



## **ORDINANCE**

### **PROHIBITING THE PASSING OF OBJECTS TO OR FROM THE OCCUPANT OF A MOTOR VEHICLE ON A ROADWAY**

#### ***CITY OF NASHUA***

*In the Year Two Thousand and Fifteen*

*The City of Nashua ordains* that Part II “General Legislation”, Chapter 320 “Vehicles and Traffic”, Article V “Crosswalks” of the Nashua Revised Ordinances, as amended, be and hereby is further amended by deleting the struck-through language and adding the new underlined language as follows:

#### **“ARTICLE V Pedestrians and Crosswalks”**

##### **§ 320-19. Pedestrian right-of-way.**

When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

##### **§ 320-20. No passing.**

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

##### **§ 320-21. Signs.**

Authority is hereby granted to the Traffic Department to erect signs at appropriate crosswalks, where the traffic volume is substantial, indicating the crosswalk and the fact that pedestrians have the right-of-way.

**§ 320-22. Violations and penalties.**

Violators of any of the provisions of ~~this article~~ Sections 320-19 or 320-20 shall be subject to punishment as provided in § 1-12.

**§ 320-22.1. Distributing or receiving objects to or from occupants of a motor vehicle on a roadway.**

- A. Intent of section. This section is intended to promote the health, safety and welfare of pedestrians and the occupants of a motor vehicle traveling on a public roadway in the city, and to provide for the free flow of motor vehicle traffic on public roadways in the city.
- B. (1) No person shall distribute any object to, receive any object from, or exchange any object with the occupant of a motor vehicle when the vehicle is located in the roadway.
- (2) This section shall not apply to the distribution, receipt, or exchange of any object with the occupant of a motor vehicle on a private road, private property or in a permitted parking area.
- (3) This section shall not apply to any law enforcement or public safety official acting in the scope of his or her official duties.
- (4) This section shall not apply to the distribution, receipt, or exchange of any object 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 in any emergency situations involving the occupant or any person.
- C. Any person violating this section shall be fined as follows:
- (1) First offense: warning
- (2) Second and all subsequent offenses: fine of not more than \$500.00.”

All ordinances or parts of ordinances inconsistent herewith are hereby superseded only to the extent necessary to effectuate this legislation.

This ordinance shall become effective upon passage.

**LEGISLATIVE YEAR 2015**

**ORDINANCE:** O-15-046

**PURPOSE:** Prohibiting the passing of objects to or from the occupant of a motor vehicle on a roadway

**ENDORSERS:** Alderman Michael Soucy

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:** None.

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**ANALYSIS**

This legislation makes it a violation to distribute any object to, receive any object from, or exchange any object with the occupant of a motor vehicle when the vehicle is located in the public roadway. Certain exceptions are provided, such as for public safety officials and if related to an accident or emergency situation.

The prohibition relates to conduct, is content neutral, and is intended to promote the safety of both pedestrians and occupants of motor vehicles, as well as to provide for the free flow of motor vehicle traffic. This legislation is based on a Concord, New Hampshire ordinance.

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**Approved as to form:** Office of Corporation Counsel

**By:** Dorothy Clarke

**Date:** March 18, 2015



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**§ 320-22.1. Distributing or receiving objects to or from occupants of a motor vehicle on a roadway.**

- A. Intent of section. This section is intended to promote the health, safety and welfare of pedestrians and the occupants of a motor vehicle traveling on a public roadway in the city, and to provide for the free flow of motor vehicle traffic on public roadways in the city.
- B. (1) No person shall distribute any object to, receive any object from, or exchange any object with the occupant of a motor vehicle when the vehicle is located in the roadway.
- (2) This section shall not apply to the distribution, receipt, or exchange of any object with the occupant of a motor vehicle on a private road, private property or when the motor vehicle is (i) lawfully parked in accordance with New Hampshire law and with the ordinances and regulations of the City of Nashua and (ii) no portion of the vehicle is located upon, or is obscuring or obstructing, any portion of any travel lane or the travelled way of the roadway.
- (3) This section shall not apply to any law enforcement or public safety official acting in the scope of his or her official duties.
- (4) This section shall not apply to the distribution, receipt, or exchange of any object 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 in any emergency situations involving the occupant or any person.
- (5) This section shall not apply to any city permitted events (such as street fairs and parades) when the roadway has been closed to regular motor vehicle traffic.
- C. Any person violating this section shall be fined as follows:
- (1) First offense: warning
- (2) Second and all subsequent offenses: fine of not more than \$500.00.”

