

Town of Hope Mills
Passing Items Ordinance

Ordinance No. 2018-03

An Ordinance to Prohibit the Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway.

1. *Intent of section.* This section is intended to provide for the free flow of motor vehicle traffic on public streets and highways in the town. The Town Board finds that persons who distribute any item to, receive any item from or exchange any item with the occupant of a motor vehicle upon a roadway presents a threat to the free and safe flow of motor vehicle traffic. By this section, the Town Board intends to promote the health, safety and welfare of the citizens traveling by vehicle or on foot in the city.

2. *Definitions.* For purposes of this section, the following definitions apply:

a. **Pass/passing** means distributing any item to, receiving any item from, or exchanging any item with the occupant of a motor vehicle that is located in a lane of travel on the roadway.

b. **Roadway** means all public streets and highways within the city that have lane markings. This definition excludes private roads and private property, and it is further not intended to apply to neighborhood roads that do not have permanent pavement markings on them. This definitions also excludes areas in which parking is permitted in the city,

c. **Item** means any physical object.

3. *Prohibition on roadways.* It shall be unlawful to violate any of the prohibitions set forth below in the city.

a. No person shall knowingly distribute any item to, receive any item from, or exchange any item with the occupant of any motor vehicle when the vehicle is located in a lane of travel on the roadway.

b. This section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle on private property or in a permitted parking area.

c. This section shall not apply to any law enforcement officer acting within the scope of his/her official duty.

d. This section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle located in the roadway in order to assist the occupant after a motor vehicle accident, with a disabled motor vehicle or where the occupant is experiencing a medical emergency.

4. *Exemption.* So long as it does not impede the normal movement of traffic on the street or highway, this section shall not apply to the distribution of newspapers on the non-traveled portion of any street or highway pursuant to N.C.G.S. § 20-175(d).

5. *Enforcement.* Sworn officers of the Hope Mills Police Department are authorized to issue civil citations for violation of this section.

6. *Penalty.* Violation of this section shall be a civil violation, and carry a civil penalty.

a. Amount of penalty:

i. For a first violation - written warning

1. It shall be prima facie evidence that a person has already received a written warning under this section if the records management system of the Hope Mills Police Department indicates that such a warning has been given. No officer or other person shall be required to testify or otherwise be present to establish the fact that a prior warning was given in any civil proceeding to enforce this section.

ii. For a second violation within 12 months following the date of the first violation -\$25.00 civil penalty

iii. For a third or subsequent violation within 12 months following the date of the preceding violation - \$100.00 civil penalty

1. The date of the preceding violation for this section shall be considered the latter of:

a. The actual date of the preceding violation if the civil penalty is paid, on time and without contesting hearing;

b. The date the civil penalty is actually paid, if the penalty is not contested at a hearing; or

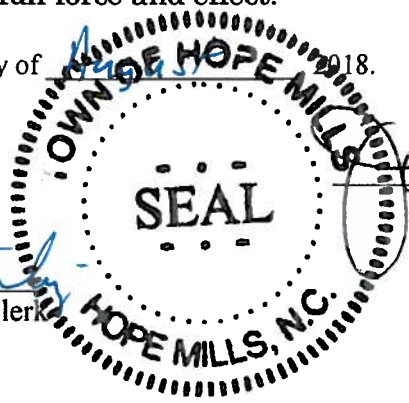
c. The date the hearing officer upholds the penalty; if the penalty is contested.


7. *Severability.* If any provision of this section is declared invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect.

Adopted this 20th day of August, 2018.

Attest:


Jane G. Starling, Town Clerk




Jackie Warner, Mayor