Eugene City Council
125 E. 8th Ave., 2nd Floor
Eugene, OR 97401-2793
541-682-5010 • 541-682-5414 Fax
www.eugene-or.gov

EUGENE CITY COUNCIL AGENDA

March 8, 2017

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall
125 East 8th Avenue
Eugene, Oregon 97401

Meeting of March 8, 2017;
Her Honor Mayor Lucy Vinis Presiding

Councilors

Alan Zelenka, President	Mike Clark, Vice President
George Poling	Greg Evans
Emily Semple	Chris Pryor
Claire Syrett	Betty Taylor

12:00 p.m. CITY COUNCIL WORK SESSION
Harris Hall, 125 East 8th Avenue

A. WORK SESSION and POSSIBLE ACTION
An Ordinance Concerning The Prohibition of Dogs Within The Downtown Core Except in Certain Circumstances; Amending Section 4.427 Of The Eugene Code, 1971; and Providing for a Sunset Date of November 1, 2017.

B. WORK SESSION and POSSIBLE ACTION
An Ordinance Concerning The Prohibition of Smoking Within The Downtown Core and Allowing Certain Properties Outside The Downtown Core to Opt In; Amending Section 6.230 of The Eugene Code, 1971; and Providing for a Sunset Date of November 1, 2017.

The Eugene City Council welcomes your interest in these agenda items. This meeting location is wheelchair-accessible. For the hearing impaired, an interpreter can be provided with 48 hours' notice prior to the meeting. Spanish-language interpretation will also be provided with 48 hours' notice. To arrange for these services, contact the receptionist at 541-682-5010. City Council meetings are telecast live on Metro Television, Comcast channel 21, and rebroadcast later in the week.

El consejo de la Ciudad de Eugene agradece su interés en estos asuntos de la agenda. El lugar de la reunión tiene acceso para sillas de ruedas. Se puede proveer a un intérprete para las personas con discapacidad auditiva si avisa con 48 horas de anticipación. También se puede proveer interpretación para español si avisa con 48 horas de anticipación. Para reservar estos servicios llame al 541-682-5010. Las reuniones del consejo de la ciudad se transmiten en vivo por Metro Television, Canal 21 de Comcast y son retransmitidas durante la semana.

For more information, contact the Council Coordinator at 541-682-5010,
or visit us online at ***www.eugene-or.gov.***

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Work Session and Possible Action: An Ordinance Concerning The Prohibition of Dogs Within The Downtown Core Except in Certain Circumstances; Amending Section 4.427 Of The Eugene Code, 1971; and Providing for a Sunset Date of November 1, 2017.

Meeting Date: March 8, 2017 | Agenda Item Number: A
Department: Planning & Development | Staff Contact: Denny Braud
www.eugene-or.gov | Contact Telephone Number: 541-682-5536

ISSUE STATEMENT
This work session is an opportunity for the Eugene City Council to take action on a proposed ordinance to restrict dogs in an area of the downtown. The purpose of the ordinance is to promote health and safety of pedestrians and dogs in downtown.

BACKGROUND
During a November 9, 2016, work session the City Council discussed potentially regulating the large numbers of dogs that are concentrated in the high pedestrian-traffic areas downtown. This dog issue was part of a comprehensive discussion regarding the creation of a safe, clean downtown and parks that are welcoming to everyone, through environmental enhancements, police and security presence and programing activities. The dog attack of a library employee that occurred downtown in the summer of 2016 (that resulted in the death of the library employee's dog and injury to her) was discussed at an earlier work session as an example of the type of tragedy that might be prevented in the future if there was a restriction on dogs within the downtown area.

The current concentration of dogs and people downtown is similar to the concentration of dogs and people experienced in the University area in the late 1990s. To address the safety issues in the University area, in 1996 the City adopted an ordinance prohibiting dogs in a specific geographic area near the University and Alder St. One of a handful of exceptions to the ordinance is if the dog's owner lawfully resides within the designated area. As a result of the 1996 ordinance, the safety issues caused by the high concentration of people and dogs in this University area no longer exists.

