

**Proposed PCC 14A.50.030**

# Changes From Previous Versions - Fixed Reference Point -

Previous versions tried to protect and describe a through-passage corridor in the center section of sidewalks that had to change width and lateral position to go around and between permitted and allowed objects. With no fixed reference points possible, there was some uncertainty about corridor boundaries in practice.

A travel zone of standard width measured off the edge of a sidewalk is easy to visualize and measure.

# Changes From Previous Versions

## - Absolute Focus On Uses -

Tight focus on managing uses rather than obstruction events further reduces the possibility the code will be characterized as directed at acts of obstruction – a subject preempted by state criminal law.

# Changes From Previous Versions

- Flexibility To Adjust To Unusual Sidewalk Configurations -

Added authority for Director of the Bureau of Transportation to adjust the standard pedestrian use zone for special situations and to mark zone boundaries.

# Changes From Previous Versions

## - User Priority -

Proposed code gives higher priority to needs of sidewalk users with mobility or vision disabilities.

# Summary of proposed code

- Definitions of:
  - One type of sidewalk zone – ‘pedestrian use zone’
  - One type of user – ‘pedestrian’
- Five rules:
  - Non-pedestrian use of pedestrian zone
  - Leaving objects in pedestrian zone
  - Dog not properly leashed or held
  - Dog improperly in pedestrian zone
  - Failure to yield use of sidewalk to a disabled person
- One list of places the law applies
- One list of 9 exceptions
- One precondition

**A. Definitions:**

**1. Pedestrian:** A person who is on foot or assisted by a mobility device and able to move immediately to accommodate other sidewalk users.

**2. Frontage line:** On sidewalks bounded by a street, the frontage line is the edge of the public sidewalk opposite the curb where the area dedicated to sidewalk use by the City meets either private property or public property that is not dedicated to sidewalk use. On sidewalks not bounded by a street and lying between public property and private property, the frontage line is the edge of the public sidewalk bounded by private property. On sidewalks not bounded by a street and bordered on both sides by public property or bordered on both sides by private property, the frontage line is the west or north lateral edge of the sidewalk.

**3. Pedestrian Use Zone:** The surface of a public sidewalk extending from the frontage line of the sidewalk and any fixture or use authorized or allowed by City permit or regulation that is centered on the frontage half of the sidewalk. Except as otherwise established and marked by the Director of the Bureau of Transportation, the pedestrian use zone extends eight feet on sidewalks more than ten feet wide and six feet on sidewalks ten feet wide or less. At street corners, the pedestrian use zone encompasses the entire area bounded by the extended frontage lines and the streets.

