

CITY OF CRANSTON

ORDINANCE OF THE CITY COUNCIL

IN AMENDMENT OF CHAPTER 10.40.070 OF THE CODE OF THE CITY OF CRANSTON ENTITLED "SOLICITATION ON ROADWAYS PROHIBITED" (PROHIBITION AGAINST DISTRIBUTION TO AND RECEIVING FROM OCCUPANTS OF MOTOR VEHICLES)

**As amended by City Council 1/23/2017*

No.

Passed:

Michael J Farina, Council President

Approved:

Allan W. Fung, Mayor

It is ordained by the City Council of the City of Cranston as follows:

Legislative Findings

It is the intention of the City of Cranston, by and through its City Council, upon the recommendation of the Mayor, to protect the health and safety of drivers and occupants of motor vehicles and all residents, visitors and pedestrians on and in city roadways and sidewalks, by reducing the incidents of distracted driving caused by vehicle occupants seeking to receive and/or pass any item from a vehicle to a pedestrian in the roadway and also from a pedestrian in the roadway to receive and/or pass items to a vehicle occupant.

The Administration and City Council find that city roadways include a number of thoroughfares that convey large numbers of vehicles, not only at rush hour but also mid-day and throughout the evening. High traffic volume, impaired driving, speeding, red-light running and/or otherwise distracted driving have contributed to a dangerous environment on many roadways and medians as demonstrated by a high number of vehicle collisions at various intersections.

There are numerous examples of intersections throughout the city that have a high number of vehicle collisions or even single car accidents for the period from January 1, 2016 up to and including December 12, 2016:

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|----|---|----|
| 1. | Atwood Avenue and Phenix Avenue | 58 |
| 2. | Chapel View Boulevard and New London Avenue | 23 |
| 3. | Cranston Street and Garfield Avenue | 19 |

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|----|-----|--|----|
| 47 | 4. | Cranston Street and Park Avenue | 15 |
| 48 | 5. | Elmwood Avenue and Park Avenue | 27 |
| 49 | 6. | Meshanticut Valley Parkway and New London Avenue | 17 |
| 50 | 7. | Natick Avenue and Route 37 | 12 |
| 51 | 8. | New London Avenue and Howard Avenue | 13 |
| 52 | 9. | New London Avenue and Oaklawn Avenue | 17 |
| 53 | 10. | New London Avenue and Sockanosset Crossroad | 31 |
| 54 | 11. | Park Avenue and Cranston Street | 15 |
| 55 | 12. | Park Avenue and Dyer Avenue | 17 |
| 56 | 13. | Park Avenue and Elmwood Avenue | 28 |
| 57 | 14. | Park Avenue and Park View Boulevard | 15 |
| 58 | 15. | Park Avenue and Reservoir Avenue | 64 |
| 59 | 16. | Park Avenue and Warwick Avenue | 14 |
| 60 | 17. | Park Avenue and Wellington Avenue | 17 |
| 61 | 18. | Pontiac Avenue and Sockanosset Crossroad | 30 |
| 62 | 19. | Pontiac Avenue and Route 37 | 24 |
| 63 | 20. | Reservoir Avenue and Legion Way | 18 |
| 64 | 21. | Garfield Avenue and Route 10 | 16 |

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66 The Administration and members of the City Council have heard from constituents
67 and/or personally witnessed many incidences whereby individuals (whether by themselves or
68 collectively as a group or organization) have been standing and/or walking and/or lingering in
69 the busy streets and/or standing and/or walking and/or lingering on the roadway medians in
70 various busy intersections, including but not limited to those listed above, for the purposes of
71 soliciting from drivers and occupants of moving motor vehicles.

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73 Additionally, our law enforcement officers have indicated that the act of individuals
74 distributing items into and out of motor vehicles under certain conditions can give rise to
75 reasonable suspicion that illegal narcotics transactions and/or illegal prostitution may be taking
76 place.

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78 Whereby, this Administration and members of the City Council find that numerous
79 roadways and intersections within the city present dangerous conditions that are exacerbated by
80 the presence of pedestrians within the roadway and by acts that promote distracted driving.
81 Further, the Administration and members of the City Council recognize that legal transactions
82 can be and should be performed in safe areas such as from a sidewalk and/or public park and/or
83 public parking area and particularly from non-moving vehicles ***and that the following**
84 **restrictions are authorized pursuant to Rhode Island General Law §31-18-2 Local**
85 **Ordinances and such restrictions are consistent in subject matter and intent with several**
86 **provisions of state law designed to protect public safety upon roadways including without**
87 **limitation: §31-18-5 Crossing Other Than at Crosswalks; §31-18-10 Walking in Street**
88 **Prohibited; §31-18-11 Walking, Jogging, Or Running on Left; §31-18-12 Hitchhiking in**
89 **Road; and §31-18-17 Pedestrians on Freeways.**

90

91 Therefore the following restrictions are warranted to protect the public health and safety
 92 of all drivers and occupants of motor vehicles and all residents, visitors and pedestrians on and in
 93 city roadways and sidewalks.

94
 95 **Section 1.** Title 10.40.070 of the Code of the City of Cranston, entitled “Solicitation on
 96 roadways prohibited” is hereby amended as follows:

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 99 By deleting:

100 [Solicitation on roadways prohibited]

101 [No person shall distribute literature to, request donations from, or in any other manner
 102 perform acts of solicitation of any type directed at the operator or any passenger of any motor
 103 vehicle in a travel lane, including motor vehicles stopped at intersections or in obedience to any
 104 traffic control device, or any public street or highways within the state.]

105
 106 And adding the following:

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 108 Prohibition Against Distribution to and Receiving from Occupants of Vehicles.

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 110
 111 (a) Definitions. For the purposes of this section:

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 113 Roadway shall mean: The portion of a public street, road, or highway improved,
 114 designed or ordinarily used for vehicular travel and extending from one (1) curb or
 115 edge of pavement to the opposite curb or edge of pavement, including lanes
 116 commonly used for parking and including center medians and lane dividers*;
 117 **provided, however, that the term Roadway shall not include any street, road, or**
 118 **highway; 1) having a paved surface width no greater than thirty (30) feet as**
 119 **measured from one edge of pavement to the opposite edge of pavement (which**
 120 **measurement shall not include sidewalk areas); 2) is an undivided roadway on**
 121 **which traffic flow is restricted to a single lane of travel in opposing directions or**
 122 **a single lane of travel in one direction; and 3) upon which the legal speed limit**
 123 **does not exceed twenty five (25) miles per hour.**

124
 125 Sidewalk shall mean: That portion of a public right-of-way between the curb lines or
 126 the lateral lines of pavement on the roadway and the adjacent property lines, intended
 127 for use by pedestrians.

128
 129 (b) No person shall stand in or enter upon a roadway for the purpose of distributing
 130 anything to the occupant of any vehicle or for the purpose of receiving anything from
 131 the occupant of any vehicle.

132
 133 (c) The distribution or receiving described in Subsection (b) is permissible to an
 134 occupant of a non-moving vehicle on the roadway adjacent to the sidewalk and if the
 135 person doing so is on the adjacent sidewalk.

137 (d) Nothing contained herein is intended to prohibit distribution by any person on a
138 sidewalk, to another person on the sidewalk, or by and among persons in a city
139 parking lot or city park.

141 **Section 3.** This Ordinance shall take effect upon its final adoption.

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144 Positive Endorsement Negative Endorsement (attach reasons)

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148 Christopher M. Rawson, Solicitor Date Christopher M. Rawson, Solicitor Date

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152 Sponsored by: Mayor Fung
153 Referred to Ordinance Committee January 12, 2017