Based on this experience, two ordinances are currently provided for the Council's consideration. Attachment A to this AIS is the ordinance that was the subject of the February 27 public hearing. As a second option for the Council to consider, Attachment B to this AIS is an ordinance that

includes a sentence providing that a dog owner can qualify for the exemption in subsection (4) of the ordinance only if the dog owner holds a valid dog license for a license-eligible dog (set of permanent canine teeth or attained the age of 6 months). With the additional sentence, this ordinance would require those dog owners who are exempted from the downtown core (Attachment C) dog prohibition to hold a license for their dog, thereby ensuring that even the dogs that are exempted from the prohibition are fully vaccinated.

Currently, EC 4.427(1) prohibits dogs **from being on** "Alder Street, including the sidewalks thereof, between and including the southern sidewalk of East 12th Avenue and the northern sidewalk of East 14th Avenue, nor on East 13th Avenue, including the sidewalks thereof, between and including the eastern sidewalk of Pearl Street and the eastern sidewalk of Kincaid Street." This prohibition "does not apply to a dog owner who maintains a lawful residence within the restricted area, to a dog assisting law enforcement personnel, to a dog assisting an individual with a disability, or to a dog inside a motorized vehicle."

Like the current dog prohibition in EC 4.427(1), the proposed dog restriction for the downtown area prohibits a "dog owner" from permitting a dog to be within a specific geographic boundary. City Code broadly defines "dog owner" to include anyone with possession of a dog. Specifically, EC 4.330 defines "dog owner" as: "Any person who is the licensed owner of a dog, or who has a right of property in a dog, or who harbors a dog or who has it in their care, possession, custody or control or who knowingly permits a dog to remain on any premises occupied by the person. . . . ." Based on the current definition of "dog owner" and the proposed exception to the downtown dog prohibition for people that work downtown, a person working downtown could bring their friend's dog to work.

Also like the current dog prohibition in EC 4.427(1), the proposed exceptions to the dog prohibition downtown include an exception for "service animals." EC 4.330 defines a "**service animal**" as: "Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Consistent with federal rules implementing the Americans with Disabilities Act, a miniature horse that has been individually trained to do work or perform tasks for the benefit of the individual with a disability may also be considered a service animal. The work or tasks performed by a service animal must be directly related to the handlers' disability. Examples of work or tasks include, but are not limited to, assisting individuals who are vision impaired with navigation and other tasks, alerting individuals who are hearing impaired to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition."

This ordinance is one piece of a broad range of efforts aimed at improving the public's experience and perception of downtown Eugene. While no single action or ordinance will provide a solution to the current challenges in downtown, the City will continue to work with the community,

downtown stakeholders, and partners toward a combination of strategies that will make downtown cleaner, healthier and safer.

The City Council held a public hearing on a proposed ordinance to restrict dogs from the downtown core on February 27, 2017. At the hearing, 34 people provided testimony (24 opposed; 10 supported). From February 8, 2017 (when Council moved to hold the public hearing) to 4:00 p.m. on March 1, approximately 54 emails related to the proposed ordinance were received (20 opposed; 34 supported).

RELATED CITY POLICIES

City Council Goals

Safe Community - A community where all people are safe, valued and welcome.

• Greater sense of safety (especially downtown)

Regional Prosperity Economic Development Plan

Strategy 5: Identify as a Place to Thrive, Priority Next Step - Urban Vitality

> As we foster a creative economy, dynamic urban centers are an important asset. Eugene, Springfield and many of the smaller communities in the region, recognize the importance of supporting and enhancing vitality in their city centers. Building downtowns as places to live, work and play will support the retention and expansion of the existing business community and be a significant asset to attract new investment. The Cities of Eugene and Springfield will continue to enhance their efforts to promote downtown vitality through development and redevelopment.

COUNCIL OPTIONS

1. Adopt Option A of the ordinance, which is the ordinance as presented at the February 27, 2017, public hearing;
2. Adopt Option B of the ordinance, which modifies the Option A ordinance to add a sentence to subsection (4) that states: "To qualify for the exemption under this subsection (4) a dog owner must hold a valid dog license for a license-eligible dog (set of permanent canine teeth or attained the age of 6 months)."
3. Do not adopt the ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the Council establish a pilot program prohibiting dogs within the downtown core by adopting Ordinance Option B.

