

AN ORDINANCE RELATING TO USE OF PUBLIC PROPERTY; AMENDING SRC 95.720; AND REPEALING SRC 95.730 AND ORDINANCE BILL NO. 6-20.

Section 1. SRC 95.720 is hereby amended as set forth in Exhibit A, attached hereto and by reference incorporated herein.

Section 3. Findings.

- (a) The city of Salem is experiencing an emergency in the number of people experiencing homelessness, and who do not have an adequate option to meet basic housing and shelter needs.
- (b) The city of Salem is a geographically diverse city, largely comprised of residential, commercial, and industrial areas.
- (c) Maintaining pedestrian and authorized commercial activity on public sidewalks is essential to public safety and welfare, thriving neighborhoods, and economic vitality within the city.
- (d) Publicly owned property such as park land and public sidewalks are not intended for or designed for human habitation and camping. Use of these spaces for such activities conflicts with other intended uses and often creates public health and safety issues and is an inhumane option for people experiencing homelessness.
- (e) Use of publicly owned property for human habitation may deter city residents and visitors from patronizing local shops, restaurants, and businesses, and enterprises, and from utilizing public and private services, and activities within the city, and deter people from using the sidewalks in their neighborhoods.
- (f) The Americans with Disabilities Act (“ADA”) requires public and private sidewalks to be maintained with a minimum 36-inch travel corridor. Campsites that infringe within that corridor put the City at risk of violation of the ADA and encumber the right of persons with disabilities to access and engage in life activities.

- 1 (g) The people of the city of Salem promote policies that preserve the right to enjoy public
2 spaces and to traverse freely, while protecting free-speech rights, as well as other safe
3 activity consistent with city ordinances and permitting requirements.
- 4 (h) The regulation of use of public spaces in this ordinance leaves fully intact the right to
5 speak, protest, or engage in other lawful activity on any public sidewalk consistent with
6 city ordinances and permitting requirements.
- 7 (i) The restrictions on camping in this ordinance are objectively reasonable and allow for a
8 variety of alternative locations where individuals who are involuntarily unsheltered may
9 rest and protect themselves against inclement weather.
- 10 (j) Maintaining accessible and attractive sidewalks for pedestrian and commercial traffic is
11 an important public safety objective, and important to maintain the economic vitality of
12 the city. Blocked and obstructed sidewalks present hazards to pedestrians and discourages
13 visitors and patrons to community businesses.
- 14 (k) The placement of tents or other items on public sidewalks, public property, and public
15 rights-of-way, for habitation, is not the ordinary, customary, or intended use of these
16 areas, and is an incompatible and detrimental use of these spaces in all parts of the City.
- 17 (l) Campsites can also obstruct and delay emergency personnel responding to
18 emergencies. Campsites can obstruct ingress to and egress from businesses,
19 residential buildings, and other establishments and property.

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

- 23 (a) Renumber sections and parts of sections of the ordinance;
- 24 (b) Rearrange sections;
- 25 (c) Change reference numbers to agree with renumbered chapters, sections or other
26 parts;
- 27 (d) Delete references to repealed sections;
- 28 (e) Substitute the proper subsection, section or chapter, or other division numbers;
- 29 (f) Change capitalization and spelling for the purpose of uniformity;
- 30 (g) Add headings for purposes of grouping like sections together for ease of
31 reference; and

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(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 _____, 2023.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: Dan Atchison