

House Bill 2963

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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; amending ORS 221.410;
3 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 implication of general law, a
7 city may take all action necessary or convenient for the government of its local affairs.

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

12 **(b) A municipal ordinance or administrative regulation controlling or regulating the use**
13 **of sidewalks may not impose a penalty greater than the penalty for a Class D traffic vio-**
14 **lation.**

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

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

22 [(3)] **(4)** As used in this section, "city" has the meaning given that term in ORS 221.010.

23 **SECTION 2. This 2013 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
25 **on its passage.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.