



Staff Report

File #: 19-584

Version: 1

Date: 12/2/2019

Item #:

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 second reading for passage of *Engrossed* Ordinance Bill No. 10-19, regulating camping and unattended personal property on sidewalks and public spaces?

RECOMMENDATION:

Conduct second reading of *Engrossed* Ordinance Bill No. 10-19, regulating camping and unattended personal property on sidewalks and public spaces.

SUMMARY:

On November 25, 2019, Council conducted first reading of the ordinance bill, and made three substantive changes; 1) included an emergency clause, making the ordinance bill effective upon passage; 2) removed the restrictions on sitting or lying on public sidewalks, and; 3) removed the remaining restrictions on camping or leaving personal property unattended from being subject to an exclusion notice in the City's crime prevention districts.

Upon second reading, the ordinance bill will become effective.

FACTS AND FINDINGS:

As modified by Council the engrossed ordinance:

- 1) Prohibits camping on public sidewalks, public property, or public right of way. "Public sidewalk" means the area between the street and the abutting property, including any pedestrian way and landscape strip. This restriction is city-wide, 24 hours a day.
- 2) Prohibits leaving personal property unattended for more than two hours on a public sidewalk. This restriction is city-wide on public sidewalks from 7:00 am to 9:00 pm.
- 3) Establishes an emergency clause, meaning the ordinance will take effect immediately upon second reading.

The City Attorney made changes to provide consistency with state law, such as updates to the offences listed under the crime prevention districts. The City Attorney made the following additional changes;

- 1) Changed the findings in the ordinance bill to reflect the elimination of the sit/lie section of the proposal,
- 2) Clarified the definition of "public sidewalk" to note that a landscape strip is included in the definition,
- 3) Added subsections declaring that a violation of either of the restrictions is a "public nuisance" under SRC 50.800,
- 4) Clarified that Police have discretion when determining whether to issue an exclusion notice for listed offenses - Police will NOT be able to issue an exclusion notice for either camping or unattended personal property violations,
- 5) Clarified that Police may issue a variance to an exclusion notice at the time the notice is issued.

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 Homeless Rental Assistance Program (housing first); 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.