

ORDINANCE NO. 5885

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE CHAPTER 13 BY THE CREATION OF AMC 13.23.010 – 030 CONCERNING UNLAWFUL TRANSFERS ON A HIGHWAY AND DECLARING AN EMERGENCY

WHEREAS, the City Council has been advised by the Albany Police Department that the transfer of items of value from a motor vehicle on the roadway to nearby pedestrians creates an unreasonable risk to public safety and obstructs the ordinary flow of motor vehicle traffic; and

WHEREAS, the City's Council finds the following facts to be true:

- A. Motor vehicle drivers who are focused on non-traffic distractions are not attentive to other drivers, pedestrians, changing traffic, signage, and lights.
- B. Drivers who are looking for property inside their vehicles are not attentive to traffic.
- C. Drivers who are handing items to pedestrians are not attentive to traffic.
- D. Extending items of value from a vehicle to a pedestrian encourages that pedestrian to enter the roadway outside of a crosswalk, thereby putting the pedestrian at unreasonable risk.
- E. Inattentive drivers cause traffic obstructions and traffic delays.
- F. Distracted drivers cause road rage incidents stemming from traffic obstruction or delays.

WHEREAS, a prohibition on the transfer of items of value from a motor vehicle to a pedestrian will eliminate or mitigate the concerns set forth above; and

WHEREAS, regulation should not preclude the transfer of property between pedestrians and motor vehicles when the motor vehicles are lawfully parked and the pedestrians are not on the roadway.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: AMC 13.23.010, 020, and 030 are hereby enacted as follows:

AMC 13.23.010 Prohibition against unlawful transfer on a highway. A person commits the offense of unlawful transfer on a highway if the person:

- a. While a driver or passenger in a vehicle on a highway, road or street within the boundaries of the City of Albany, gives or relinquishes possession or control of, or allows another person in the vehicle to give or relinquish possession or control of any money or tangible personal property to a pedestrian; or
- b. While a pedestrian, accepts, receives, or retains possession or control of any money or tangible personal property from a driver or passenger in a vehicle on a highway, road, or street within the boundaries of the City of Albany.

AMC 13.23.020 Exceptions. This section does not apply if the vehicle is legally parked. This section also does not apply to persons participating in a "Pedestrian Activity," as defined by OAR 734 Division 58, for which a permit has been issued by the Oregon Department of Transportation, so long as all terms of such permit are being met.

AMC 13.23.030 Penalty. Any person found violating this section shall be guilty of committing a traffic violation punishable by a fine not to exceed \$75.

Section 2: Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council: November 14, 2016

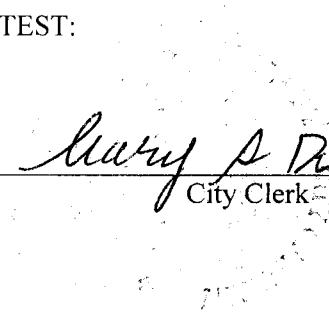
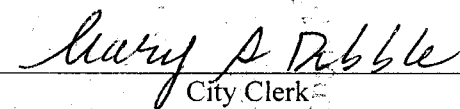
Approved by the Mayor: November 14, 2016

Effective Date: November 14, 2016



Mayor

ATTEST:

City Clerk