SUGGESTED MOTIONS

I move to adopt Option B of the Ordinance Concerning the Prohibition of Dogs Within the Downtown Core.

ATTACHMENTS

A. Ordinance Concerning the Prohibition of Dogs Within the Downtown Core, **Option A**.
B. Ordinance Concerning the Prohibition of Dogs Within the Downtown Core, **Option B**.
C. Map of the Downtown Core Area

FOR MORE INFORMATION

Staff Contact: Denny Braud
Telephone: 541-682-5536
Staff E-Mail: denny.braud@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE PROHIBITION OF DOGS WITHIN THE DOWNTOWN CORE EXCEPT IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 4.427 OF THE EUGENE CODE, 1971; AND PROVIDING FOR A SUNSET DATE OF NOVEMBER 1, 2017.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsections (3) and (4) of Section 4.427 of the Eugene Code, 1971, are added to provide as follows:

4.427 Dogs - Certain Areas Prohibited.

(1) Except as provided in subsection (2) of this section, no dog owner shall permit a dog to be on Alder Street, including the sidewalks thereof, between and including the southern sidewalk of East 12th Avenue and the northern sidewalk of East 14th Avenue, nor on East 13th Avenue, including the sidewalks thereof, between and including the eastern sidewalk of Pearl Street and the eastern sidewalk of Kincaid Street.

(2) The prohibition of subsection (1) of this section does not apply to a dog owner who maintains a lawful residence within the restricted area, to a dog assisting law enforcement personnel, to a dog assisting an individual with a disability, or to a dog inside a motorized vehicle.

(3) Except as provided in subsection (4) of this section, no dog owner shall permit a dog to be within the downtown core as that area is defined in section 4.871 of this code.

(4) The prohibition in subsection (3) of this section does not apply to a dog owner who maintains a lawful residence or is employed within the downtown core, to a dog assisting law enforcement, to a dog assisting an individual with a disability, or to a dog inside a motorized vehicle.

Section 2. Section 1 of this ordinance shall sunset and be repealed, effective November 1, 2017, unless extended or made permanent by future Council action.

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2017

_____

City Recorder

Approved by the Mayor this

____ day of _____, 2017

_____

Mayor

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE PROHIBITION OF DOGS WITHIN THE DOWNTOWN CORE EXCEPT IN CERTAIN CIRCUMSTANCES; AMENDING SECTION 4.427 OF THE EUGENE CODE, 1971; AND PROVIDING FOR A SUNSET DATE OF NOVEMBER 1, 2017.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

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(2) The prohibition of subsection (1) of this section does not apply to a dog owner who maintains a lawful residence within the restricted area, to a dog assisting law enforcement personnel, to a dog assisting an individual with a disability, or to a dog inside a motorized vehicle.

(3) Except as provided in subsection (4) of this section, no dog owner shall permit a dog to be within the downtown core as that area is defined in section 4.871 of this code.

(4) The prohibition in subsection (3) of this section does not apply to a dog owner who maintains a lawful residence or is employed within the downtown core, to a dog assisting law enforcement, to a dog assisting an individual with a disability, or to a dog inside a motorized vehicle. To qualify for the exemption under this subsection (4) a dog owner must hold a valid dog license for a license-eligible dog (set of permanent canine teeth or attained the age of 6 months).

Section 2. Section 1 of this ordinance shall sunset and be repealed, effective November 1, 2017, unless extended or made permanent by future Council action.

