



OFFICE OF **MAYOR SAM ADAMS**  
CITY OF PORTLAND

### **Why is the City Council working on a comprehensive “Sidewalk Management Plan?”**

Last year, the court ruled that the City’s ordinance regulating the use of sidewalks was unconstitutional. And, there have been significant budget cuts to Multnomah County’s human services programs, which have left many Portlanders without the safety net needed to stay afloat during the current economic crisis. The lack of services has added social pressures to the way sidewalks are used and affected the City’s need to manage its sidewalks in a way that will accommodate the new pressures without restricting the fundamental purpose of the sidewalks, which is to move people.

### **What does this ordinance do?**

Public sidewalks are a public service. This ordinance takes a holistic approach to managing the myriad of sidewalk uses by *segregating the sidewalks into zones*, which allows for more efficient use of the available space. It is based on federal American with Disabilities Act (1990), Architectural Barriers Act (1968), and the Rehabilitation Act (1973), all of which include specific design guidelines that disabled citizens need for unobstructed passage on public sidewalks.

Based on the federal Americans with Disabilities Act:

- Sighted pedestrians do not feel comfortable walking directly adjacent to building walls, doors or fences and prefer to keep at least two feet away from the edge of sidewalks opposite the street (known as the “frontage line”). As a result, most pedestrians travel more than two feet away from the frontage line, and the sidewalk adjacent to the frontage line does not provide its proportionate share of sidewalk through-put capacity for sighted pedestrians.
- In contrast with sighted pedestrians, people with vision impairments often prefer to travel close to the frontage line to use sound or physical contact for orientation or guidance, traveling one to four feet from the frontage line.
- People using a guide dog, crutches or a walker require four feet of width as they travel along a sidewalk.
- Wheelchair users require five feet to turn around and six feet to pass other wheelchairs.

Based on these guidelines, this plan proposed an 8-foot **pedestrian use zone**, extending from the frontage line, for sidewalks bigger than 10 feet. In the case which a sidewalk is less than 10 feet, the pedestrian use zone would be reduced to a 6-foot zone extending from the frontage line.

In this pedestrian use zone, a person must be on foot to be able to move immediately to accommodate people with disabilities as well as other sidewalk users.

### **How is this ordinance different than the previous one that was deemed unconstitutional?**

According to the City Attorney’s Office, “The court felt the previous law focused on the act of obstructing another person on a sidewalk. An existing state criminal statute already addressed obstruction, and the court felt the City law conflicted with the state law – which is not allowed under the Oregon Constitution. The proposed law does not address obstruction: it organizes various uses of the sidewalk, rather than criminalizing obstruction, and does not conflict or duplicate any state law. The proposed law is an expression of every municipality’s inherent authority to manage public facilities and infrastructure for the maximum benefit to a broad range of users.”

**Will there be any oversight of the implementation of this ordinance?**

Yes, the Sharing Public Sidewalks Advisory Committee, created by Commissioner Fritz, will monitor the implementation of the new sidewalk use code for Council. The Committee is charged with monitoring implementation for effectiveness so that Commissioner Fritz can direct any concerns to the appropriate Commissioner-in-charge.

**How will this ordinance be enforced?**

Enforcement of sidewalk regulations pertaining to street furniture (café tables, A-board signs, media boxes) will be handled by Portland’s Bureau of Transportation and enforcement of the laws addressing pedestrian behavior (including littering, harassment, disorderly conduct and drug dealing) will be handled by the Portland Police Bureau.

**Will a police officer write a citation the first time someone is cited?**

No. A police officer will issue a written warning for the first violation of this code, which carries no monetary fine. The second violation of this code can result in a written citation and a maximum fine of \$250.00, which can be satisfied with community service if the person cited is unable to pay.

**Where will this ordinance be enforced?**

We will start with high pedestrian traffic areas in the Downtown Zone and the Rose Quarter/Lloyd Zones.

**The Downtown Zone** is defined as the public sidewalks in the area bounded by the west bank of the Willamette River, I-5 from the west bank of the Willamette River to its junction with I-405, I-405, the north edge of the north sidewalk of Northwest Irving Street and a line extended from the northeast corner of the north sidewalk of Northwest Irving Street to the west bank of the Willamette River.

