

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)**

*No.**Passed:*

*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 |

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

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.

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.

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