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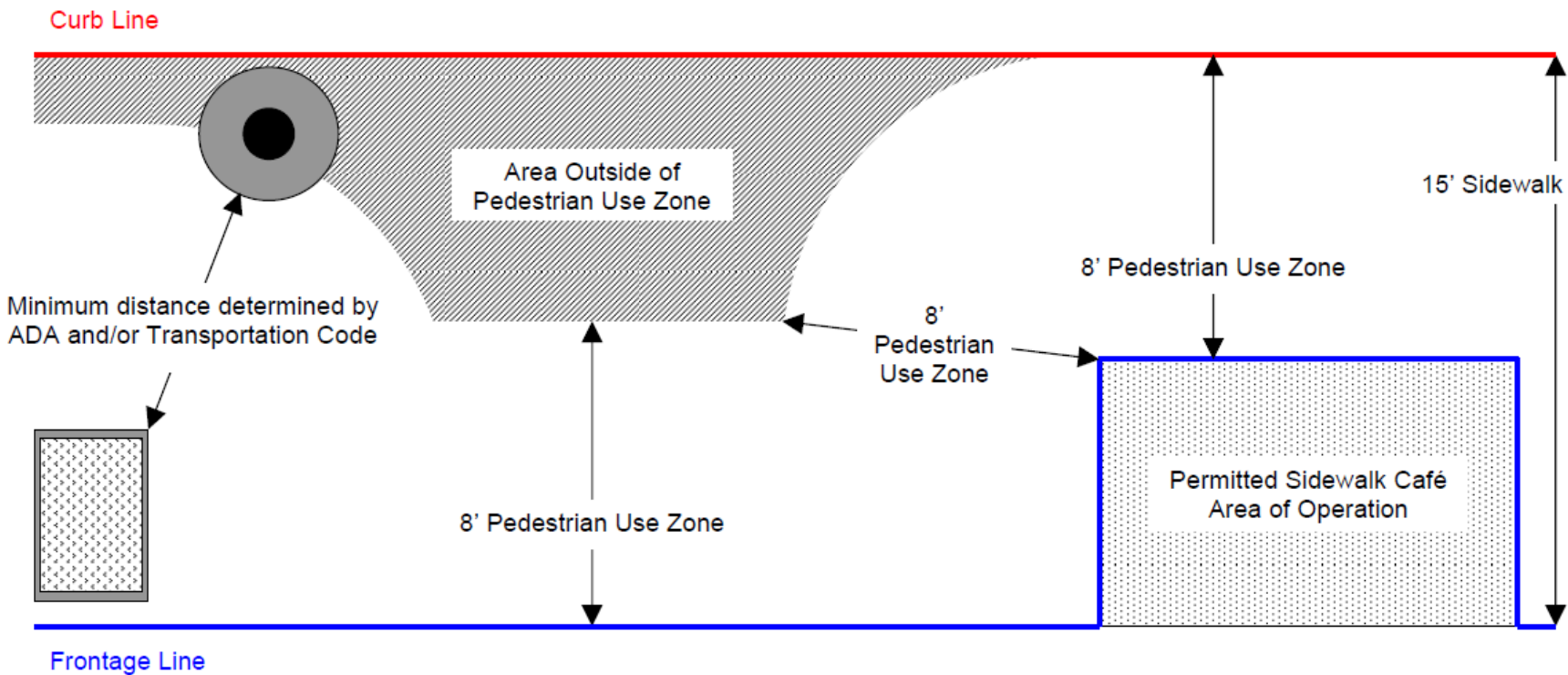
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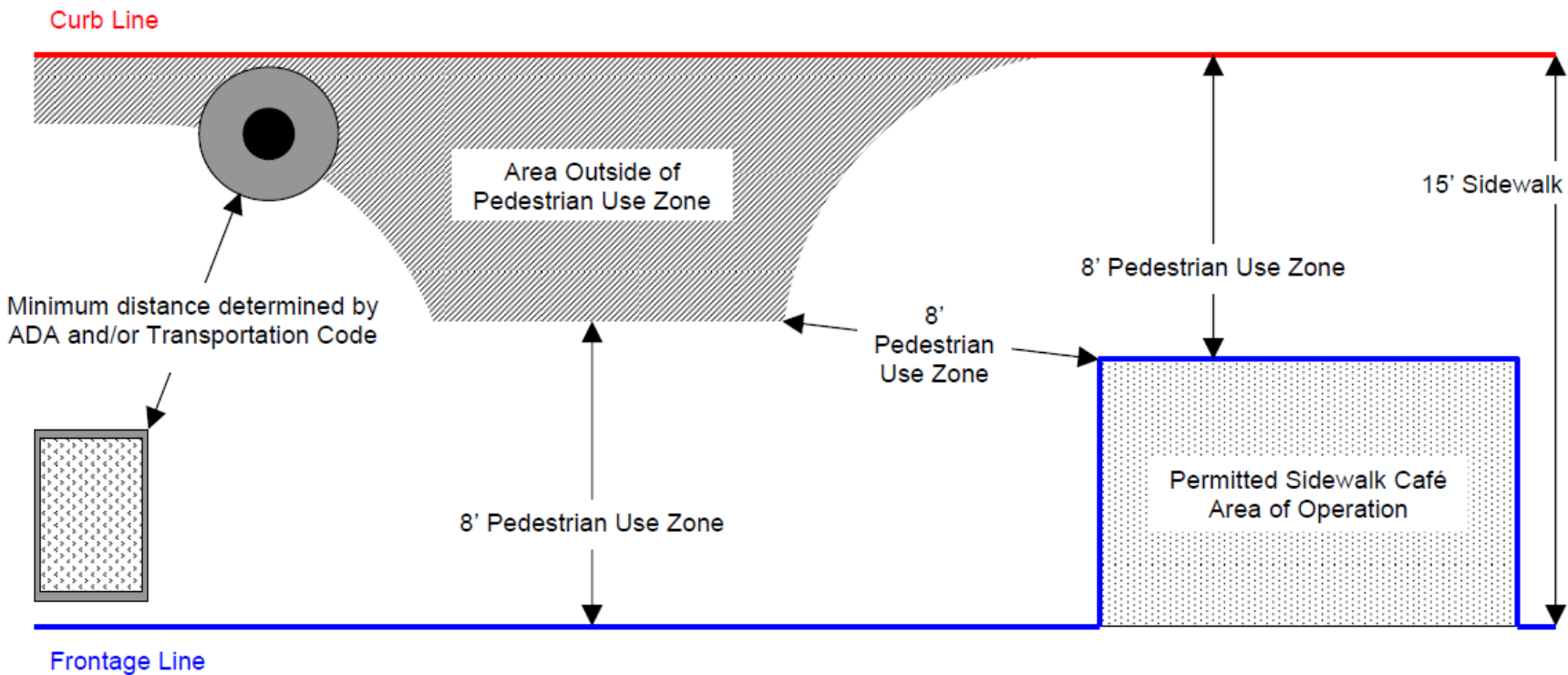
