

AMENDED ORDINANCE

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Ordinance No. _____

AN ORDINANCE RELATING TO CHAPTER 32 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2012, ENTITLED "MOTOR VEHICLES AND TRAFFIC," TO PROVIDE CERTAIN REGULATIONS REGARDING PERSONS STANDING, SITTING, OR STAYING ON CERTAIN PUBLIC STREETS, HIGHWAYS, OR MEDIANS; AMENDING CHAPTER 32, ARTICLE I, SECTION 32-1 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, TO INCLUDE A DEFINITION FOR "MEDIAN" AND TO AMEND THE DEFINITION FOR "EMERGENCY;" AMENDING CHAPTER 32, ARTICLE XIII, SECTION 32-458 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, TO DELETE ALL CURRENT WORDING IN SAID SECTION 32-458 AND TO PROVIDE REGULATIONS RELATING TO PERSONS STANDING, SITTING, OR STAYING ON CERTAIN PUBLIC STREETS, HIGHWAYS, OR MEDIANS; FURTHER PROVIDING A PURPOSE FOR SUCH REGULATIONS AND FOR CERTAIN EXCEPTIONS TO SUCH REGULATION.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Section 32-1 of Article I of Chapter 32 of The Oklahoma City

Municipal Code, 2010 is hereby amended to read as follows:

§ 32-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alley* means any narrow highway ordinarily located in the interior portion of platted blocks and ordinarily used for service or delivery purposes at the rear of stores, dwellings or buildings.
- (2) *Ambulance* means a motor vehicle constructed, reconstructed or arranged for the purpose of transporting ill, sick, or injured persons.
- (3) *Bicycle* means a device propelled by human power upon which any person may ride, having two tandem wheels.
- (4) *Bicycle lane* means a portion of a roadway designated for bicycle use and defined by pavement markings, curbs, signs, or other traffic control devices.
- (5) *Bicycle path* means a facility which is on a completely separate right-of-way designated for the exclusive use of bicycles and pedestrians with cross flows by motorists minimized.

- (6) *Bicycle route* means any roadway so designated and signed which allows a bicycle operator to use the full traffic lane, notwithstanding the traffic lane's continued use by other vehicles. On roadways consisting of two or more lanes in the same direction of travel, the bicycle route shall be the outside or furthest right-hand through traffic lane only. The Traffic and Transportation Commission is hereby authorized to designate bicycle routes in accordance with this article and the Oklahoma City Bicycle Transportation Plan, or as may hereafter be amended. A Share the Road sign does not indicate a designated bicycle route.
- (7) *Business district* means the territory contiguous to and including a highway if there are buildings within 600 feet of the highway in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.
- (8) *Commercial vehicle* means a vehicle designed, maintained, or used primarily for the transportation of property.
- (9) *Commission* means the Traffic and Transportation Commission of the City.
- (10) *Crosswalk* means:
- (a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway; and
 - (b) any portion of a roadway at an intersection or elsewhere distinctly designated for pedestrian crossing by lines or other markings on the surface.
- (11) *Director* means the Public Works Director.
- (12) *Double park* means parking or stopping a vehicle on the roadway side of another vehicle already parked adjacent to the edge or curbing of the roadway.
- (13) *Driver or operator* means a person who drives or is in actual physical control of a vehicle.
- (14) *Emergency* means an unforeseeable occurrence of temporary duration causing or resulting in an abnormal increase in traffic volume, cessation or stoppage of traffic movement, or creation of conditions hazardous to normal traffic movement, including fire, storm, accident, riot, or spontaneous assembly of large numbers of pedestrians in such a manner as to impede the flow of traffic.
- (15) *Emergency vehicle* means vehicles of the Fire and Police Departments and legally authorized ambulances and emergency vehicles of municipal departments or public service corporations.
- (16) *Intersection* means:
- (a) the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines, of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; and
 - (b) if a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be

regarded as a separate intersection. If the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

- (17) *Laned roadway* means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.
- (18) *Limit lines* means boundaries of parking areas, loading zones and non-traffic areas and lines indicating the proper place for stopping where stops are required.
- (19) *Limited access highway* means a highway, street, or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access, except at such points and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.
- (20) *Loading zone* means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.
- (20.1) *Median* means the dividing area, either paved or unpaved, that is located approximately in the center of a highway or roadway and that separates lanes of traffic going in opposite directions.
- (21) *Motorcycle, motor scooter, and motor bicycle* means a motor vehicle, other than a tractor, having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground.
- (22) *Motor vehicle* means a vehicle which is self-propelled or propelled by electric power obtained from overhead wires, but not operated upon rails.
- (23) *Off-road recreational vehicle* means any multi-wheeled vehicle designed to travel over unimproved terrain which weighs less than 500 pounds and has an engine size less than 500 cubic centimeters.
- (24) *Park or parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers, providing such loading and unloading is in an authorized place.
- (25) *Pedestrian* means any person on foot.
- (26) *Police officer* means an officer of the Police Department or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
- (27) *Private road or roadway* means a way or place in private ownership or leading to property in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner.
- (28) *Railroad* means a carrier of persons or property upon cars other than streetcars, operated upon stationary rails.
- (29) *Railroad train* means a locomotive or engine, with or without cars attached, which is operated upon fixed rails and is not a streetcar.
- (30) *Recumbent bicycle* means a bicycle which places the operator in a reclining position.
- (31) *Residence district* means the territory contiguous to and including a highway not comprising a business district.
- (32) *Right-of-way* means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such

circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

- (33) *Roadway* means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If highway includes two or more separate roadways the term "roadway" as used herein shall mean any one of the roadways included in the highway and not all such roadways collectively.
- (34) *Safety zone* means the area of space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by adequate signs so as to be plainly visible at all times.
- (35) *School zone* means any street or highway or portion thereof officially designated and marked as a school zone.
- (36) *Shoulder* means the portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses.
- (37) *Sidewalk* means that portion of a highway between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.
- (38) *Skateboard* means a device consisting of a short narrow board of any material with wheels affixed to the underside, designed to be ridden by a person.
- (39) *Standing* means any stopping of a vehicle whether occupied or not.
- (40) *Stop, when required*, means the complete cessation of movement.
- (41) *Stop or stopping, when not required*, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a Police Officer or traffic signal.
- (42) *Street or highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- (43) *Through street or boulevard* shall mean a street or highway or portion thereof at the entrances to which:
 - (a) vehicular traffic from intersecting streets or highways is required by law to come to a full stop before entering or crossing; and
 - (b) stop signs are erected as provided in this chapter.
- (44) *Traffic* means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for purposes of travel.
- (45) *Traffic control devices* means any device legally authorized and used for the purpose of regulating, warning or guiding traffic.
- (46) *U-turn* means a turn by which a vehicle reverses its course of travel on the same street.
- (47) *Vehicle* means a device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

SECTION 2. That Section 32-458 of Article XIII of Chapter 32 of The Oklahoma City

Municipal Code, 2010 is hereby amended to read as follows:

§ 32-458. ~~Pedestrians soliciting rides, business or donations from vehicle-occupants. Standing, sitting, or staying on any street, highway, or median.~~

(a) The purpose of this section is to:

(1) Protect persons from the traffic hazards and potential personal injuries that they are or may be exposed to by engaging in any activity on those portions of the public streets or highways that are open, improved, and in actual use by vehicular travel, and on the medians abutting such public streets or highways; and

(2) Protect drivers of vehicles from potential legal liability from injuring persons engaged in any such activities on any such public streets, highways, or medians, or from potential legal liability or injury from traffic accidents potentially resulting from the distractions created by persons engaging in any such activities on any such streets, highways, or medians.

~~(a) No person shall stand in a roadway for purpose of soliciting a ride, donations, employment or business from the occupant of any vehicle.~~

(b) Except for the conduct permitted by Subsection (c) of this section, no person shall stand, sit, or stay on the portions of any street or highway improved and open for vehicular traffic or any median for any purpose.

(c) Subsection (b) of this section shall not apply to the following conduct:

(1) persons using a crosswalk or safety zone to cross from one side of the street or highway to another;

(2) law enforcement officers or public employees acting within the scope of their work;

(3) authorized construction or maintenance work; or

(4) responding to any emergency situation.

~~(b) No person shall stand in any street, roadway or park and stop or attempt to stop and engage any person in any vehicle for the purpose of soliciting contributions; or sell or attempt to sell anything to any person in~~

any vehicle; or hand or attempt to hand to any person in any vehicle any circular, advertisement, handbill or any political campaign literature, or any sample, souvenir or gift; or in any other manner, while standing in the street, roadway, attempt to interfere with the normal flow of traffic for any other similar purpose.

~~(c) — Exception for soliciting from occupants of vehicles.—~~

~~(1) — notwithstanding the provisions of Section 32-458 of the Oklahoma City Municipal Code, 1993, a person 18 years of age or older who has obtained a permit to solicit, or who is a member or representative of an organization which has obtained a permit to do so from The City of Oklahoma City, may solicit contributions while standing on a shoulder, improved shoulder, sidewalk, or the improved portion of the roadway from occupants of any vehicle on a roadway; provided said person does not impede traffic, enters or remains in a roadway only while a controlling traffic signal prohibits vehicle movement.~~

~~(2) — no permits shall be issued to any person or organization more than once per calendar year. The maximum term of the permit may not exceed five consecutive days. Solicitation may occur only between the hours of 7:30 a.m. and one hour before sunset.~~

~~(3) — the City of Oklahoma City shall issue a street solicitation permit upon application, provided said application states the name and address of the person or organization to whom the permit is issued, the names and addresses of the person soliciting, the locations at which soliciting will take place, and the times during which the soliciting will take place~~

~~(4) — permit applications must be accompanied by a fee of \$200.00 and a certificate of insurance signed by an authorized agent of an insurance company licensed to do business in the State of Oklahoma, to remain in full force for the duration of the permit period. The policy shall provide \$1,000,000.00 of liability coverage per occurrence with no deductible, shall insure the applicant and all persons who will be soliciting for the applicant, shall name The City of Oklahoma City, its officers, employees, and elected representatives, as additional insured, and is otherwise acceptable to and approved by the risk manager of The City of Oklahoma City.~~

INTRODUCED AND READ in open meeting of the Council of The City of Oklahoma

City this _____ day of _____, 2015.

ADOPTED by the Council and **SIGNED** by the Mayor of The City of Oklahoma City this

_____ day of _____ 2015.

ATTEST:

THE CITY OF OKLAHOMA CITY

City Clerk

MAYOR

REVIEWED for form and legality.



Assistant Municipal Counselor