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2017

_____

City Recorder

Approved by the Mayor this

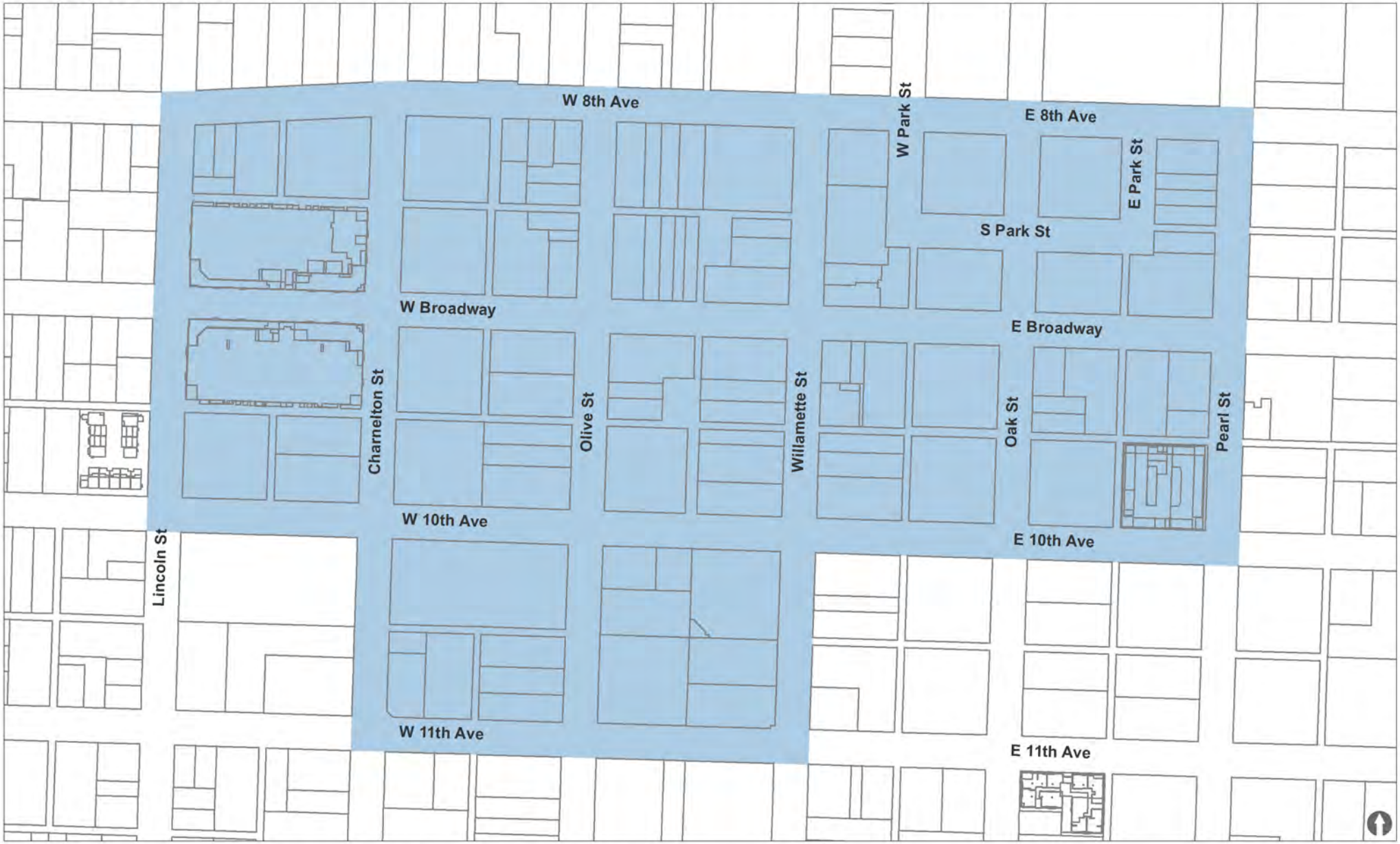
____ day of _____, 2017

_____

Mayor

Downtown Core

ATTACHMENT C



Downtown core: Publicly-owned property and rights-of-way located within the area bounded by a line that runs from the intersection of 10th Avenue and Pearl Street, north to 8th Avenue, west on 8th Avenue to Lincoln Street, south on Lincoln Street to 10th Avenue, east on 10th Avenue to Charnelton Street, south on Charnelton Street to 11th Avenue, east on 11th Avenue to Willamette Street, north on Willamette Street to 10th Avenue, and east on 10th Avenue to Pearl Street, including sidewalks on both sides of the streets and avenues that define the area and all public improvements located therein.

City of Eugene PDD - February 5, 2017
Caution: This map is based on imprecise source data, subject to change, and for general reference only.