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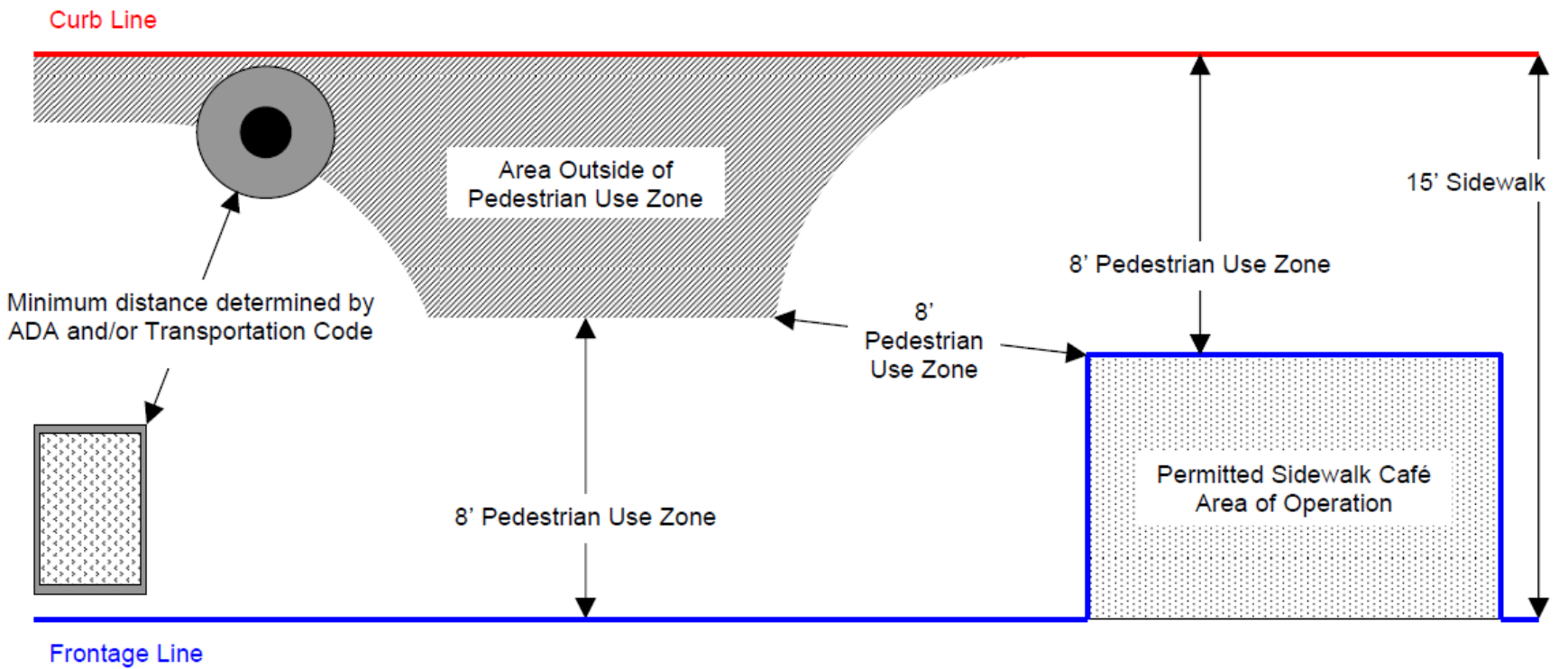
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# Rule 1

