

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 18.08.009 OF THE INDEPENDENCE CITY CODE TO INCLUDE PEDESTRIAN AND MOTOR VEHICLE OCCUPANT SAFETY AND WELFARE STANDARDS.

WHEREAS, safety and welfare of the citizens and visitors of the City of Independence has been identified as a priority; and,

WHEREAS, changes to the City Code to include provisions related to impeding or blocking traffic and further defining interactions between pedestrians and those in motor vehicles is desirable;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1. Section 18.08.009 of the Independence City Code is hereby amended to read as follows:

SEC. 18.08.009. PEDESTRIANS SELLING TO OR SOLICITING RIDES, BUSINESS OR CHARITABLE CONTRIBUTIONS.

A. No person shall sell any article or service to any person in a vehicle which is on any street, alley or public way in the City of Independence, Missouri.

B. No person shall solicit contributions from persons in vehicles on City streets except as provided hereafter.

C. A charitable organization or persons representing a charitable cause may conduct an event to solicit contributions and collect money from persons in vehicles on City streets by standing in, or beside, City streets with a permit issued by the City.

1. Organizations or persons must apply for a permit at least fourteen (14) days prior to the collection event.

2. The application shall be developed by the Police Department and shall include:

a. The date and time the solicitation is to occur;

b. The location of the solicitation;

c. The number of solicitors to be involved at each location of the solicitation;

d. Proof that the organization or persons are a charitable organization collecting to provide benefits to local individuals or is a charitable organization qualified under the IRS Code section 501 c (3); and

e. Proof that the organization or persons have insurance in an amount no less than Two Hundred Thousand Dollars (\$200,000) to protect against claims against it and against the City, its officers and employees.

D. Organizations and individuals must adhere to the following rules for charitable solicitation:

1. Solicitation will only be permitted between April 1st and September 30th.
2. Solicitation may only occur between the hours of 8:00 a.m. and 6:00 p.m.
3. No more than one organization may solicit at a location in a single day.
4. No more than ten individuals may solicit at any location.
5. Individuals who are less than seventeen years of age may not solicit as described herein.
6. All solicitors must wear safety vest which meet the ANSI/ISEA 107-1999 standards.
7. Solicitations may not occur at intersections where the posted speed limit of either street is greater than ~~40~~ 35 miles per hour.
8. Only vehicles at a complete stop may be solicited.

E. Solicitations with approved permits may be canceled by the Chief of Police if weather or traffic conditions are such that the safety of the solicitors or the public is endangered. Solicitations may also be canceled when violations of paragraph D are observed.

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

**G. Use of roadways and sidewalks by pedestrians within the limits of the City of Independence, Missouri.**

1. **Where there is a sidewalk provided and its use is practicable, a pedestrian may not walk along or on an adjacent roadway.**
2. **Where a sidewalk is not provided, a pedestrian walking along the roadway shall walk only on the shoulder, as far as practicable from the edge of the roadway.**
3. **Where a sidewalk or a shoulder is not available, a pedestrian walking along or on a roadway shall:**
  - a. **Walk as near as practicable to the outside edge of the roadway;**
  - b. **If on a two-way roadway, walk only on the left side of the roadway facing traffic;**
  - c. **An individual may not impede or block traffic within any of the of the following:**
    - i. **All City roads and intersections which includes:**
      1. **Paved roads;**

2. Roads with a speed limit of 35 miles an hour or higher;
  3. Medians and islands;
  4. On-ramps;
  5. Off-ramps.
4. Conduct that may impede or block traffic includes:
  - a. Pedestrian, accepting, transacting, exchanging, or otherwise taking possession or control of money or property from a person within a motor vehicle while that motor vehicle is within an area described in 18.08.009 (A, F, and G).
  - b. Driver or passengers of a motor vehicle within an area described in 18.08.009 (A, F, and G) accepting, transacting, exchanging, or otherwise taking possession or control of money or property from a pedestrian.
5. Conduct that impedes or blocks traffic does not include:
  - a. Lawful direction of a peace officer;
  - b. Conduct or actions resulting from a traffic accident, medical emergency, or similar exigent circumstance, including:
    - i. exchanging insurance information;
    - ii. exchanging contact information.
  - c. Conduct or actions that occur while the motor vehicle is legally parked.
6. A pedestrian who is under the influence of alcohol or any drug to a degree which renders the pedestrian a hazard may not walk or be on a roadway except on a sidewalk or sidewalk area.
7. A pedestrian on a roadway shall yield the right-of-way to all vehicles on the roadway.
8. Pedestrians should not conduct themselves in an aggressive manner, which means intentionally:
  - a. Persisting in approaching or following an individual after the individual has negatively responded to the solicitation;
  - b. Engaging in conduct that would cause a reasonable individual to fear imminent bodily harm;
  - c. Engaging in conduct that would intimidate a reasonable individual into giving money or goods;
  - d. Blocking the path of an individual;

- e. Physically contacting an individual or the individual's personal property without that individual's consent.

9. An individual may not solicit money or goods from another individual in an aggressive manner:

- a. During the business hours of a bank or business if either the individual soliciting, or the individual being solicited, is on the portion of a sidewalk that is within 10 feet of the bank or business entrance or exit;
- b. On the portion of a sidewalk that is within 10 feet of an automated teller machine.

~~G.~~ H. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street, or accept employment as guard, watcher, or caretaker of any vehicle parked or about to be parked upon any street.

I. Nothing in this section prohibits a temporary spontaneous demonstration.

SECTION 2. That all other parts and provisions of the City Code remain in full force and effect unless previously or subsequently amended or repealed.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, MISSOURI.

\_\_\_\_\_  
Presiding Officer of the City Council  
of the City of Independence, Missouri

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED - FORM AND LEGALITY:

\_\_\_\_\_  
City Counselor

REVIEWED BY:

\_\_\_\_\_  
City Manager

**NOTE: Text being eliminated by this ordinance is lined through and text being added by this ordinance is bolded and underscored.**