

ORDINANCE No. 186965

Amend Code regarding Publication Boxes (Ordinance; replace Code Chapter 17.46)

The City of Portland ordains:

Section 1. The Council finds:

1. Resolution No. 36743, approved by the Portland City Council on October 21, 2009, outlined the elements of a new Public Sidewalk Management Plan (PSMP) with the intention of balancing the demands of the broad range of sidewalk users in a way that respects everyone's legal rights and makes Central Portland the nation's best place to do business, work, live and visit.
2. Resolution No. 36743 also resolved that the Portland Bureau of Transportation (PBOT) would propose a plan to better manage the concentration and placement of publication boxes located on public sidewalks, this is the first attempt to test a model that, if successful could be deployed through the central city.
3. The proper regulation of public sidewalks must provide for multiple beneficial uses, safety of sidewalk users, efficient movement of people, and delivery of goods and services, as well as access to public spaces for full lawful use.
4. Commercial, pedestrian and social uses along with public sidewalk furniture and infrastructure such as bicycle racks, signal controller boxes, drinking fountains, fire hydrants, parking meters, transit shelters, light poles, mail boxes, telephones, retail and commercial doorways, garbage cans, publication boxes, benches, permitted carts and cafés, "A" board signs, planters and public art, among other items, are all necessary and beneficial uses of sidewalks but can be in conflict.
5. Currently, the above listed beneficial uses of sidewalks come into unnecessary conflict due to lack of space and competing demands in high pedestrian traffic areas.
6. In July 2012, Portland City Council approved Ordinance No. 185504 to establish a pilot program for consolidation of publication boxes around Pioneer Courthouse Square to evaluate this approach to managing publication boxes on the sidewalks.
7. In May 2014, PBOT convened a group of neighborhood stakeholders and publications to review the efforts of the pilot program, determine what changes were necessary, determine if this pilot program should be expanded and made permanent, and to codify how this program would be administered.
8. PBOT, and its stakeholder committee, viewed the pilot consolidated publication box program as successful and deemed that eventually this model could be a successful model citywide.

9. In moving to a citywide model, PBOT also engaged the neighborhood and publication stakeholders in developing simple, clear, and fair regulation for free standing publication boxes not yet encompassed in the consolidated publication box program.
10. The objective of these regulations are to ensure publication boxes are maintained, provide contact information for the owners, provide standards for accessibility and pedestrian movement, and do not inhibit the free expression of publications.
11. In October 2014, PBOT and its stakeholder committee finalized the regulations for the consolidated program and free standing publication boxes and initiated the City Code change process to amend 17.46. These changes are reflected in the attached Exhibit A.
12. The Council recognizes that the dissemination of publications and other written material is in the public interest, and that any governmental action with respect to such dissemination must be consistent with the protection accorded a free press by the First Amendment to the United States Constitution and Article I, section 8 of the Constitution of the State of Oregon.

NOW, THEREFORE, the Council directs:

- a. That the Portland City Code Chapter 17.46 is replaced as shown in Exhibit A.
- b. The Portland Bureau of Transportation shall continue to administer and monitor the results of these City Code changes and, if necessary, reconvene a stakeholder committee comprised of residents and publications to determine any adjustments as necessary.
- c. The Portland Bureau of Transportation shall ensure that publications are made aware of changes to City Code.
- d. The Portland Bureau of Transportation shall ensure that neighborhood associations, district coalitions, business associations, and transportation management associations are aware of these changes to City Code.
- e. Upon enactment of these changes to City Code, the Portland Bureau of Transportation shall proceed to implement these regulations and any expansion of the consolidated publication box program as soon as practicable.

Mary Hull Caballero
Auditor of the City of Portland

By



Passed by the Council, **JAN 07 2015**

Commissioner Steve Novick
Prepared by: Richard Eisenhauer:slg
Date Prepared: November 4, 2014

Deputy

Agenda No.
ORDINANCE NO. 186965
Title

Amend Code regarding Publication Boxes (Ordinance; replace Code Chapter 17.46)

<p align="center">INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK</p>	<p>CLERK USE: DATE FILED <u>DEC 12 2014</u></p>
<p align="center">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety – Novick <i>Onw</i></p>	<p align="center">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p align="center">BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Interim Group Mgr.: Christine Leon <i>egw</i> Development Services / Streetcar & Transit Partnerships Other: Greg Jones <i>[Signature]</i></p> <p>Prepared by: Richard Eisenhauer:slg Date Prepared: November 4, 2014 <i>RAE</i></p>	<p>ACTION TAKEN:</p> <p align="center">DEC 17 2014 PASSED TO SECOND READING JAN 07 2015 9:30AM</p>
<p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
<p>Council Meeting Date December 17, 2014</p>	
<p>City Auditor Office Approval: <i>Toni</i> required for Code Ordinances</p>	
<p>City Attorney Approval: <i>2PK</i> required for contract, code, easement, franchise, comp plan, charter</p>	

<p align="center">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 10 minutes (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	COMMISSIONER	VOTE
1. Fritz	1. Fritz	✓
2. Fish	2. Fish	✓
3. Saltzman	3. Saltzman	✓
4. Novick	4. Novick	✓
Hales	Hales	✓