

CITY OF COOS BAY CITY COUNCIL
Agenda Staff Report

MEETING DATE July 1 2014	AGENDA ITEM NUMBER
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TO: Mayor Shoji and City Councilors

FROM: Gary McCullough, Chief of Police
Through: Rodger Craddock, City Manager

ISSUE: Discussion on Road Side Transactions (Panhandling)

BACKGROUND:

During a recent City Council Meeting, the topic of panhandling (persons who conduct transactions of tangible property or currency that is occurring between pedestrians and occupants of vehicles) within the Coos Bay city limits was brought up. These transactions have caused incidents in the past which have required a police response to include;

- 1) Traffic related issues
- 2) The blocking of sidewalks
- 3) Trespassing and littering on private property
- 4) Aggressive panhandling

While peaceful panhandling done by individuals is an activity that has been deemed to be protected by the 1st amendment, some of the conduct and behaviors exhibited by some pan handlers are illegal which can and should be dealt with at the time of occurrence.

As panhandling on busy street corners can cause traffic related issues some jurisdiction have taken steps in an attempt to correct the cause of the problem. One such jurisdiction is Roseburg which enacted an ordinance that prohibits the act of a person or persons in a vehicle from giving or relinquishing control of currency or other tangible property to a person outside a vehicle as well as the pedestrian accepting such currency or tangible property when those transactions occur in the roadway. Attached you will find a copy Roseburg's ordinance with the relevant section of the ordinance has been highlighted for your review and convenience.

CITY RELATED GOAL:

City Policies, Procedures & Partnerships: To review and evaluate the city ordinances and policies to provide for the current and future needs of the citizens.

ACTION REQUESTED:

Staff is seeking direction from the Council on how they wish to proceed with this issue.

8.02.150 Miscellaneous traffic regulations and requirements.

A.

Damaging Sidewalks and Curbs Prohibited.

1.

The driver of a vehicle shall not drive upon or within any sidewalk or parkway area except to cross at a permanent or temporary driveway.

2.

No person shall place any dirt, wood or other material in the gutter or space next to the curb of any street with the intention of using the same as a driveway.

3.

No person shall remove, or damage in any way, any portion of any curb, or move any heavy vehicle or thing over or upon a curb or sidewalk, without first notifying the Public Works Director, and such person shall be held responsible for any and all damage.

B.

Obstructing Streets Prohibited. No person shall park or leave any vehicle or any part thereof, trailer, box, ware or merchandise of any description, or any other thing that in any way impedes traffic, or obstructs the view, upon any street, including any alley, parking strip, sidewalk or curb, except by such lawful use and parking of vehicles upon streets and alleys as is allowed by this or other Chapters of the Code; and also excepting that trees, shrubs and flowers may be maintained in locations approved by the City Manager, provided they are maintained in a slightly manner and are limited to a size which shall not create a nuisance.

C.

Removing Glass and Debris Required. Any person causing glass to be broken upon any street, or any party to a collision or other vehicle accident upon any street in the City shall immediately remove, or cause to be removed from such street, all glass and other foreign objects or substances.

D.

Unlawful Transfer on a Highway.

1.

A person commits the offense of unlawful transfer on a highway if the person:

a.

While a driver or passenger in a vehicle on a highway, road or street within the boundaries of the City of Roseburg, gives or relinquishes possession or control of, or allows another person in the vehicle to give or relinquish possession or control of any money or tangible personal property to a pedestrian; or

b.

While a pedestrian, accepts, receives or retains possession or control of any money or tangible personal property from a driver or passenger in a vehicle on a highway, road or street within the boundaries of the City of Roseburg.

2.

This subsection does not apply if the vehicle is legally parked. This subsection also does not apply to persons participating in a "Pedestrian Activity," as defined in OAR 734 Division 58, for which a permit has been issued by the Oregon Department of Transportation, so long as all terms of such permit are being met.

3.

Any person found violating this subsection shall be guilty of committing a traffic violation punishable by a fine not to exceed \$75.00.

(Ord. 3275 § 1, 2007; Ord. 2951 § 1 (part), 1996)

(Ord. 3295, § 1, 12-8-2008)