

## Legislation Details (With Text)

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**In control:** City Council  
**On agenda:** 9/11/2017 **Final action:**  
**Title:** Consideration of Ordinance Bill No. 22-17, regulating use of public sidewalks  
Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**Sponsors:****Indexes:****Code sections:****Attachments:** 1. Ordinance Bill No. 22-17

Date	Ver.	Action By	Action	Result
9/11/2017	1	City Council	received and filed	

**TO:** Mayor and City Council  
**THROUGH:** Steve Powers, City Manager  
**FROM:** Gerald Moore, Chief of Police and  
Dan Atchison, City Attorney

**SUBJECT:**

Consideration of Ordinance Bill No. 22-17, regulating use of public sidewalks

Ward(s): All Wards  
Councilor(s): All Councilors  
Neighborhood(s): All Neighborhoods

**ISSUE:**

Shall the City Council enact Ordinance Bill No. 22-17 to regulate use of public sidewalks?

**RECOMMENDATION:**

Enact Ordinance Bill No. 22-17 to regulate the use of public sidewalks.

**SUMMARY AND BACKGROUND:**

In recent years, the City of Salem has seen an increase in people sitting, lying, and leaving personal property unattended on sidewalk areas, as well as establishing campsites in public areas not designed for this use. This behavior is detrimental to public safety and welfare, and the economic vitality of affected businesses. The City has received complaints from residents, businesses, and social service providers regarding these issues. These complaints include people feeling unsafe to use public sidewalks, and businesses claiming their enterprises are suffering from this behavior.

Maintaining pedestrian and authorized commercial activity on public sidewalk areas, and restricting camping on public sidewalks, are essential to maintaining public safety and welfare, thriving neighborhoods, and economic vitality. Extended sitting or lying down on sidewalks, leaving personal property unattended on sidewalks, and campsites on public property, impedes the ability of pedestrians to use sidewalks and public areas during the times when local businesses, shops, restaurants and other public and private businesses rely on community patronage. Additionally, these actions and behavior, especially camping on public sidewalks, constitute a public nuisance, and harm public safety and welfare.

A variety of efforts have been taken by the City, in conjunction with its community partners, to address these issues with little success. One barrier to resolving these issues is lack of existing law that effectively address the harms created by people sitting, laying, or leaving personal property on public sidewalks, and camping on public property.

## **FACTS AND FINDINGS:**

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. 22-17 attempts to balance 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.

With certain exceptions, Ordinance Bill No. 22-17 restricts sitting or lying on public sidewalks between the hours of 7:00 am and 9:00 pm. It also prohibits camping and leaving personal property unattended on the sidewalk. Prior to taking enforcement action, the ordinance bill requires City personnel to warn the individual that the conduct is in violation of the code, and give them an opportunity to correct it.

Employees will continue to assist persons in need of services to connect with the appropriate service entities. Maintaining partnerships with local social service organizations, designed to provide the same compassion and education to those in need as is currently provided, will remain a priority of city staff.

Jerry Moore  
Chief of Police

## **Attachments:**

1. Ordinance Bill No. 22-17.