

ORDINANCE NO. 4382

AN ORDINANCE CONCERNING THE USE OF CITY MEDIANS

RECITALS:

The purpose of this section is to prevent dangers to persons and property, to prevent delays and to avoid interference with the flow of traffic on streets, roadways and highways within the City of Grand Junction. Medians are often designed to deal with and/or accommodate specific traffic problems and/or needs for pedestrians. Medians, whether landscaped or otherwise are not parks and are not proper locations for persons to linger. Any delay or distraction that may occur by virtue of a person lingering on or about a median for any purpose other than as a refuge from traffic while crossing the street as a pedestrian could result in a crash and/or otherwise compromise the safe and efficient operation of the streets.

In the City, persons have been known to stand in medians in order to contact or otherwise communicate with the operator or occupant(s) of a motor vehicle on the street(s). In that process motorists are stopped, delayed and/or distracted which creates a hazard to the person and the operator of the motor vehicle and other users of the streets. Medians are not designed for the prolonged occupancy of any person and accordingly persons should not for any purpose be allowed to use the medians in a manner that constitutes a significant hazard to them and to motorists.

A new ordinance specifically regulating the use of medians by persons for solicitation or for other purposes on City medians will provide safeguards for motorists and other proper users of the streets.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

A new Section shall be added to Chapter 24 of the Code of Ordinances, City of Grand Junction, Colorado, regarding regulation of the use of medians. Section 24-26 shall read as follows:

Sec. 24-26. Prohibition against standing on or occupying medians.

It is unlawful for any person to stand on or occupy a median, other than as a pedestrian in the act of crossing a street, for any purpose. No person may use a median to conduct political campaign activities or to solicit employment, business, contributions of any kind or sales of any kind and/or to collect money for the same from the operator or any occupant of a motor vehicle traveling upon any street, roadway or highway within the City.

For purposes of this ordinance a median shall be defined as any island or street divider, including but not limited to areas that are landscaped, painted or otherwise constructed, that separate traffic for vehicular travel into opposite or different directions.

For purposes of this ordinance *solicit* means asking for money or things of value. *Soliciting* includes using the spoken, written or printed word; gestures, signs or other

means to obtain or try to obtain a donation of money or other thing(s) of value or the sale or receipt of goods or services.

Penalties. Any violation of the provisions of this Ordinance constitutes a misdemeanor punishable in accordance with the penalties provided in Section 1-9 of the Grand Junction Code of Ordinances.

Severance. If any section, sentence, clause or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, it shall in no way affect the validity of any remaining portions of this law.

ALL OTHER PROVISIONS OF CHAPTER 24 SHALL REMAIN IN FULL FORCE AND EFFECT.

PASSED for first reading and ordered published by the City Council of the City of Grand Junction, Colorado this 19th day of August 2009.

PASSED AND ADOPTED on second reading by the City Council of the City of Grand Junction, Colorado this 2nd day of September 2009.

/s/: Bruce Hill
President of the Council

Attest:

/s/: Stephanie Tuin
City Clerk