## **B. Improper Use Of Sidewalk In A High Pedestrian Traffic Area – Use Of Pedestrian Use Zone By A Person Who Is Not A Pedestrian:**

1. Between 7:00 a.m. and 9:00 p.m., only pedestrians may use the pedestrian use zone in the high pedestrian traffic areas described in Subsection F.
2. The prohibition in Subsection B.1. does not apply to:
  - a. Persons who use a conveyance to move freight or merchandise.
  - b. Persons crossing the sidewalk pedestrian zone in a conveyance directly to or from an entrance.

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# List of places law applies

## F. High Pedestrian Traffic Areas:

1. **The Downtown Area**, 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.
2. **The Rose Quarter / Lloyd Area**, 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.



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## **C. Improper Use Of Sidewalk In A High Pedestrian Traffic Area - Placing Objects In Pedestrian Use**

**Zone:** **Between 7:00 a.m. and 9:00 p.m.**, in the high pedestrian traffic areas described in Subsection F., unless authorized or allowed by ordinance, permit or a regulation issued by the Director of the Bureau of Transportation,, no person may deposit, install, place, fix or leave any object or item in, on or above a pedestrian use zone except:

1. Personal baggage or luggage that is within arm's reach of the pedestrian possessor;
2. Merchandise in course of receipt or delivery that presents a continuous vertical rise of at least 36 inches to the cane of vision-impaired pedestrians, unless that merchandise is permitted to remain upon the sidewalk for a period longer than 2 hours. The vehicle in which merchandise is delivered is subject to all parking regulations as described in Title 16.

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# Rules 3 and 4

- D. Improper Use Of Sidewalk In A High Pedestrian Traffic Area – Mismanaging A Dog:** Between 7:00 a.m. and 9:00 p.m.,
1. On all parts of sidewalks in the high pedestrian traffic areas described in Subsection F., all dogs must be in hand or, if leashed, the dog's neck must be within two feet of the handler, ;
  2. A dog may be present in a pedestrian use zone in the high pedestrian traffic areas described in Subsection F only if under the control of a pedestrian.
  3. A person who brings a dog onto a public sidewalk or who possesses or controls the dog is responsible for compliance with this Subsection. This Subsection does not apply to police animals.



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## **E. Improper Use Of Sidewalk – Failing To Allow Use By A Disabled Person:**

On all sidewalks at all times, at the reasonable request of a person using a mobility device or relying for guidance on a cane, helper or guide animal, all persons must immediately yield use of the sidewalk to allow a reasonable opportunity for passage.

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3. Acting as authorized or allowed by ordinance, permit or a regulation issued by the Director of the Bureau of Transportation.

# 9 Exceptions

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5. Participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to and in compliance with a street use or other applicable permit;



# 9 Exceptions

6. Assembled with others to participate in or observe an expressive event if the assembly has lasted less than eight hours unless the person refuses to comply with a lawful order of a peace officer to moderate the impact of the assembly on passage along the sidewalk;

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7. Sitting on a chair or bench located on the public sidewalk supplied or permitted by a public agency;

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8. Waiting in line for goods or services unless the person refuses to comply with a lawful order of a peace officer to form the line in a way that moderates impact on passage along the sidewalk;

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7. Sitting on a chair or bench located on the public sidewalk supplied or permitted by a public agency;
8. Waiting in line for goods or services unless the person refuses to comply with a lawful order of a peace officer to form the line in a way that moderates impact on passage along the sidewalk;
9. Performing street music while complying with the Street Musician Partnership Agreement;

# Precondition

- H. No person shall be cited under this Section unless the person engages in conduct prohibited by this Section after having been **notified in writing** by an Oregon peace officer that the conduct violates this Section.

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# Penalty

- M. Violation of this Section subjects a person to **a maximum penalty of a \$250 fine only.**
- N. In lieu of the penalty provided for above, a judge may sentence a person found in violation of this Section to community service for such period as is provided for violations pursuant to ORS 137.126 to ORS 137.129.

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