

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

2 AN ORDINANCE RELATING TO CONDUCT ON SIDEWALKS; **REPEALING 97.720 –**
3 **95.770; AMENDING SRC 95.720, 95.730, 95.740; AMENDING AND RENUMBERING**
4 **95.735, 95.736, 95.750, 95.760; RENUMBERING 95.770; CREATING NEW 95.720, 97.730,**
5 **95.740, 95.750, 95.760, 95.770, 95.780, 95.790,** 95.800, 95.830 AND 95.990.

6 *The City of Salem ordains as follows:*

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

9 **Section 2. Findings.**

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

- 1 (g) Persons ~~sitting or laying on public sidewalks~~, camping, or the accumulation of trash and
 2 personal property unattended on public sidewalks, is detrimental to pedestrian safety,
 3 public welfare and the economic vitality of the community, with the greatest impact
 4 occurring during customary business hours. This behavior causes a cycle of decline as
 5 residents and tourists go elsewhere to walk, meet, shop, dine, and access other services
 6 and activities, and residents become intimidated from using the public sidewalks in their
 7 own neighborhoods.
- 8 (h) ~~Sitting or lying down,~~ Camping, or leaving personal property unattended, is
 9 incompatible and detrimental use of the public sidewalks in all areas of the city.
- 10 (i) The City of Salem promotes policies that preserve the right to enjoy public spaces and to
 11 traverse freely, while protecting free-speech rights, as well as other safe activity
 12 consistent with city ordinances and permitting requirements.
- 13 (j) The prohibitions against ~~sitting or lying down on public sidewalks~~, camping, or leaving
 14 personal property unattended on public sidewalks **as defined in this ordinance**,
 15 ~~contained in this ordinance~~ leaves fully intact the right to speak, protest, or engage in
 16 other lawful activity on any public sidewalk consistent with city ordinances and
 17 permitting requirements.
- 18 ~~(k) The prohibition against sitting or lying down on public sidewalks, or leaving personal~~
 19 ~~property unattended on public sidewalks, contained in this ordinance, applies only to~~
 20 ~~public sidewalks. There are numerous places within the city where the restrictions of this~~
 21 ~~ordinance do not apply, including private property, public benches, private seating areas~~
 22 ~~of sidewalk cafés, non-sidewalk areas of public parks, public plazas, and other non-~~
 23 ~~sidewalk common areas open to the public.~~
- 24 ~~(l) The prohibition against sitting or lying down on public sidewalks contained in this~~
 25 ~~ordinance contains exceptions for medical emergencies, persons in wheelchairs, and~~
 26 ~~permitted activities, among others.~~
- 27 ~~(m) The City of Salem desires to help persons in need to obtain services. In order to provide~~
 28 ~~persons sitting or lying down on public sidewalks, or camping the opportunity to obtain~~
 29 ~~referrals to appropriate service entities, a peace officer may not issue a citation without~~
 30 ~~first warning the person that sitting or lying down on a public sidewalk during certain~~
~~hours is unlawful.~~

1 ~~(n)~~ **(k)** The City of Salem desires to provide persons an opportunity to remove their
2 personal property from public sidewalks on their own. Prior to removing unattended
3 personal property from a public sidewalk in accordance with the provisions of this
4 ordinance, advance notice is to be given unless the property poses an immediate threat to
5 public health, safety and welfare.

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

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

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

20 ~~(r)~~ **(o)** The placement of tents or other items on public sidewalks, public property, and
21 public rights-of-way, for habitation, is not the ordinary, customary, or intended use of
22 these areas, and is an incompatible and detrimental use of these spaces in all parts of the
23 City.

24 ~~(s)~~ **(p)** Campsites can also obstruct and delay emergency personnel responding to
25 emergencies. Campsites can obstruct ingress to and egress from businesses, residential
26 buildings, and other establishments and property. Campsites often exhibit the presence
27 of human waste and uncontained food, which poses public health risks.

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

(a) Renumber sections and parts of sections of the ordinance;

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- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division numbers;
- (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.

Section 5. Emergency Clause. This act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after the date of its passage.

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

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: S.Miller