

Office of Mayor Sam Adams City of Portland

## Downtown Portland Sidewalk Management Issues Frequently Asked Questions

#### Why was Portland's previous sidewalk obstruction law ruled unconstitutional?

The State Constitution prohibits a local government from passing laws that conflict with state laws. Recently, a Multnomah County judge threw out a woman's ticket for Sidewalk Obstruction because he believed that the State law governing the issue "pre-empted" Portland's sidewalk ordinance, making Portland's law "unconstitutional."

#### 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

#### Can the City ban all panhandling on the sidewalks?

No. A request for charity is "protected speech" under the Oregon Constitution. City government cannot ban protected speech. See <u>Outdoor Media Dimensions v ODOT</u>.

#### 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 <u>Outdoor Media Dimensions v ODOT</u> and <u>First Unitarian Church v Salt</u> <u>Lake City</u>

# 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 <u>First Unitarian Church v Salt Lake City</u>

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

Not to date. However, the City now is developing a process to regulate the placement or removal of newspaper boxes.

### What is the difference between a misdemeanor and a violation?

A misdemeanor is an offense where the penalty includes jail time and a fine. A violation is an offense where the penalty is a fine only.

#### How much has the City invested in housing and ending homelessness services?

In FY 09-10, Portland Housing Bureau (PHB) will spend \$46 million on housing and ending homelessness. Looking over the next five years (through FY 13-14), PHB will spend \$154 million on housing and homelessness. PDC Housing will have a total of \$170.5 million in resources, including the \$142 million of tax increment financing projected to be expended via the 30% set-aside for housing. Additionally, Police is receiving one-time funding in FY 09-10 of \$1.3 million for Housing Rapid Response, which is being coordinated by Police along with other Service Coordination Team funding.