

# D R A F T

## SUMMARY

Provides that state law may not be construed implicitly to preempt city's authority to control or regulate use of sidewalks. Provides that city may not impose penalty greater than \$250 fine under municipal laws relating to use of sidewalks.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the authority of municipalities to regulate the use of sidewalks;  
3 amending ORS 221.410; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 221.410 is amended to read:

6 221.410. (1) Except as limited by express provision or necessary impli-  
7 cation of general law, a city may take all action necessary or convenient for  
8 the government of its local affairs.

9 **(2)(a) Nothing in the criminal or general law of the state, other**  
10 **than a limitation by express provision, shall be construed to preempt**  
11 **a city's authority to control or regulate, through a civil municipal**  
12 **ordinance or administrative regulation, the use of the sidewalks within**  
13 **the city.**

14 **(b) A municipal ordinance or administrative regulation controlling**  
15 **or regulating the use of sidewalks may not impose a penalty greater**  
16 **than the penalty for a Class D traffic violation.**

17 [(2)(a)] **(3)(a)** A city may not, unless authorized to do so by its electors,  
18 contract a voluntary floating indebtedness in excess of the sum of \$5,000 for  
19 general city purposes. A city official or employee who creates or officially

1 approves such an indebtedness in excess of the limitation shall be liable for  
2 the amount of the excess.

3 (b) Notwithstanding paragraph (a) of this subsection, a city may contract  
4 a voluntary floating indebtedness in excess of the sum of \$5,000 for general  
5 city purposes without an election specifically approving the indebtedness if  
6 authorized to do so by a statute or charter.

7 [(3)] (4) As used in this section, "city" has the meaning given that term  
8 in ORS 221.010.

9 **SECTION 2. This 2013 Act being necessary for the immediate pres-**  
10 **ervation of the public peace, health and safety, an emergency is de-**  
11 **clared to exist, and this 2013 Act takes effect on its passage.**

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