All ordinances or parts of ordinances inconsistent herewith are hereby superseded only to the extent necessary to effectuate this legislation.

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**§ 320-22.1. Distributing or receiving objects to or from occupants of a motor vehicle on a roadway.**

- A. Intent of section. This section is intended to promote the health, safety and welfare of pedestrians and the occupants of a motor vehicle traveling on a public roadway in the city, and to provide for the free flow of motor vehicle traffic on public roadways in the city.
- B. (1) No person shall distribute any object to, receive any object from, or exchange any object with the occupant of a motor vehicle when the vehicle is located in the travel portion of the roadway.
- (2) This section shall not apply to the distribution, receipt, or exchange of any object with the occupant of a motor vehicle on a private road, private property or when the motor vehicle is (i) lawfully parked in accordance with New Hampshire law and with the ordinances and regulations of the City of Nashua and (ii) no portion of the vehicle is located upon, or is obscuring or obstructing, any portion of any travel lane or the travelled way of the roadway.
- (3) This section shall not apply to any law enforcement or public safety official acting in the scope of his or her official duties.
- (4) This section shall not apply to the distribution, receipt, or exchange of any object 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 in any emergency situations involving the occupant or any person.
- (5) This section shall not apply to any city permitted events when the roadway has been closed to regular motor vehicle traffic.
- C. Any person violating this section shall be fined as follows: the offense will have a fine of not more than \$500.

All ordinances or parts of ordinances inconsistent herewith are hereby superseded only to the extent necessary to effectuate this legislation.

This ordinance shall become effective upon passage.



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**§ 320-22. Violations and penalties.**

Violators of any of the provisions of ~~this article~~ Sections 320-19 or 320-20 shall be subject to punishment as provided in § 1-12.

**§ 320-22.1. Distributing or receiving objects to or from occupants of a motor vehicle on a roadway.**

- A. Definition of Striped Travel Lane. A striped travel lane is a striped lane to define the intended path of travel of a motor vehicle on a public roadway.
- B. Intent of section. This section is intended to promote the health, safety and welfare of pedestrians and the occupants of a motor vehicle traveling on a public roadway in the city, and to provide for the free flow of motor vehicle traffic on public roadways in the city.
- C. (1) No person shall distribute any object to, receive any object from, or exchange any object with the occupant of a motor vehicle when the vehicle is located in a striped travel lane or an on and off ramp of the roadway.
- (2) This section shall not apply to the distribution, receipt, or exchange of any object with the occupant of a motor vehicle on a private road, private property or when the motor vehicle is (i) lawfully parked in accordance with New Hampshire law and with the ordinances and regulations of the City of Nashua and (ii) no portion of the vehicle is located upon, or is obscuring or obstructing, any portion of any striped travel lane or on the roadway.
- (3) This section shall not apply to any law enforcement or public safety official acting in the scope of his or her official duties.
- (4) This section shall not apply to the distribution, receipt, or exchange of any object 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 in any emergency situations involving the occupant or any person.
- (5) This section shall not apply to any city permitted events when the roadway has been closed to regular motor vehicle traffic.
- D. Any person violating this section shall be fined as follows: the offense will have a fine of not more than \$500 and/or community service.”

This ordinance shall become effective thirty (30) days after passage with the intent of providing an education period relative to this ordinance.