

CONTAINERS IN THE RIGHT-OF-WAYIF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email (optional)

✓ Michael Levine	945 NW Naito Parkway #401 97209	Levine.ada@gmail.com
✓ Judy CRANE	2712 E. Burnside / 97214	
✓ Ken Turner	4000 SE 82 <sup>nd</sup> Ave EASTPORT PLAZA / 97206	
✓ Dan Andersen	2144 NW Flanders 97210	
✓ Jack McCreary	411 NW Flanders 97209	
✓ David White	1739 NW 156 <sup>th</sup> Ave Beav. 97006	
✓ PAGE Stockwell	2039 new INCOME PORTMAN 97209	
✓ Berna Plummer	Unit #1 5530 NE 7 <sup>th</sup> Ave Portland 97211	
✓ Michael Mills	Ombudsman	



MW 21<sup>st</sup> & OLISAN

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10/10/07

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Mayor Potter and Council members:

I am writing to you as Coordinator of the City's Graffiti Abatement Program and as a part-time member of the Containers in the Right of Way Work Group.

These photos are examples of containers "in the right of way". In Portland, the presence of graffiti on containers is the rule rather than the exception.



When containers are placed in the open, it is impossible to control access by vandals, leading to the constant presence of graffiti that is not being cleaned by the owner companies unless specifically reported to them. Once a tag is applied to a dumpster, it attracts more and more graffiti until the container is completely covered. Another result is the spread of graffiti to surrounding buildings, signs, etc.

We appreciate that two of the 55 garbage companies, Waste Management and Arrow, have provided some aerosol paint to Graffiti Abatement for the purpose of covering small tags on their containers. The spray paint was given to YEI crews to use when they see Arrow blue, or Waste Management green containers with small "tags" on them (covering less than 50% of the container). The few cases of paint do not begin to address the size of the problem.

As PCC 14B.80 makes graffiti removal the responsibility of the "owner" of the property, it seems to me the "owner" referred to is the company that owns the containers, not the business that uses the container. But, if the business owner chooses to place these containers on the sidewalk they become a magnet for graffiti that the garbage haulers can't control.

I encourage you to support the report of the Work Group on Containers in the Right-of-Way because I believe it is a good step to reducing a ubiquitous source of graffiti in the city.

*Marcia L. Dennis*

*October 9, 2007*



**SBACinfo@pdc.us**

Representing the diversity found in the Portland business community, provides an organized voice for small business with the Portland City Council on policies that impact small business.

Chair: Jackie Babicky,  
Babicky Performance Partners  
(SBDC)

Vice Chair: Ken Turner  
Eastport Plaza

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JENNIFER NOLFI  
Small Business Advocate  
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October 10, 2007

Office of Mayor Tom Potter  
Office of Commissioner Sam Adams  
Office of Commissioner Randy Leonard  
Office of Commissioner Dan Saltzman  
Office of Commissioner Erik Sten  
City Hall  
1221 SW Fourth Avenue  
Portland, OR 97204

Dear Mayor/Commissioners:

The Small Business Advisory Council (SBAC) requests the Containers in the Right of Way (CROW) report be delayed without implementation and be referred back to the Commissioner in charge for further consideration and coordination with the recommendations of the Portland Recycles! Commercial plan.

Sincerely,

Jackie Babicky - Peterson  
Chair – Small Business Advisory Council Chair

cc: Kevin Easton, Office of Mayor Potter  
Jim Middaugh, Office of Commissioner Sten  
Brendan Finn, Office of Commissioner Saltzman  
Kimberly Schneider, Office of Commissioner Adams  
Aaron Johnson, Office of Commissioner Leonard  
Judy Crockett, Office of Sustainable Development

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**Moore-Love, Karla**

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**From:** Nick Maly [nmaly@msn.com]  
**Sent:** Tuesday, October 09, 2007 9:16 PM  
**To:** mayorpotter@ci.portland.or.us; commissionersam@ci.portland.or.us; dan@ci.portland.or.us; erik@ci.portland.or.us; rleonard@ci.portland.or.us  
**Cc:** kmoore-love@ci.portland.or.us; 'Crockett, Judy'; 'Bill Stites'; Richard.Eisenhauer@pdxtrans.org; 'Paul Loney'  
**Subject:** In support of resolution to containers on the right of way

Good Morning Council,

I am a citizen and property owner in SE Portland concerned about a business, which has been storing private property on public space for over two years. My concerns involve two separate topics, but the same issue;

- 1) the storing of private garbage on the public sidewalk
- 2) the permanent placement of outside tables on public sidewalk

The café adjacent to my property has one full size dumpster, four large garbage bins, one medium garbage bin, and 3 four person picnic tables permanently located on the sidewalk. This creates the following concerns that my neighbors and I have; restricted pedestrian flow (troublesome for wheelchairs, strollers, and two people trying to walk side by side), unsightly neighborhood presence and odor, and the creation of litter on sidewalk and street as the garbage piles up.

