

ORDINANCE NO. 14-07

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING THE CITY CODE, CREATING SECTION 7-1-4 TO PROHIBIT AND REGULATE UNLAWFUL TRANSFER ON A ROADWAY; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1 - Recitals:

WHEREAS, SOUTH OGDEN City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds 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 South Ogden City Council finds that such incidents have the potential of distracting drivers and causing accidents and injuries to pedestrians and motorists, and damage to property; and

WHEREAS, the City Council finds these incidents also have the potential to slow and interrupt the safe and orderly flow of traffic causing increase delay, vehicle idling and air pollution, and motorist frustration, annoyance, anxiety and aggressive behavior; and

Whereas, South Ogden 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 City Council finds that transferring 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 increase idling and air pollution; and

WHEREAS, the City Council finds that transferring 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 risks, and,

WHEREAS, the City Council finds that the Utah Legislature has recently adopted UCA 41-6a-1009 dealing with many of these same issues; and,

Whereas, on May 20, 2014, the City Council held a duly noticed public meeting to consider this matter, and,

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

WHEREAS, the City Council finds that South Ogden City Code, at Title 7 and various sections deal with streets, sidewalks and public ways issues and regulations and related management provisions of the city and is based on and adopted in conformance with the authority granted to the City by UCA Title 10; and UCA 41-6a-1009(4)(f), and,

WHEREAS, the City Council finds it is in the public interest to manage and regulate the procedures governing streets, sidewalks and public ways issues and to otherwise comply with the requirements of UCA 41-6a-1009; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 7 and various sections should be amended by adding new language governing streets, sidewalks and public ways issues and regulations for the city; and,

WHEREAS, the City Council finds that the requirements should be effective upon passage of this Ordinance; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the City Code be changed and amended as follows:

Added Section:

Upon the adoption of this Ordinance, Title 7, Chapter 1 Section 4 is created and adopted to read:

Section 7-1-4 Unlawful Transfer on a Roadway

- (1) This section is intended to enhance the safety of pedestrians and motor vehicle occupants on public roadways and public parking lots with South Ogden City limits; to assure the free, orderly and undisrupted movement of motor vehicles on public roadways within South Ogden City limits; and to ensure that transactions between pedestrians and motorists within South Ogden 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 attempt to communicate incidental to the proscribed activity.

(2) UCA 41-6a-1009 is incorporated fully by this reference and, to the extent not in conflict therewith, the following additions shall apply in South Ogden City:

a. For 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 Weber County, and (ii) South Ogden City streets designated as collector or arterial streets, including, but not limited to, 39th Street West of Washington Blvd., 37th Street West of Washington Blvd., and Chimes View Dr. West of Riverdale Rd. (See attached map, incorporated in full.)

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

b. 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 exit or entrance to a Roadway, to give, hand over, or relinquish possession, or control of any money or personal property to a pedestrian.

c. 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 their official duties, or (iii) the transaction is undertaken after the motor vehicle has been legally parked.

(3) Any person violating this subsection shall be guilty of a Class C Misdemeanor.

Section 2 - Repealer of Conflicting Enactments:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

Section 3 - Prior Ordinances and Resolutions:

The body and substance of any and all prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

Section 5 - Date of Effect

This Ordinance shall be effective on the 20th day of May, 2014, and after publication or posting as required by law.

