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CITY OF CONCORD

In the year of our Lord two thousand and fifteen

AN ORDINANCE amending the CODE OF ORDINANCES, Title I, General Code; Chapter 17, Vehicles and Traffic, Article 17-7, Rights and Duties of Pedestrians, Section 17-7-3, The Passing of Items To or From the Occupant of a Motor Vehicle on a Roadway

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title I, General Code; Chapter 17, Vehicles and Traffic, Article 17-7, Rights and Duties of Pedestrians, Section 17-7-3, The Passing of Items To or From the Occupant of a Motor Vehicle on a Roadway, by deleting paragraph (4) in its entirety and renumbering paragraphs (5) and (6) as follows:

17-7-3 - The Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway.

- (1) *Intent of Section.* This Section is intended to provide for the free flow of motor vehicle traffic on roadways in the City. The City Council finds that persons who distribute any item to, receive any item from or exchange any item with the occupant of a 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 in the City.
- (2) *Definitions.* For purposes of this Section, the following definitions apply:
 - (a) *Pass/Passing.* Distributing any item to, receiving any item from, or exchanging any item with the occupant of a motor vehicle that is located in 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.
- (3) *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 to, receive any item from, or exchange any item with the occupant of any motor vehicle when the vehicle is located in 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.
- ~~(4) *Sunset.* This Section shall automatically repeal on April 9, 2015, unless otherwise ratified by the City Council.~~
- ~~(4[5]) *Penalty.* A person found in violation of this Section shall be guilty of a violation and may be fined not more than \$500.00.~~
- ~~(5[6]) *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.~~

SECTION II: This Ordinance shall take effect upon its passage.

Explanation: Matter added to the current ordinance appears in *bold italics*.
Matter removed from the current ordinance appears [~~in brackets and struck through~~].