



# CITY OF FRANKLIN, NEW HAMPSHIRE

*"The Three Rivers City"*

316 Central Street  
Franklin, NH 03235

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## Ordinance 03-14

### AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Thirteen

Be it ordained by the City Council of the City of Franklin that a new Chapter be added to the Franklin City Code as follows:

#### Chapter 284-20.2 The Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway.

- A. *Intent of Section.* This Section is intended to provide for the free flow of motor vehicle traffic on roadways in the City. The City Council 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 present a threat to the free and safe flow of motor vehicle traffic. By this Section, the City Council intends to promote the health, safety and welfare of the citizens traveling by vehicle in the City.
- B. *Definitions.* For purposes of this Section, the following definitions apply:
- 1) *Pass/Passing.* Distributing any item to, receiving any item from, or exchanging any item with the occupant of a motor vehicle that is located in the public way.
  - 2) *Public way.* All public roads or public parking areas open to motorized vehicles within the City. This definition excludes private roads and private property.
  - 3) *Item.* Any physical object including, but not limited to, money, literature, or sales flyers.
- C. *Prohibition on Roadways.* It shall be unlawful to violate any of the prohibitions set forth below in the City.
- 1) No person shall knowingly pass any item to, receive any item from, or exchange any item with the occupant of any motor vehicle when the vehicle is located in the public way.
  - 2) This Section shall not apply to the passing of any item with the occupant of a motor vehicle on private property.
  - 3) This Section shall not apply to any law enforcement officer acting in the scope of his/her official duty.
  - 4) This Section shall not apply to the passing 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.
  - 5) No pedestrian, or other person, standing or sitting at an intersection, stop light, or other similar location where traffic is temporarily or permanently stopped, shall approach the driver or passenger of any vehicle for the purposes of asking about, or seeking, the passing of any item to and/or from the pedestrian and the occupant of the vehicle.

- D. The only exemption to the provisions of paragraph "C" above is a "toll boot" fund raising drive operated by any department of the City or School, or another organization for whom permission has been granted by the Franklin Police Chief or a designee.
- E. *Sunset*: This Section shall automatically repeal on April 9, 2015, unless otherwise ratified by the City Council.
- F. *Penalty*: A person found in violation of this Section shall be guilty of a violation and may be fined not more than \$500.00.
- G. *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.

**Roll Call Vote:**

<b>Councilor Clarenbach</b>	_____	<b>Councilor Dzujna</b>	_____
<b>Councilor Giunta</b>	_____	<b>Councilor Cournoyer</b>	_____
<b>Councilor Boyd</b>	_____	<b>Councilor Feener</b>	_____
<b>Councilor Desrochers</b>	_____	<b>Councilor Trudel</b>	_____
<b>Councilor Starkweather</b>	_____		

A True Copy Attested \_\_\_\_\_  
**City Clerk**

Passed: \_\_\_\_\_  
**Date**

Approved: \_\_\_\_\_  
**Mayor**