EUGENE CITY COUNCIL
AGENDA ITEM SUMMARY

Work Session and Possible Action: An Ordinance Concerning The Prohibition of Smoking Within The Downtown Core and Allowing Certain Properties Outside The Downtown Core to Opt In; Amending Section 6.230 of The Eugene Code, 1971; and Providing for a Sunset Date of November 1, 2017.

Meeting Date: March 8, 2017 | Agenda Item Number: B
Department: Planning & Development | Staff Contact: Denny Braud
www.eugene-or.gov | Contact Telephone Number: 541-682-5536

ISSUE STATEMENT
This work session is an opportunity for the Eugene City Council to take action on a proposed ordinance to expand smokefree areas in the downtown. The purpose of the ordinance is to promote community health and create a more welcoming and accessible downtown core by reducing the impacts of secondhand smoke and cigarette litter.

BACKGROUND
Tobacco is the leading cause of preventable death in the United States, Oregon, and Lane County. Tobacco-related diseases kill approximately 7,000 Oregonians each year and nearly 700 people a year in Lane County alone. An additional 600 deaths are caused by secondhand smoke each year across the state. Medical expenses and lost wages due to tobacco-related disease and early death cost Lane County over $258 million a year, or $1,784 per household. Surveys indicate that 75 percent of Lane County residents believe it is important to be protected from secondhand smoke outdoors.

Preventing and reducing the impact of tobacco in Lane County is one of the top five priorities of the local Community Health Improvement Plan (CHIP). Evidence shows that increasing tobacco and smokefree environments is one of the most effective ways to reduce tobacco use and prevent secondhand smoke exposure.

Due to the enormous cost of tobacco use to society and individuals there is an increasing trend for businesses and governments to adopt policies regulating smoking or tobacco use in outdoor public spaces nationally and in Oregon. Salem, Oregon passed an ordinance that allows smoking to be prohibited on sidewalks and landscape strips within public right-of-ways that are adjacent to properties where smoking is prohibited as a policy of the property owner. Cities including Boulder, Colorado, Fort Collins, Colorado, Syracuse, New York, Ithaca, New York, Burlington, Vermont, Boise, Idaho, and San Rafael, California, have passed ordinances creating smokefree outdoor areas in their city centers and downtowns. Locally, in 2016, all City of Eugene Parks and

Open Spaces became smokefree and in January 2017, Lane County acted to make all 73 county parks and open spaces smoke and tobacco-free.

Current ordinances do not allow smoking within 10 feet of any public doorway or within 25 feet of the entrances to government buildings throughout Eugene. While these ordinances provide some level of protection from secondhand smoke indoors, they do not address outdoor smoking in high use pedestrian areas, such as downtown sidewalks, alleys and public spaces.

The primary purpose of creating and maintaining smokefree public spaces is to protect the health and safety of the community. Expanding public smokefree areas helps prevent the dangers of secondhand smoke and encourages a reduction in tobacco usage. In addition to reducing exposure to the harmful impacts of tobacco smoke, the ordinance will provide spaces that are more accessible to everyone, including those people with respiratory diseases, such as asthma, as well as other health conditions. Furthermore, the ordinance will have a positive impact on the environment by reducing cigarette litter in local stormwater systems and waterways.

The City Council held a public hearing on a proposed ordinance to expand smokefree areas in downtown on February 27, 2017. At the hearing, 34 people provided testimony (21 opposed; 13 supported). From February 8, 2017 (when Council moved to hold the public hearing) to 4:00 p.m. on March 1, approximately 56 emails related to the proposed ordinance were received (13 opposed; 43 supported).

Based on Council feedback two ordinances are currently provided for consideration.

- The proposed ordinance in Attachment A would expand smokefree areas to include the public spaces – sidewalks, alleys, and plazas – within the defined area of the downtown core (Attachment C). This ordinance includes an option to create designated smoking areas after 6:00 p.m. and an "Opt-In" option for smokefree properties outside of the core to create smokefree areas on the public right away adjacent to their property.
- The proposed ordinance in Attachment B would expand smokefree areas to include the public spaces – sidewalks, alleys, and plazas – within the defined area of the downtown core (Attachment C). This ordinance includes an option for properties within the downtown core to "Opt-Out" and create designated smoking areas at any time. This ordinance would also include an "Opt-In" option for smokefree properties outside of the core to create smokefree areas on the public right away adjacent to their property.

