

Ordinance 2015-38

SHORT TITLE:

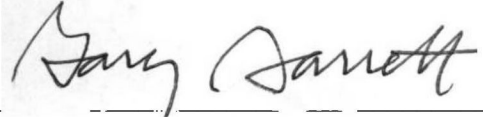
An ordinance amending Provo City Code Chapter 9.32.200 (Unlawful Transfer on a Roadway).

PASSAGE BY MUNICIPAL COUNCIL

ROLL CALL

DISTRICT	NAME	MOTION	SECOND	FOR	AGAINST	OTHER	
CW 1	DAVID SEWELL	✓		✓			
CW 2	GARY GARRETT			✓			
CD 1	GARY WINTERTON			✓			
CD 2	KIM SANTIAGO			✓			
CD 3	HAL MILLER			✓			
CD 4	KAY VAN BUREN			✓			
CD 5	CALLI HALES		✓	✓			
				TOTALS	7	0	0

This ordinance was passed by the Municipal Council of Provo City, on the 6th day of October, 2015 on a roll call vote as described above. Signed this October 14, 2015

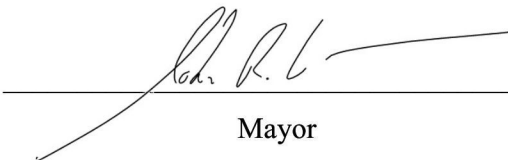


Chair

II

APPROVAL BY MAYOR

This ordinance is approved by me this October 14, 2015.



Mayor

ORDINANCE 2015-38


III

CITY RECORDER'S CERTIFICATE AND ATTEST

This ordinance was recorded in the office of the Provo City Recorder on the 14th day of October, 2015, with a short summary being published on the 10th day of October, 2015, in The Daily Herald, a newspaper circulated in Provo, Utah. I hereby certify and attest that the foregoing constitutes a true and accurate record of proceedings with respect to Ordinance Number 2015-38.



Signed this 14th day of October, 2015.



City Recorder

ORDINANCE 2015-38.

AN ORDINANCE AMENDING PROVO CITY CODE SECTION 9.32.200
(UNLAWFUL TRANSFER ON A ROADWAY). (15-128)

WHEREAS, on July 30, 2013 the Municipal Council held a duly noticed public meeting to consider how to create a public atmosphere conducive to the cautious, efficient, and easy flow of both pedestrian and vehicular traffic in and near roadways, when pedestrians are on or in the roadway vying for drivers' attention and seeking to effect the transfer of money or other personal property; and

WHEREAS, the Municipal Council enacted Provo City Code Chapter 9.32.200 with the intent to promote the orderly flow of traffic, reduce delay, vehicle idling and air pollution, motorist frustration, annoyance and hostility, and further the health, safety and general welfare of the citizens of Provo City by prohibiting transfers in the roadway; and

WHEREAS, it was the intent of the Municipal Council that pedestrians, drivers, and passengers be treated the same; and

WHEREAS, without amending the language of the Chapter that intent may not be clearly understood; and

WHEREAS, on October 6, 2015 the Municipal Council held a duly noticed public meeting to consider the matter; and

WHEREAS, after considering the facts presented, the Municipal Council finds (i) Provo City Code Section 9.32.200 should be amended as described herein and (ii) such action reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW THEREFORE, BE IT ORDAINED BY the Municipal Council of Provo City, Utah, as follows:

PART I:

Section 9.32.200 of the Provo City Code is hereby amended as follows:

9.32.200. Unlawful Transfer on a Roadway.

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

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

(a) "Roadway" means the travel portion of: (i) streets and parking areas within the boundary of the pedestrian mall designated by Section [9.30.010](#), Provo City Code, Center Street Mall; (ii) highways

owned and maintained by the State of Utah or Utah County; and (iii) Provo City streets designated as collector or arterial streets.

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

(3) It shall be unlawful for a person:

(a) While a pedestrian, to accept, take or otherwise obtain possession or control of any money or personal property from a person within a motor vehicle while that motor vehicle is within a roadway or on publicly owned property used as an entrance or exit to a roadway; or to give, hand over, or relinquish possession or control of any money or personal property to a person within a motor vehicle while that motor vehicle is within a roadway or on publicly owned property used as an entrance or exit to a roadway; or

(b) While a driver or passenger in a motor vehicle in a roadway or on publicly owned property used as an entrance or exit to a roadway, to give, hand over, or relinquish possession or control of any money or personal property to a pedestrian; or to accept, take or otherwise obtain possession or control of any money or personal property from a pedestrian

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

(5) Any person violating this Subsection shall be guilty of a Class C misdemeanor.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
- D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-71.