

The full Council has amended the proposal by substitution to read as follows:

CITY COUNTY COUNCIL
CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

PROPOSAL NO. 237, 2009

INTRODUCED: 06/29/2009

REFERRED TO: Public Safety and Criminal Justice Committee

SPONSOR: Councillor McQuillen

DIGEST: amends the Code to restrict solicitation at intersections

SOURCE:

Initiated by: Councillor McQuillen

Drafted by: Robert G. Elrod, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____

Date: June 25, 2009

CITY-COUNTY GENERAL ORDINANCE NO. , 2009

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County to restrict solicitation at intersections.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sections 431-702 and 431-703 of the "Revised Code of the Consolidated City and County," regarding prohibited activities in roadways and interference with vehicular traffic, respectively, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 431-702. Prohibited activity ~~in~~ around roadways.

It shall be unlawful for a pedestrian to sit, stand or move within or upon a roadway, or a median between two (2) roadways, or within the public right-of-way not exceeding fifty (50) feet from the traveled portion of any intersection controlled by an automatic traffic signal or stop sign, for the purpose of or while engaged in (by oral or written methods):

- (1) Soliciting, or peddling, selling, advertising, donating, or distributing any product, property, or service, including but not limited to tickets, handbills, newspapers, or other printed material, to or from an occupant of a vehicle in the roadway; or,
- (2) Conversation or discourse with an occupant of a vehicle in the roadway.

Sec. 431-703. Interference with vehicular traffic.

It shall be unlawful for a person (by oral or written methods) to solicit, or to peddle, sell, advertise, donate, or distribute any product, property, or service, including but not limited to tickets, handbills, newspapers, or other printed material, to an occupant of a vehicle ~~within or upon a roadway, or to engage in conversation or discourse with an occupant of a vehicle within or upon a roadway,~~ or to engage in conversation or discourse with an occupant of a vehicle within or upon a roadway or a median between two (2) roadways, or within the public right-of-way not exceeding fifty (50) feet from the traveled portion of any intersection controlled by an automatic traffic signal or stop sign, so as to:

- (1) Endanger the safety or welfare of an occupant of a vehicle within or upon a roadway, or a pedestrian on within the immediate vicinity;
- (2) Impede the free flow of vehicular traffic on the roadway; or,
- (3) Obstruct or distract the view of the driver of any such vehicle within or upon a roadway.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in full force and effect from and after adoption and compliance with IC 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2009, at _____ p.m.

ATTEST:

Bob Cockrum
President, City-County Council

Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2009, at 10:00 a.m.

Melissa Thompson
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2009.

Gregory Ballard, Mayor