DATED this 20th day of May, 2014

SOUTH OGDEN, a municipal corporation

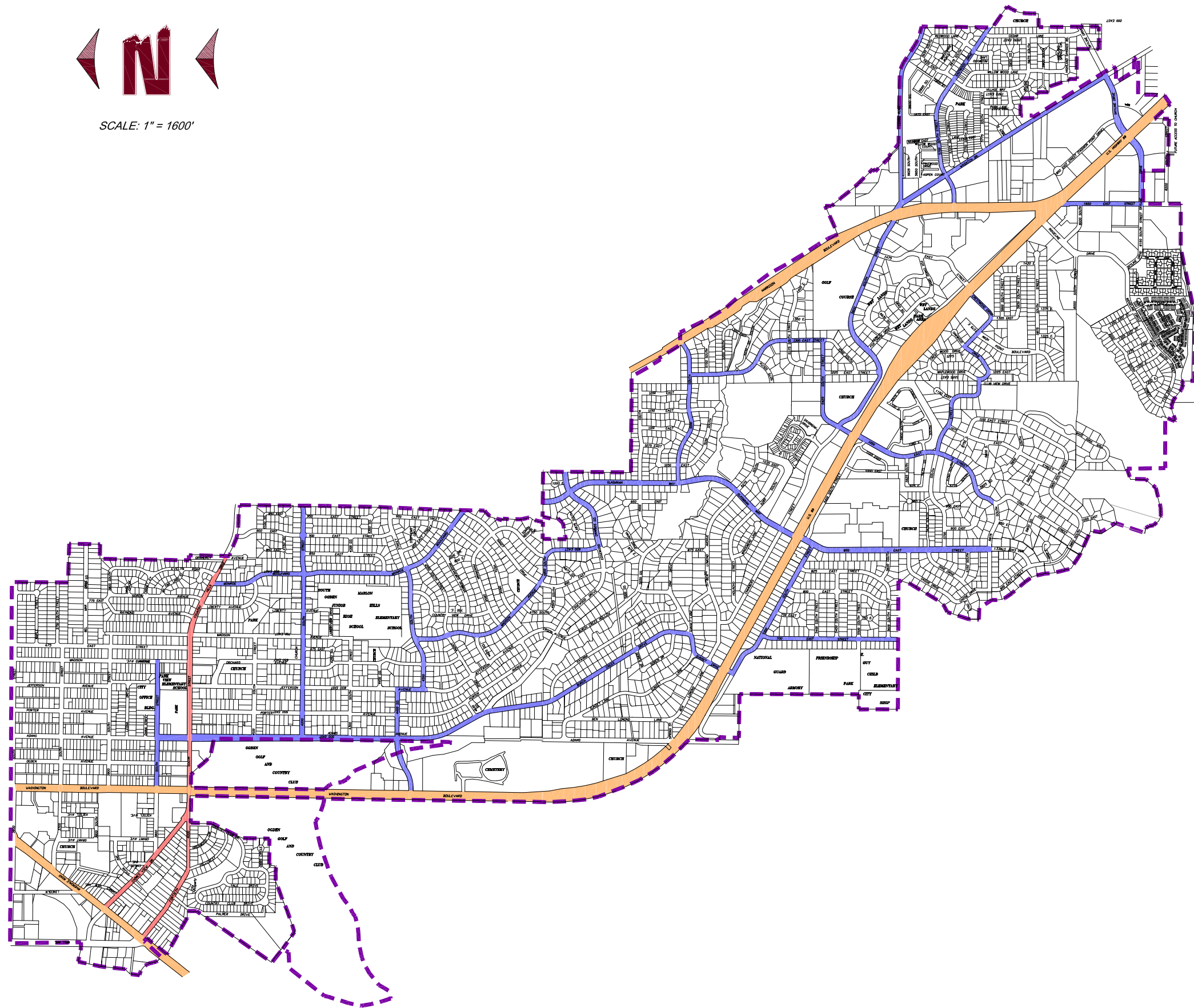
by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov
City Recorder



SCALE: 1" = 1600'



SOUTH OGDEN CITY CORPORATION TRAFFIC CAPITAL FACILITIES PLAN & IMPACT FEE ANALYSIS



LEGEND

- STUDY AREA BOUNDARY - - - - -
- COLLECTOR [Blue Line]
- SOUTH OGDEN CITY ARTERIAL [Red Line]
- UDOT ARTERIAL [Orange Line]

EXISTING TRANSPORTATION NETWORK

EXHIBIT
1-2

DESIGNED B.C.J. DATE NOV. 6, 2009
 DRAWN C.C.S. SCALE: 1"=1600'
 CHECKED B.C.J.

WC **WASATCH CIVIL**
Consulting Engineering
 5320 SOUTH 1950 WEST, SUITE 1
 ROY CITY, UTAH 84067 (801) 775-9191