

ORDINANCE 2013-29.

AN ORDINANCE ENACTING PROVO CITY CODE SECTION 9.32.200
PROHIBITING THE UNSAFE TRANSFER OF MONEY OR OTHER
PERSONAL PROPERTY IN A ROADWAY. (13-070)

WHEREAS, there have been increasing incidents of individuals and groups entering the travel portion of a roadway and the entrances and exits of public parking lots to seek money and/or personal property from motorists; and

WHEREAS, the Provo City Municipal Council finds that such incidents have the potential of distracting drivers and causing (i) accidents and injuries to pedestrians and motorists, and (ii) damage to property; and

WHEREAS, these incidents also have the potential to slow and interrupt the safe and orderly flow of traffic thereby causing (i) increased delay, (ii) vehicle idling and air pollution, and (iii) motorist frustration, annoyance, anxiety and aggressive behavior; and

WHEREAS, Provo City desires to create a public atmosphere conducive to the cautious, efficient, and less disconcerting flow of both pedestrian and vehicular traffic in and near roadways, and desires to promote the public’s health, safety and general welfare; and

WHEREAS, the Municipal Council finds that the transfer of money or other personal property to and/or from a person in a motor vehicle while that vehicle is in the travel portion of a roadway and at the entrances and exits of public parking lots impedes the flow of pedestrian and vehicular traffic, delays travel, and contributes to increased vehicle idling and air pollution; and

WHEREAS, the Municipal Council finds that the transfer of money or other personal property between persons while a vehicle is not legally parked puts the health, safety, and general welfare of driver and pedestrian at greater risk; and

WHEREAS, on July 30, 2013 the Municipal Council held a duly noticed public meeting to consider this matter; and

WHEREAS, after considering the facts and comments presented to the Municipal Council, the Council finds: (i) the provisions prohibiting the transfer of money and personal property in the roadway as set forth below should be adopted for the reasons set forth above, including promoting the orderly flow of traffic and reducing delay, vehicle idling and air pollution, and motorist frustration, annoyance and hostility; and (ii) such action reasonably furthers the health, safety and general welfare of the citizens of Provo City.

44 NOW THEREFORE, BE IT ORDAINED BY The Municipal Council of Provo City,
45 Utah, as follows:
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47 PART I:
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49 Section 9.32.200 of the Provo City Code is hereby enacted as follows:
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51 **Section 9.32.200. Unlawful Transfer on a Roadway.**

52 (1) It is the intent of this Section to enhance the safety of pedestrians and motor vehicle
53 occupants on public roadways and public parking lots within Provo City limits; to
54 assure the free, orderly, and undisrupted movement of motor vehicles on public
55 roadways within Provo City municipal limits; and to ensure that transactions between
56 pedestrians and motorists within Provo City limits are undertaken in an orderly
57 manner and do not create motorist frustration, annoyance or hostility. This Section is
58 intended to apply evenhandedly to all persons who engage in the activities proscribed
59 regardless of their intent or any message they may be attempting to communicate
60 incidental to the proscribed activity.

61 (2) For purposes of this Section, the following definitions shall apply:

62 (a) "Roadway" means the travel portion of: (i) streets and parking areas within
63 the boundary of the pedestrian mall designated by Provo City Code 9.30.010
64 Center Street Mall, (ii) highways owned and maintained by the State of Utah
65 or Utah County, and (iii) Provo City streets designated as collector or arterial
66 streets.

67 (b) "Legally Parked" means a vehicle that is standing, stopped, or otherwise
68 appropriately parked in an area designed or legally authorized for parking.

69 (3) It shall be unlawful for a person:

70 (a) while a pedestrian, to accept, take or otherwise obtain possession or control of
71 any money or personal property from a person within a motor vehicle while
72 that motor vehicle is within a Roadway or on publicly owned property used as
73 an entrance or exit to a Roadway;

74 (b) while a driver or passenger in a motor vehicle in a Roadway or on publicly
75 owned property used as an entrance or exit to a Roadway, to give, hand over,
76 or relinquish possession or control of any money or personal property to a
77 pedestrian.

78 (4) Notwithstanding anything to the contrary in this Section, the activities proscribed by
79 this Section shall not be unlawful if: (i) such actions are required as the result of a
80 traffic accident, medical emergency, or similar exigent circumstances; (ii) such
81 actions are directed by a peace officer or authorized traffic control officer in the
82 course of their official duties, or (iii) the transaction is undertaken after the motor
83 vehicle has been Legally Parked.

84 (5) Any person violating this subsection shall be guilty of a Class C Misdemeanor.
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86 PART II:

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88 A. If a provision of this ordinance conflicts with a provision of a previously adopted
89 ordinance, this ordinance shall prevail.

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91 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
92 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or
93 invalid, the remainder of the ordinance shall not be affected thereby.

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95 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
96 updated to reflect the provisions enacted by this ordinance.

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98 D. This ordinance shall take effect immediately after being posted or published as required
99 by law.

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101 END OF ORDINANCE