MIDVALE CITY, UTAH

ORDINANCE NO. 2014 – O-02

AN ORDINANCE ENACTING MIDVALE MUNICIPAL CODE SECTION 10.28 PROHIBITING THE UNSAFE TRANSFER OF MONEY OR OTHER PERSONAL PROPERTY IN A ROADWAY.

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 City 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, the City of Midvale 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 City 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;

WHEREAS, the City 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 March 4, 2014, the City Council held a duly noticed public meeting to consider this matter; and

WHEREAS, after considering the facts and comments presented to the City 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 Midvale City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

SECTION I: Section 10.28 of the Midvale Municipal Code is hereby enacted as follows:
Section 10.28.010  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 Midvale City limits; to assure the free, orderly, and undisrupted movement of motor vehicles on public roadways within Midvale City municipal limits; and to ensure that transactions between pedestrians and motorists within Midvale 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) highways owned and maintained by the State of Utah or Salt Lake County, and (ii) Midvale 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;

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.

(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.

SECTION II.  If a provision of this Ordinance conflicts with a provision of a previously adopted ordinance, this Ordinance shall prevail.

SECTION III.  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.
SECTION IV. The Municipal Council hereby directs that the official copy of the Midvale City Code be updated to reflect the provisions enacted by this Ordinance.

SECTION V. This Ordinance shall take effect immediately after being posted or published as required by law.

ADOPTED by the City Council of Midvale, Utah, this 4th day of March, 2014.

[Signature]
JoAnn B. Seghini
Mayor

Attest:

[Signature]
Rori L. Andreason, MMC
City Recorder

Published this day of March, 2014.

VOTING BY THE CITY COUNCIL:

Stephen Brown       Yea ✔️ Nay ___
Paul Glover         Yea ✔️ Nay ___
Robert Hale         Yea ✔️ Nay ___
Paul Hunt           Yea ✔️ Nay ___
Wayne Sharp         Yea ✔️ Nay ___