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:

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

U/Ordinances/SolicitationOnRoadwaysAmend
47. Cranston Street and Park Avenue  
48. Elmwood Avenue and Park Avenue  
49. Meshanticut Valley Parkway and New London Avenue  
50. Natick Avenue and Route 37  
51. New London Avenue and Howard Avenue  
52. New London Avenue and Oaklawn Avenue  
53. New London Avenue and Sockanosset Crossroad  
54. Natick Avenue and Route 37  
55. New London Avenue and Howard Avenue  
56. New London Avenue and Oaklawn Avenue  
57. New London Avenue and Sockanosset Crossroad  
58. Natick Avenue and Route 37  
59. New London Avenue and Howard Avenue  
60. New London Avenue and Oaklawn Avenue  
61. New London Avenue and Sockanosset Crossroad  
62. Natick Avenue and Route 37  
63. New London Avenue and Howard Avenue  
64. New London Avenue and Oaklawn Avenue  
65. New London Avenue and Sockanosset Crossroad

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

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

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

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

By deleting:

[Solicitation on roadways prohibited]

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

And adding the following:

Prohibition Against Distribution to and Receiving from Occupants of Vehicles.

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

Roadway shall mean: The portion of a public street, road, or highway improved, designed or ordinarily used for vehicular travel and extending from one (1) curb or edge of pavement to the opposite curb or edge of pavement, including lanes commonly used for parking and including center medians and lane dividers;

provided, however, that the term Roadway shall not include any street, road, or highway: 1) having a paved surface width no greater than thirty (30) feet measured from one edge of pavement to the opposite edge of pavement (which measurement shall not include sidewalk areas); 2) is an undivided roadway on which traffic flow is restricted to a single lane of travel in opposing directions or a single lane of travel in one direction; and 3) upon which the legal speed limit does not exceed twenty five (25) miles per hour.

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

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

(c) The distribution or receiving described in Subsection (b) is permissible to an occupant of a non-moving vehicle on the roadway adjacent to the sidewalk and if the person doing so is on the adjacent sidewalk.
(d) Nothing contained herein is intended to prohibit distribution by any person on a sidewalk, to another person on the sidewalk, or by and among persons in a city parking lot or city park.

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

Positive Endorsement

Negative Endorsement (attach reasons)

___________________________  _________
Christopher M. Rawson, Solicitor        Date        Christopher M. Rawson, Solicitor        Date

Sponsored by: Mayor Fung

Referred to Ordinance Committee January 12, 2017