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*The City of Salem ordains as follows:*

## **Section 2. Findings.**

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

5 **(h)** Sitting or lying down on public sidewalks is an incompatible and detrimental use of the  
6 public sidewalks in all areas of the city.

7 **(i)** The people of the city of Salem promote policies that preserve the right to enjoy public  
8 spaces and to traverse freely, while protecting free-speech rights, as well as other safe  
9 activity consistent with city ordinances and permitting requirements.

10 **(j)** The restriction on sitting or lying down on public sidewalks contained in this ordinance  
11 leaves fully intact the right to speak, protest, or engage in other lawful activity on any  
12 public sidewalk consistent with city ordinances and permitting requirements.

13 **(k)** The prohibition against sitting or lying down on public sidewalks contained in this  
14 ordinance contains exceptions for medical emergencies, persons in wheelchairs, and  
15 permitted activities, among others.

16 **(l)** The City of Salem desires to help persons in need to obtain services. In order to provide  
17 persons sitting or lying down on public sidewalks the opportunity to obtain referrals to  
18 appropriate service entities, a peace officer may not issue a citation without first warning  
19 the person that sitting or lying down on a public sidewalk during certain hours is  
20 unlawful.

21 **(m)** The City of Salem is a compassionate city, and desires to help persons experiencing  
22 residential instability or homelessness, to transition to safe and permanent housing.  
23 Allowing people to sit or lay on public sidewalks does not help people transition to  
24 housing and has a detrimental effect on the economic vitality of the city, and the public  
25 safety and welfare.

26 **(n)** Maintaining accessible and attractive sidewalks for pedestrian and commercial traffic is  
27 an important public safety objective, and important to maintain the economic vitality of  
28 the city. Blocked and obstructed sidewalks present hazards to pedestrians, and  
29 discourages visitors and patrons to community businesses.

30 **(o)** The prohibition against sitting or lying down on public sidewalks contained in this  
ordinance, applies only to public sidewalks during the times specified herein. There are

1 numerous places within the city where the restrictions of this ordinance do not apply,  
2 including private property, public benches, private seating areas of sidewalk cafés, public  
3 parks, public plazas, and other non-sidewalk common areas open to the public. In  
4 addition, non-profit service providers, provide a variety of dayroom space, storage  
5 facilities, and indoor meals that are available during the daytime.

6 (p) The restrictions in the ordinance only apply during daytime hours, and only apply to  
7 sitting or lying in a public sidewalk. Nothing in this ordinance restricts the ability of  
8 people to lawfully use public sidewalks, remain on public sidewalk indefinitely at all  
9 hours of the day and night, or even sit or lie on public sidewalks during the evening  
10 hours.

11 (q) This is a civil, and not a criminal, ordinance. The penalty for violation of this ordinance is  
12 a fine of \$250. No criminal sanction is created or imposed through this ordinance.

13 (r) The City Manager is directed to ensure that the restrictions in this ordinance are not  
14 enforced until the opening of additional daytime space that is protected from the elements  
15 and includes access to toilets. This space must be open during all periods the restrictions  
16 in this ordinance are in effect (7:00 a.m. to 9:00 p.m., Monday through Sunday).

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

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

21 (b) Rearrange sections;

22 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;

23 (d) Delete references to repealed sections;

24 (e) Substitute the proper subsection, section or chapter, or other division numbers;

25 (f) Change capitalization and spelling for the purpose of uniformity;

26 (g) Add headings for purposes of grouping like sections together for ease of reference; and

27 (h) Correct manifest clerical, grammatical or typographical errors.

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

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

4 PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

5 ATTEST:

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8 City Recorder

9 Approved by City Attorney: \_\_\_\_\_  
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