

A BILL FOR AN ORDINANCE ADOPTING)
CHAPTER 9.35 OF THE LEBANON)
MUNICIPAL CODE PROHIBITING THE)
PASSING OF ITEMS FROM THE OCCUPANT)
OF A MOTOR VEHICLE ON A ROADWAY IN)
A LANE OF TRAVEL AND CREATING)
EXCEPTION)

ORDINANCE BILL NO. 2016-3

ORDINANCE NO. 2872

THE CITY OF LEBANON ORDAINS AS FOLLOWS:

LMC 9.35 PROHIBITION AGAINST PASSING OF ITEMS FROM THE OCCUPANT OF A MOTOR VEHICLE ON A ROADWAY IN A LANE OF TRAVEL

9.35.010 Findings and purpose.

- a) This section is intended to provide for the free flow of motor vehicle traffic on roadways in the City of Lebanon. The City Council finds that persons who distribute any item from a motor vehicle to a person outside the motor vehicle upon a roadway present a threat to the free and safe flow of motor vehicle traffic. By this Section, the City Council intends to promote the health, safety and welfare of the citizens traveling by vehicle or on foot in the City.
- b) The City Council, through evidence and testimony presented by the police department and the community, finds that the unregulated passing of items from an occupant of a motor vehicle on roadways often leads to blocking and/or impeding traffic in order to make the exchange.
- c) The City Council further finds that the safety risks associated with passing items from motor vehicles can be alleviated for short periods of time through proper regulation and oversight. The City Council finds that short duration exceptions can be applied to this Ordinance upon satisfaction of safety concerns and a permitting process.

9.35.020 Definitions. For purposes of this Section, the following definitions apply:

- a) Pass/Passing. Distributing or exchanging any item by an occupant of a motor vehicle that is located in a lane of travel on the roadway.
- b) Roadway. All public roads open to motorized vehicles within the City. This definition excludes private roads and private property. This definition also excludes areas in which parking is permitted in the City.
- c) Item. Any physical object.

9.35.030 Prohibition on Roadways. It shall be unlawful to violate any of the prohibitions set forth below in the City.

- a) No person shall knowingly distribute any item from a motor vehicle to any person when the vehicle is located in a lane of travel on the roadway.

- b) This Section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle on private property or in a permitted parking area.
- c) This Section shall not apply to any law enforcement officer acting in the scope of his/her official duty.
- d) This Section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle located in the roadway in order to assist the occupant after a motor vehicle accident, with a disabled motor vehicle or where the occupant is experiencing a medical emergency.
- e) This Section shall not apply to any motor vehicle that is legally parked at the time of the transfer.

9.35.040 Exceptions. Groups or organizations may apply to the Chief of Police for a permit not to exceed 24 hours for an exemption from this Ordinance. In deciding to grant or deny the permit, the Chief shall consider:

- a) The Group or organization's safety and notification plan, which shall include details including but not limited to flags, cones and/or signage informing drivers that an event encouraging the passing of items is occurring and urging caution;
- b) staffing resources sufficient to ensure proper oversight, safety and notification of the event;
- c) Liability insurance satisfactory to the City.

9.35.045 Severability. If any provision of this section is declared invalid or unconstitutional by any Court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect.

9.35.050 Penalty. Violation of this ordinance shall be a violation punishable by a fine not to exceed \$100.

Passed by the Lebanon City Council and executed by the Mayor on this 10th day of February, 2016 by a vote of 5 yeas and 0 nays.

CITY OF LEBANON, OREGON



 Paul R. Aziz, Mayor
 Bob Elliott, Council President

ATTESTED BY:



 Linda Kaser, City Clerk