



## Staff Report

---

**File #:** 17-469

**Version:** 1

**Date:** 9/25/2017

**Item #:** 7.1a.

---

**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 proceed to second reading for enactment of Ordinance Bill No. 22-17 to regulate use of public sidewalks?

### **RECOMMENDATION:**

Proceed to second reading for enactment of 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, impede 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. These actions and behaviors, especially camping on public sidewalks, constitute a public nuisance, and harm public safety and welfare.

The City has taken a variety of efforts, 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 addresses 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.

People sitting, laying, or camping on sidewalks not only interfere with others' ability to use the sidewalks, particularly people with disabilities, but harm the vitality and appearance of the community, and discourage customers and families from visiting these areas. Camping in public areas creates problems with trash and human waste that constitutes a public nuisance and harms public health and safety. The proposed ordinance is narrow in scope, and allows a variety of exceptions, to preserve and protect the rights of all residents to use the city's sidewalks.

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 individuals that the conduct is in violation of the code and give them an opportunity to correct their conduct or behavior.

The City and the Salem Housing Authority have been addressing homelessness through forming a regional homelessness task force, aggressively supporting additional affordable housing developments, expanding housing voucher opportunities for veterans, and working with community partners on housing and shelter.

Police 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.

Council may:

- 1) Proceed to second reading for enactment of the ordinance bill at a future meeting,
- 2) Direct that the ordinance bill be scheduled for a public hearing at a future meeting to receive public testimony, or
- 3) Refer the ordinance back to staff to draft changes to the ordinance bill.

Jerry Moore  
Chief of Police

Attachments:

1. Ordinance Bill No. 22-17.