It seems that while there are laws and rules in place to help control the containers on the right of way, there is no enforcement taking place and no persuading reason why a business would want to comply with them. In fact, the café that I am next to move their garbage to the street 2 years ago (from inside to the public sidewalk) and added a few tables inside. So they altered their business model to get more income at the expense of the neighborhood and public right of way. I have heard of a few excuses for this alteration; the mess inside attracted bugs and rodents, they wanted more tables for revenue, the requirements of a fire system, etc. But, this is not the problem of the public.

Note: I have reported this abuse directly to the city (nuisance office and the office that handles sidewalk café tables) and the Sunnyside Neighborhood Association has also contacted the city several times – NONE of the requests have been addressed in spite of being illegal and known.

SNA letters: a July 3 email and 3 written letters on Dec. 20

Personal Effort: July 1, May 2, Apr. 20, Apr. 6, Feb. 1 (these do not include the several phone calls)

In summary, it seems very simple. Imagine if every house and business started storing their extra trash on the sidewalk? Should my friends and I put our picnic table in the middle of the sidewalk on a nice Saturday afternoon? It only seems prudent to have these rouge businesses abide by the same rules as their neighbors.

Thanks for your time; I look forward to this issue being resolved after two years.

-Nick Maly

Close-In SE Belmont

**NORTHWEST  
DISTRICT ASSOCIATION**  
2257 NW Raleigh St.  
PORTLAND, OR 97210  
503.823.4288  
[coalition@nwnw.org](mailto:coalition@nwnw.org)



October 8, 2007

Mayor Tom Potter  
Commissioners Adams, Leonard, Saltzman and Sten  
City of Portland  
1221 SW Fourth Ave  
Portland, Oregon 97204

RE: Recommendations of Work Group on Containers in the Right of Way

Dear Mayor Potter and Commissioners:

Our neighborhood in Northwest Portland is one of the neighborhoods most heavily affected by the practice of storing dumpsters and other refuse containers on the sidewalk – not withstanding City Code prohibitions of such behavior.

We have reviewed the Report of the Work Group on Containers in the Right of Way dated September 13, 2007. We appreciate the considerable amount of time that Work Group members devoted to the process that lead to this report. While we would prefer a more rapid and forceful effort to rid our sidewalks of these health, safety and aesthetic scourges, we are prepared to live with the more restrained, compromise solutions advanced in the report.

For approximately the past 10 years, the Northwest District Association board of directors has supported storing dumpsters off of public sidewalks. Although, our board does not meet until next week, our executive committee endorses the report and will recommend that our board adopt the same position. Please act promptly to implement the report's recommendations.

Sincerely,

Frank Bird, President  
NWDA

**Moore-Love, Karla**

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**From:** Willamette Pedestrian Coalition [info@wpcwalks.org]  
**Sent:** Friday, October 05, 2007 3:40 PM  
**To:** mayorpotter@ci.portland.or.us; commissionersam@ci.portland.or.us; dan@ci.portland.or.us; erik@ci.portland.or.us; rleonard@ci.portland.or.us  
**Cc:** kmoore-love@ci.portland.or.us; jcrockett@ci.portland.or.us  
**Subject:** In support of restricting containers in the right-of-way

Mayor Tom Potter  
Commissioner Sam Adams  
Commissioner Randy Leonard  
Commissioner Dan Saltzman  
Commissioner Erik Sten

Subject: Report and Resolution on Containers in the Right-of-Way

Members of the Council:

The Willamette Pedestrian Coalition would like to express our support for the recommendations in the "Report of the Work Group on Containers in the Right-of Way". We urge you to adopt these recommendations on October 10, 2007.

Willamette Pedestrian Coalition supports taking strong steps to ensure that the sidewalks of Portland are free and clear to allow for unimpeded movement of pedestrians, including the disabled and transit users. Keeping our sidewalks free of trash and recycling containers allows all users of Portland sidewalks to enjoy a pedestrian friendly environment in our city without obstacles, smells or trash.

In the past WPC has supported the City of Portland's Pedestrian Design Guidelines and this issue is a logical next step consistent with those guidelines.

For years there has been a prohibition on businesses' storing these containers on sidewalks. The vast majority of businesses and apartment buildings in the City find ways to comply, by using their own properties for storage of their trash and recycling. It's past time for the City to confront this issue and take positive action.

The Willamette Pedestrian Coalition is a nonprofit membership organization, working since 1992 to improve the pedestrian environment in the Portland region.

Sincerely,

Lynn Lindgren-Schreuder, Director  
Willamette Pedestrian Coalition

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Lynn Lindgren-Schreuder, Director  
Willamette Pedestrian Coalition  
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