

# Senate Bill 382

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## 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 Relating to municipal regulation of sidewalks; amending ORS 221.410; and declaring an emergency.

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

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

4 221.410. (1) Except as limited by express provision or necessary implication of general law, a  
5 city may take all action necessary or convenient for the government of its local affairs.

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

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

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

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

20 *[(3)]* **(4)** As used in this section, "city" has the meaning given that term in ORS 221.010.

21 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**  
22 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
23 **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.