



Staff Report

File #: 19-348
Version: 1

Date: 11/25/2019
Item #: 7.1a.

TO: Mayor and City Council

FROM: Steve Powers, City Manager

SUBJECT:

Regulating the use of sidewalks and public spaces

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Areas: Good Governance; Safe Community; Strong and Diverse Economy; Welcoming and Livable Community

ISSUE:

Shall the City Council conduct first reading of Ordinance Bill No. 10-19 to regulate use of sidewalks and public spaces and advance to second reading for enactment?

RECOMMENDATION:

Conduct first reading of Ordinance Bill No. 10-19 (Attachments 1 & 2) to regulate use of sidewalks and public spaces and advance to second reading for enactment.

SUMMARY:

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. The ordinance bill:

- Restricts sitting or lying on public sidewalks between the hours of 7:00 am and 9:00 pm with certain exceptions,
- Imposes a 24-hour restriction on maintaining a campsite on public sidewalks or public property,
- Restricts leaving personal property unattended on public sidewalks.

The ordinance allows individuals to sit, lie or sleep on public sidewalks outside the hours the ordinance is in effect.

The ordinance bill makes changes to the City's crime prevention zones to implement the ordinance and update those sections to be consistent with state law.

In recent years, the City of Salem has seen an increase in the frequency and duration of campsites in public areas and of people sitting, lying, and leaving personal property unattended on sidewalks. These uses are detrimental to public safety and welfare and the economic vitality of affected businesses and neighborhoods. The City has received complaints from residents, businesses, and social service providers regarding these issues. Urban Development and Police Department staff receive multiple complaints each week. The complaints are received in a variety of ways, including calls into the dispatch center, Urban Development, and through individual contacts with Police officers and other City staff while working in the area.

Residents, employees, and visitors have reported feeling unsafe using public sidewalks. Businesses have reported customer concerns and economic harm from behaviors on public sidewalks. People sitting, laying, or camping on sidewalks discourage others from using the sidewalks, particularly people with disabilities. Camping in public areas creates problems with trash and human waste that constitutes a public nuisance and harms public health and safety.

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.

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. 10-19 balances 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. The City will continue to connect people needing help with services available at non-profit organizations.

FACTS AND FINDINGS:

The City conducted three public forums to share information and receive input on the proposed ordinance. Outreach efforts and comments are summarized in Attachment 3. Copies of actual comments are contained in Attachment 4. Throughout the public outreach process, one of the most commonly asked questions had to do with how the ordinance would be implemented and enforced.

Prior to issuing a citation, 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. Through the ordinance, Police will have an additional opportunity to contact individuals in need of services. The City is committed to working directly with service providers to connect their services to individuals in need.

Enforcement inside the City's two crime prevention zones will differ from enforcement outside the zones. Inside a zone, an individual in violation of the ordinance will be issued a warning. They will be told that they are in violation of the ordinance, what the violation is, and encouraged to take advantage of available resources. If the officer returns and finds the individual has not complied with the ordinance, they will be issued a civil citation for violating the ordinance and they may also issue an exclusion order, that prohibits the individual from being within the zone. If the individual needs to be within the zone for reasons such as receiving services, work, or transit, the officer can provide them with an exclusion waiver, but not to engage in activities that violate the ordinance. If the individual refuses to comply with the exclusion or the terms of a waiver, they may be cited or arrested for trespass.

Outside of a crime prevention zone, warnings and citations will be issued for violating the ordinance, but the violation will not escalate to a trespass offense. Campsites, unpermitted structures and abandoned property in the public right of way in violation of the ordinance will continue to be subject to removal, after posting of notice.

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,
- 3) Refer the ordinance back to staff to draft changes to the ordinance bill, or
- 4) Reject the ordinance.

BACKGROUND:

Over the past several years, the City, Urban Renewal Agency, and the Salem Housing Authority have addressed homelessness through a variety of measures, including; the City-funded HRAP (housing first) program; aggressive expansion of additional affordable housing; expanded housing voucher opportunities for veterans; acquisition of the Union Gospel Mission property to aid in the Mission's relocation and expansion; work with community partners, such as ARCHES to provide expanded homeless services, as well as a variety of other programs and support.

Steve Powers
City Manager

Attachments:

1. Ordinance Bill No. 10-19
2. Exhibit A - Proposed Text.
3. Summary of Public Outreach and Comments

4. Comments