

ORDINANCE NO. 2122

**AN ORDINANCE ADDING SECTION 6.35.040 TO THE
NEWPORT MUNICIPAL CODE REGARDING
THE UNLAWFUL TRANSFER OF MATERIAL GOODS
FROM A VEHICLE ON A STREET OR PUBLIC RIGHT-OF-WAY
TO A PEDESTRIAN ON A PUBLIC SIDEWALK OR PUBLIC RIGHT-OF-WAY**

WHEREAS, the City of Newport Charter provides that the City has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant; and

WHEREAS, the above referenced grant of power has been interpreted as affording the City all legislative power under the home rule provisions of the Oregon Constitution; and

WHEREAS, this ordinance establishes provisions regarding the unlawful transfer of material goods from a vehicle on a street or public right-of-way to a pedestrian on a public sidewalk or public right-of-way; and

WHEREAS, the purpose of this ordinance is to provide for the safe use of streets, sidewalks, and rights-of-way, and to address behaviors that affect the flow of traffic and pose a traffic safety risk.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 6.35.040 is added to the Newport Municipal Code, as follows:

6.35.040 Unlawful Transfer of Material Goods from a Vehicle on a Street or Public Right-of-Way to a Pedestrian on a Public Sidewalk or Public Right-of-Way

- A. A person commits the offense of unlawful transfer on a street or public right-of-way if the person:
1. While a driver or passenger in a vehicle on a street or public right-of-way within the boundaries of the City of Newport, gives or relinquishes possession or control of, or allows another person in the vehicle to give or relinquish possession or control of any tangible personal property, including but not limited to food and money, to a pedestrian on a public sidewalk or public right-of-way; or
 2. While a pedestrian on a street or public right-of-way within the boundaries of the City of Newport, give or relinquishes possession or control of any tangible personal property, including but not limited to food and money, to a driver or passenger in a vehicle on a street or public right of way; or
 3. While a driver or passenger in a vehicle, accepts, receives, or retains possession or control of any tangible personal property, including but not limited to food and

money, from a pedestrian on a street or public right-of-way within the boundaries of the City of Newport; or

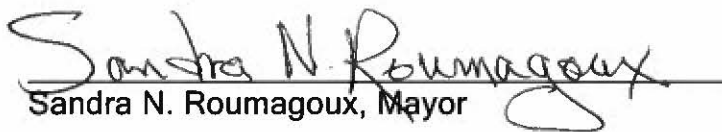
4. While a pedestrian, accepts, receives, or retains possession or control of any tangible personal property, including but not limited to food and money, from a vehicle on a street or public right-of-way within the boundaries of the City of Newport.

B. 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, provided that all terms of such permit are being met.

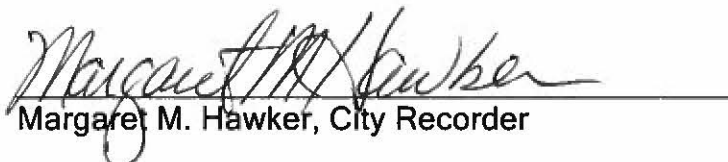
C. Any person found violating this subsection shall be guilty of committing a traffic violation punishable by a fine not to exceed \$50.00.

Adopted by the City Council on October 15, 2018.

Signed by the Mayor on November 6, 2018.


Sandra N. Roumagoux, Mayor

ATTEST:


Margaret M. Hawker, City Recorder

APPROVED AS TO FORM:


Steven E. Rich, City Attorney