Legislation Details (With Text)

File #:	20-101 **Version:** 1		
Type:	Ordinance First Reading	**Status:**	Second Reading
		In control:	City Council
On agenda:	3/9/2020	**Final action:**	
Title:	An ordinance relating to conduct on sidewalks, creating Salem Revised Code 95.715 Ward(s): All Wards Councilor(s): All Councilors Neighborhood(s): All Neighborhoods Result Area(s): Good Governance; Safe Community; Strong and Diverse Economy; Welcoming and Livable Community.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. ORDINANCE BILL NO 6-20, 2. Exhibit A to ordinance bill 6-20 Proposed Text, 3. Public Comments recieved by 5:00 p.m. on 3-4-20, 4. Public Comments received by 3:30 p.m. 3-9-20		

Date	Ver.	Action By	Action	Result
3/9/2020	1	City Council	introduced on first reading	Pass

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

SUBJECT:

An ordinance relating to conduct on sidewalks, creating *Salem Revised Code* 95.715

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance; Safe Community; Strong and Diverse Economy; Welcoming and Livable Community.

ISSUE:

Shall City Council conduct first reading of Ordinance Bill No. 6-20, relating to conduct on sidewalks?

RECOMMENDATION:

Conduct first reading of Ordinance Bill No. 6-20, relating to conduct on sidewalks.

SUMMARY:

On February 24, 2020 Council directed staff to develop an ordinance regulating sidewalk use with conditions:

1. The ordinance shall not be linked to Crime Prevention Districts. A violation of the sit and lie restrictions shall not subject a person to an exclusion order.
2. The ordinance will not be effective until sheltered outdoor or indoor space is available to the public during the hours of sidewalk restrictions, 7:00 a.m. to 9:00 p.m.
3. Toilet availability at the day space.
4. Within 30 days of ordinance's effective date, present a plan for permanent public restrooms in the downtown that can be feasibly maintained.

The ordinance bill (attachment 1) and proposed text (attachment 2) are attached.

FACTS AND FINDINGS:

SHELTER

For the City to provide a sheltered outdoor or indoor space for individuals currently residing on the sidewalk requires either a covering or extending the hours of the Arches day center.

Arches day center capacity has expanded to 128. The day center is currently open from 8:00 a.m. to 3:00 p.m., Monday through Friday. The day center has restrooms, laundry, showers, and support services for individuals who are unsheltered.

To extend day center hours to match the hours of the proposed ordinance seven days a week would cost $74,333 per month. The City's budget does not have the capacity to add this level of expense. The City's request to the legislature for a navigation center included state funding for a 24-hour, seven day a week day center. Pending the outcome of the 2020 legislative session or the 2021 legislative session, extending the day center hours should be considered.

The City has received budget estimates from Arches for different operating hours. The estimates are available if City Council is interested in modifying the proposed ordinance to match day center hours.

Erecting a cover at Marion Square Park is a feasible, immediate way of providing a sheltered outdoor space. *Salem Revised Code* 94.195 allows staff to issue a permit for park use outside of park hours, and an allowance for this use may be made administratively. The covered space would be available from 7:00 a.m. to 9:00 p.m., the hours of the sidewalk conduct ordinance. Park rules would apply, including no smoking, drugs, or alcohol; no food distributions; and no off-leash dogs. Security is recommended to help monitor behaviors at Marion Square Park and help protect safety at the park and prevent property damage.

The cost for a 7,000-square-foot cover is estimated at $5,200 per month. The estimated monthly cost for security is $19,150. Security would be on-site from 8:00 a.m. to 11:00 p.m., Monday-Sunday.

Housing and services outreach from the Salem Housing Authority and Arches, as shared with the Salem Housing Authority Commission on February 24, will continue.

Restroom

The existing public restroom in Marion Square Park is currently closed because of vandalism damage. An estimate to repair the damage to allow reopening is $20,000. The building's design makes protection from future vandalism difficult. Annual cleaning and maintenance cost are an estimated at $195,000.

Instead of repairing the bathroom, portable toilets can be returned to Marion Square Park. In addition, Arches has bathrooms available from 8:00 a.m. to 3:00 p.m. Monday through Friday.

The cost to provide two City-owned portable toilets at Marion Square Park, with cleaning once per day by City staff and pumping twice per week by the servicing vendor, is $5,000 per month. The cost will increase depending upon premium charges for additional cleaning, pumping, and repairs by the vendor.

The portable toilets will be available 24 hours a day, seven days a week unless misuse and damage require the toilets to be locked overnight or removed. The last portable toilet at the park was used for purposes other than intended and was removed because of damage and misuse. Portable toilets in the downtown have been used for illegal drug use, prostitution, and sleeping.

Restroom Plan

Portland Loos are designed and built for heavy public use 24 hours a day, seven days a week. The Portland Loo could be available for installation within seven months. Currently, the manufacturer has a sizeable backlog of orders. The recommended location of the Portland Loo is on the west side of Marion Square Park. The Portland Loo and will join the restroom building that is being added to Riverfront Park to better serve the north end of the riverfront and downtown.

The cost for purchasing and installing a single-stall Portland Loo in Marion Square Park is $185,000. The Urban Renewal Agency has the capacity to fund the purchase of a Portland Loo. The estimated annual cleaning and maintenance cost is $125,000. The maintenance cost will be included in the City Manager's Proposed Fiscal Year 2020-21 budget.

Storage

While not included in Council's February 24 motion, the City will be adding storage at locations throughout the downtown.

BACKGROUND:

Residents, employees, and visitors have reported concerns using public sidewalks. Businesses have reported economic harm from behaviors on public sidewalks. People sitting or lying on sidewalks discourage others from using the sidewalks, particularly people with disabilities.

The City has responded with assistance through the Salem Housing Authority and Arches to individuals on the sidewalks. Connecting individuals with services and housing is an ongoing priority.

The City has responded with enforcement of existing laws and ordinances. From December 20 through February 14, there have been 88 exclusions from the Downtown and 353 arrests.

In 2018, a task force was formed to evaluate specific impacts of homelessness in Salem, including regarding safety, trash, health, and hygiene. Included in the task force recommendations was the establishment of a Downtown Good Neighbor Partnership. In conjunction with forming the Partnership staff was asked to review Salem's codes and ordinances to ensure that the City balances the rights of people that live, work, and shop downtown.

Attachments:

1. Ordinance Bill No. 6-20
2. Exhibit A (Proposed Text)

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