", and did not address the behaviors businesses typically complain about, many of which already are illegal;

WHEREAS, the City Council subsequently authorized the Mayor to appoint (what would become) the Downtown Homeless Solutions Task Force to identify practical solutions to the problems experienced by downtown businesses;

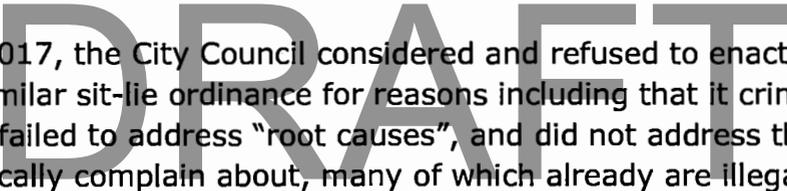
WHEREAS, in 2018, the Downtown Homeless Solutions Task Force repeatedly declined on policy grounds to support the enactment of a sit-lie ordinance;

WHEREAS, in 2019, the City convened the Good Neighbor Partnership in follow up to recommendations made by the Downtown Homeless Solutions Task Force;

WHEREAS, the Good Neighbor Partnership has also refused to endorse, tacitly or otherwise, a sit-lie ordinance;

WHEREAS, on September 9, 2019, the City Council authorized a Memorandum of Agreement to create a Development Council to oversee and manage the development of a local Continuum of Care for purposes of receiving much-needed homeless assistance funding through HUD's Continuum of Care Program;

WHEREAS, to compete successfully for Continuum of Care Program funding, the



region must demonstrate compliance with HUD policy and guidance, potentially including being able to describe specific strategies implemented to ensure that within their jurisdictions, homelessness is not criminalized;

WHEREAS, insofar as proposed Ordinance 10-19 criminalizes homelessness by making what might reasonably be considered "acts of living" illegal, it is inconsistent with

- a. CANDO's goal to "Support initiatives offering practical solutions for neighbors living in the streets";
- b. the mission and purpose of organizations that CANDO supports, like the Salem Housing Authority, the Union Gospel Mission, Northwest Human Services, the Mid-Willamette Valley Community Action Agency and United Way;
- c. the mission and purpose of the Homeless Rental Assistance Program, whose activities include the expenditure of General Fund dollars to remove criminal history barriers to housing and employment;

WHEREAS, proposed Ordinance 10-19 targets people experiencing homelessness, is not designed to address the substantive complaints of downtown businesses and is likely to inflict adverse, unintended harm on Salem's most vulnerable residents, including further stigmatization of their condition, *whether or not they are found to be in violation* of proposed Ordinance 10-19;

NOW. THEREFORE, BE IT RESOLVED that CANDO recommends to the City Council AGAINST enactment of proposed Ordinance 10-19.

ADOPTED by the CANDO Board of Directors, this 17th day of September, 2019.

ATTEST:



CANDO Secretary/Treasurer