

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