RELATED CITY POLICIES

City Council Goals

Safe Community - A community where all people are safe, valued and welcome.

• Greater sense of safety (especially downtown)

Regional Prosperity Economic Development Plan

Strategy 5: Identify as a Place to Thrive, Priority Next Step - Urban Vitality

As we foster a creative economy, dynamic urban centers are an important asset. Eugene, Springfield and many of the smaller communities in the region, recognize the importance of supporting and enhancing vitality in their city centers. Building downtowns as places to live,

work and play will support the retention and expansion of the existing business community and be a significant asset to attract new investment. The Cities of Eugene and Springfield will continue to enhance their efforts to promote downtown vitality through development and redevelopment.

COUNCIL OPTIONS

1. Adopt Option A of the ordinance, which is the ordinance as presented at the February 27, 2017 public hearing;
2. Adopt Option B of the ordinance, which modifies the Option A ordinance to remove the 6 p.m. time limitation around the grant of authority to the City Manager to permit smoking in designated areas adjacent to private establishments that request such permission and that comply with the rules adopted by the City Manager.
3. Do not adopt the ordinance.

CITY MANAGER'S RECOMMENDATION

The City Manager recommends that the Council establish a pilot program prohibiting smoking within the downtown core by adopting either Ordinance Option A or Ordinance Option B.

CITY MANAGER'S RECOMMENDATION

I move to adopt Option A of the Ordinance Concerning the Prohibition of Smoking Within the Downtown Core

I move to adopt Option B of the Ordinance Concerning the Prohibition of Smoking Within the Downtown Core.

ATTACHMENTS

A. Ordinance Concerning the Prohibition of Smoking Within the Downtown Core, **Option A**.
B. Ordinance Concerning the Prohibition of Smoking Within the Downtown Core, **Option B**.
C. Map of the Downtown Core Area

FOR MORE INFORMATION

Staff Contact: Denny Braud
Telephone: 541-682-5536
Staff E-Mail: denny.braud@ci.eugene.or.us

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE PROHIBITION OF SMOKING WITHIN THE DOWNTOWN CORE AND ALLOWING CERTAIN PROPERTIES OUTSIDE THE DOWNTOWN CORE TO OPT IN; AMENDING SECTION 6.230 OF THE EUGENE CODE, 1971; AND PROVIDING FOR A SUNSET DATE OF NOVEMBER 1, 2017.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Subsections (2)(q) and (r) of Section 6.230 of the Eugene Code, 1971, are added to provide as follows:

6.230 Smoking Prohibited in Public Places and Places of Employment.

(2) Smoking is prohibited in all public places and all places of employment within the city, including, but not limited to the following:

. . . .

(q) Within the downtown core as that area is defined in section 4.871 of this code. Notwithstanding the prohibition contained in this section, the city manager is authorized to permit smoking after 6 p.m. in designated areas adjacent to private establishments that request such permission and that comply with the rules adopted by the city manager under section 2.019 of this code.

(r) If requested by the property owner and approved by the city manager, public rights-of-way adjacent to properties where smoking is prohibited by subsections (2)(a)-(p) of this section, and public rights-of-way adjacent to smoke free publicly owned properties. The request shall comply with the rules adopted by the city manager under section 2.019 of this code.

Section 2. Section 1 of this ordinance shall sunset and be repealed, effective November 1, 2017, unless extended or made permanent by future Council action.

Section 3. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Passed by the City Council this

___ day of _____, 2017

_____

City Recorder

Approved by the Mayor this

____ day of _____, 2017

_____

Mayor

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE PROHIBITION OF SMOKING WITHIN THE DOWNTOWN CORE AND ALLOWING CERTAIN PROPERTIES OUTSIDE THE DOWNTOWN CORE TO OPT IN; AMENDING SECTION 6.230 OF THE EUGENE CODE, 1971; AND PROVIDING FOR A SUNSET DATE OF NOVEMBER 1, 2017.

