

**CITY OF COOS BAY CITY COUNCIL**  
**Agenda Staff Report**

<b>MEETING DATE</b> August 19, 2014	<b>AGENDA ITEM NUMBER</b>
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TO: Mayor Shoji and City Councilors

FROM: Chris Chapanar, Police Captain

THROUGH: Rodger Craddock, City Manager

ISSUE: **Unlawful Transfer on a Highway - Proposed Ordinance**

**BACKGROUND:**

During a recent City Council meeting, the topic was brought up regarding transactions of tangible property or currency that occurs between pedestrians and occupants of vehicles within the Coos Bay city limits. These transactions have a significant safety risk for pedestrians and motorists which are completely avoidable.

Panhandling on busy street corners within local jurisdictions has become an issue for many cities, and it has been dealt with in different ways. One municipality has enacted an ordinance that focuses on the behavior of the person/persons in the vehicle giving or relinquishing control of currency or tangible property as well as the pedestrian accepting such currency or tangible property.

As a result of the discussion during the meeting, staff was directed to begin looking into ordinances pertaining to the transfer of property from a mobile vehicle by means of driver, passenger, or subject(s) on the sidewalk.

On July 1, 2014, staff brought to the council an ordinance currently adopted in the City of Roseburg, Oregon prohibiting such actions and outlining potential enforcement options. During the same meeting, the Council directed staff by a majority vote to draft an ordinance prohibiting these types of actions within the City of Coos Bay.

Attached you will find the proposed ordinance prohibiting the unlawful transfer of property on a highway or street within the City of Coos Bay. Additionally, the proposed ordinance doesn't restrict or prohibit those choosing to exercise their constitutional freedoms by engaging in lawful panhandling or those who may choose to give tangible property or currency to those panhandling. The ordinance simply focuses on the public safety concern of those transactions being done from a mobile vehicle and requires such transactions to occur in a much safer manner. The ordinance would require the driver of the vehicle to legally park prior to engaging in such activity. The ordinance also provides provisions to those who are participating in a "Pedestrian Activity" and who have obtained an ODOT issued permit for such activity.

**ADVANTAGES:**

The proposed ordinance will assist in reducing the safety risk for pedestrians and motorist.

**DISADVANTAGES:**

None identified.

**BUDGET:**

There is a slight budgetary impact to purchase and install the signage at various intersections to educate the public of the new ordinance. The estimated cost will be around \$1,500.00 for the signage and installation. This doesn't account for the enforcement of the ordinance, as such calculation would be nearly impossible to predict.

**RELATED CITY GOAL:**

This project does not fall under the City Council's currently adopted goals.

**RECOMMENDATION:**

Hold a public hearing to take public input, and after which if it pleases the City Council, approve the proposed ordinance.

**ATTACHMENT:**

Proposed ordinance.

**ORDINANCE NO. ###**

**AN ORDINANCE OF THE CITY OF COOS BAY OF COOS COUNTY, OREGON,  
PROHIBITING THE UNSAFE TRANSFER OF MONEY OR TANGIBLE PERSONAL  
PROPERTY ON A HIGHWAY, AND DECLARING AN EMERGENCY**

**WHEREAS**, conducting transactions in the street from or within a highway or right of way creates safety risks for pedestrians and motorists, which are completely avoidable;

**WHEREAS**, it is of great public importance that public streets and roadways operate safely;

**WHEREAS**, the City of Coos Bay has a significant interest in protecting the health, safety and welfare of those peacefully moving about within the city; and

**NOW THEREFORE**, BASED ON THE FOREGOING, THE CITY OF COOS BAY ORDAINS AS FOLLOWS:

**Section 1. Short Title.** Unlawful Transfer on a Highway.

**Section 2.** A person commits the offense of unlawful transfer on a highway or street if the person:

- a. While a driver or passenger in a vehicle on a highway, right of way, road or street within the boundaries of the City of Coos Bay, 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, right of way, road or street within the boundaries of the City of Coos Bay.

**Section 3.** 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 Oregon Department of Transportation, so long as all terms of such permit are being met.

**Section 4. Penalty.** Any person found violating this Ordinance shall be guilty of committing a traffic violation punishable by a fine not to exceed \$100.00.

**Section 5. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

**Section 6. Emergency.** This Ordinance being necessary for the immediate preservation of the public peace, health, and safety an emergency is declared to exist and this Ordinance takes effect on its passage.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this  
\_\_\_\_\_ day of August 2014 by the following vote:

Yes:

No:

Absent:

\_\_\_\_\_  
Crystal Shoji  
Mayor of the City of Coos Bay  
Coos County, Oregon

ATTEST:

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Susanne Baker,  
City Recorder of the City of Coos Bay  
Coos County, Oregon