**The Rose Quarter / Lloyd Zone** is defined as the public sidewalks in the area bounded by North Interstate Avenue, the north edge of the north sidewalk of Broadway Street, Northeast 16th Avenue and Northeast Lloyd Boulevard

**What hours and days of the week will it be enforced?**

It will be enforced from 7:00 a.m. to 9:00 p.m. seven days a week. Street furniture standards are in effect 24/7 in accordance with the business’s permit.

**Does this ordinance cover sidewalk cafés?**

[Sidewalk cafés](#) have specific regulations that are mapped out in City Code, and those requirements are another important component to an overall sidewalk management plan. The Bureau of Transportation will respond to complaints about street furniture, including café tables that are obstructing the Pedestrian Zone, and will continue its practice of sweeping commercial zones to monitor for business compliance of granted permits.

**Does the City regulate the placement or removal of media sidewalk boxes?**

The City has traditionally overseen the placement of media boxes from a public-safety standpoint. However, we are in the process of codifying standards for the placement or removal of newspaper boxes to ensure sidewalk access.

**Can the City “privatize,” “lease” or “sell” the downtown sidewalks to the adjoining landowners so that they can have greater control over conduct on the sidewalks?**

No. A “public forum” is government-owned property that has historically been open to the public for the purposes of expression and assembly. Sidewalks, particularly in downtown areas, are

public forums. Courts have developed strict rules about the types of conduct that can be regulated in public forums. These rules apply to downtown sidewalks even if they are privately owned. See [First Unitarian Church v Salt Lake City](#).

**Does this ordinance deal with people who sit on bus benches for extended periods of time?**

No. TriMet oversees bus and MAX benches, and its code states that “no person shall enter or remain upon, occupy or use a transit station, stop or shelter for purposes other than boarding, disembarking or waiting for a transit vehicle. A person is in violation of this only after having occupied a station, stop or shelter for a period of time that exceeds that which is reasonably necessary to wait for, board or disembark a transit vehicle.”

As far as reporting violations, a person should notify a TriMet employee such as a rail or bus operator who can call for a supervisor. A supervisor can cite a person for violating the code, or a police officer can also be notified and cite the person in violation. A person can also call in to TriMet at (503) 238-RIDE (7433) to report a violation, but typically, for someone to be cited, an officer or supervisor must witness the violation.

**Am I allowed to ride my bike or skateboard on sidewalks downtown?**

No. The City prohibits riding your bike on sidewalks in the downtown core. See [Portland City Code 16.70.320](#)

**Does the City require licenses for dogs on sidewalks?**

Yes. Multnomah County controls pet licensing. See [Multnomah County Code Chapter 13 Animal Services](#)

**Does this ordinance address aggressive panhandling?**

A request for charity, which includes panhandling, is protected speech under the Oregon Constitution. *Aggressive* panhandling is not protected and is considered criminal behavior. Police officers will continue proactive zero-tolerance law enforcement.

**Can the City require panhandlers and sidewalk solicitors to obtain a business license?**

No. City government can require limited time, place and manner rules regarding the exercise of free speech but cannot require a license to engage in protected speech. See [Outdoor Media Dimensions v ODOT](#) and [First Unitarian Church v Salt Lake City](#).

**Are anti-camping laws part of this ordinance?**

No. Camping on public property is prohibited by [City Code](#). Police officers will continue to work with JOIN, the local agency that delivers social services to homeless individuals, to allow collaboration with outreach workers to offer assistance.

**What is the City investing in housing and ending homelessness?**

In Mayor Sam Adams’ FY09-10 budget, the City increased housing assistance programs by 30%, including:

- Ongoing funding for Resource Access Center operations (\$1 million);
- One-time bridge funding to maintain housing support and shelter services (\$5.8 million in General Fund and federal stimulus funding); and
- One-time funding to expand rent assistance, housing, and economic opportunity programs (\$3.1 million in General fund and federal stimulus funding).

In FY 09-10, Portland Housing Bureau (PHB) will spend \$46 million on housing development and homeless services. Looking over the next five years (through FY 13-14), PHB will spend \$154 million on housing and homelessness. And PDC Housing will have a total of \$170.5 million in resources.