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Passed by the City Council this

___ day of _____, 2017

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City Recorder

Approved by the Mayor this

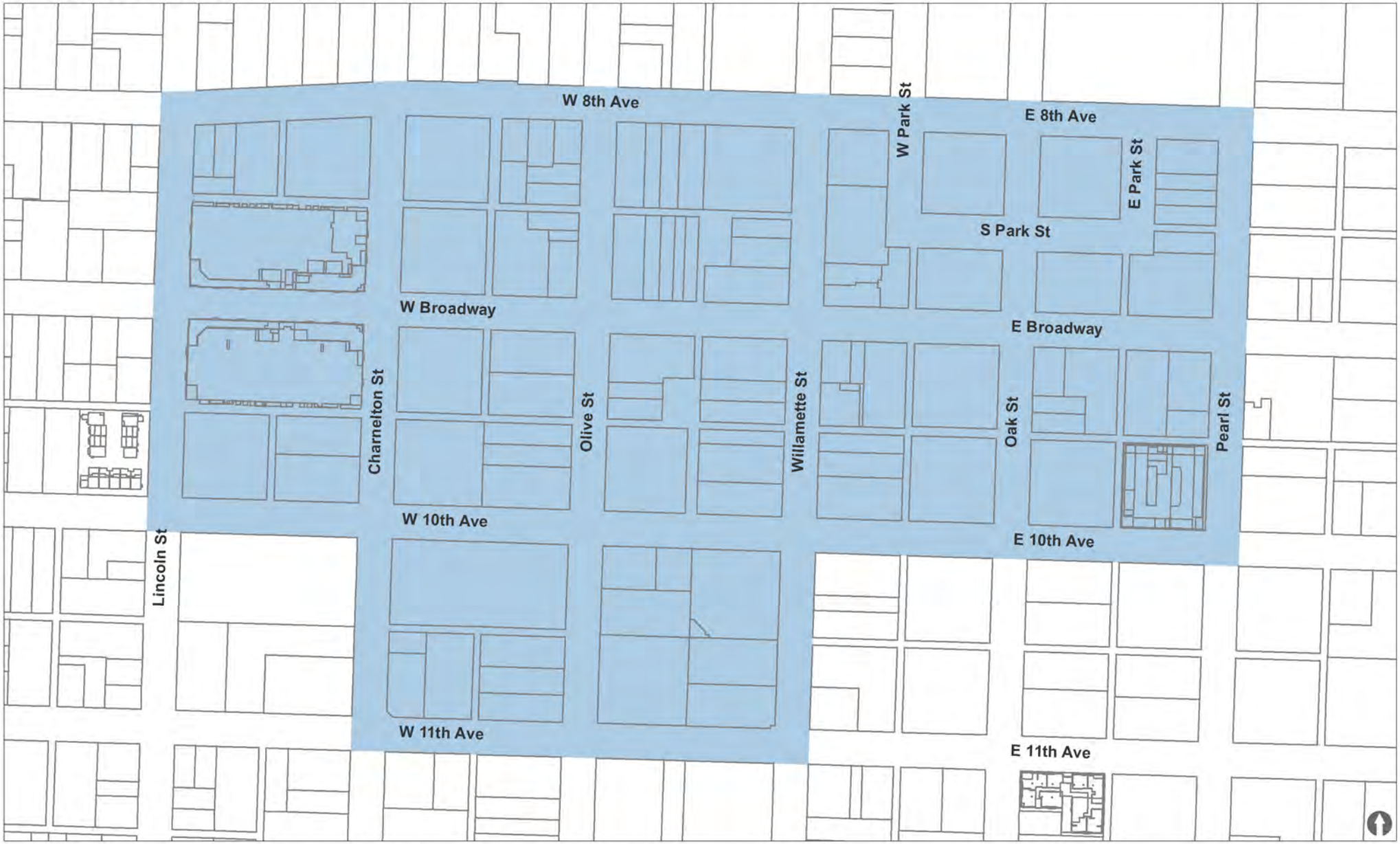
____ day of _____, 2017

_____

Mayor

Downtown Core

ATTACHMENT C



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City of Eugene PDD - February 5, 2017
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