Staff Report

File #: 20-81
Version: 1

Date: 2/24/2020
Item #: 5.a.

TO: Mayor and City Council

FROM: Steve Powers, City Manager

SUBJECT:

Regulating the use of sidewalks

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:

Consideration of an amendment to the Salem Revised Code (SRC) to regulate the use of public sidewalks.

RECOMMENDATION:

Blocked or obstructed sidewalks present hazards to pedestrians and discourage visitors, residents, and patrons from visiting businesses and neighborhoods. The amendment would provide the Police Department, the Salem Housing Authority, and other organizations engaged in outreach to Salem's homeless residents additional encouragement for individuals to seek shelter and assistance rather than living on a sidewalk.

SUMMARY:

On February 10, 2020, the City Council directed staff to bring back for City Council's consideration an amendment to the SRC to regulate sitting and lying on public sidewalks. The attached text is substantially similar to the proposal considered by City Council on November 25, 2019, and would prohibit sitting or lying on public sidewalks throughout the city from 7:00 am to 9:00 pm, subject to certain exceptions. Violation of the restriction would lead to a warning. Subsequent violations would result in a citation. Within the City's two crime prevention districts a violation could lead to the offender being issued an exclusion order, prohibiting the offender from being within the District,

except for specific purposes that could be allowed. Outside of the districts, a citation would be the only penalty.

FACTS AND FINDINGS:

In 2019, City staff conducted three public forums to share information and receive input on the proposed ordinance. Outreach efforts and comments are summarized in Attachment 2. 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 proposal 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 districts will differ from enforcement outside the districts. Inside a district, 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 district. If the individual needs to be within the district 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 district, warnings and citations will be issued for violating the ordinance.

BACKGROUND:

On December 2, 2019, the City Council passed engrossed ordinance no. 10-19 that prohibited camping within the City on public sidewalks and public places, and restricted leaving personal property unattended for more than 24 hours on a public sidewalk. Council elected not to include a restriction on sitting or laying on public sidewalks at that time.

Steve Powers
City Manager

Attachments:
1. Potential amendments.
2. Summary of Public Outreach and Comments previously received.