

ORDINANCE NO 23-

AN ORDINANCE PERTAINING TO VEHICLES AND TRAFFIC, AMENDING SECTION 23-19-1909, ARTICLE 23-19, CHAPTER 23, LAWTON CITY CODE, 2015, REVISING LANGUAGE TO ADHERE TO CURRENT JUDICIAL RULINGS REGARDING STANDING, SITTING, OR STAYING ON ANY STREET, HIGHWAY, OR MEDIAN, PROVIDING FOR SEVERABILITY, AND DECLARING AN EFFECTIVE DATE.

ORDINANCE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAWTON, OKLAHOMA THAT:

SECTION 1. SECTION 23-19-1909 IS HEREBY AMENDED TO READ AS FOLLOWS:

23-19-1909 - Standing, sitting, or staying on any street, highway, or median

A. Except for the conduct permitted by subsection B ~~C~~. of this section, no person shall stand, sit, or stay on the portions of any street or highway improved and open for vehicular traffic for any purpose.

~~B. Except for the conduct permitted by subsection C. of this section, no person shall stand, sit, or stay on any portion of a median abutting a street or highway improved and open for vehicular traffic for any purpose unless:~~

~~1. Such portion of the median is thirty (30) or more feet in width from curb line to curb line; or~~

~~2. Such portion of the median is located more than two hundred (200) feet away from any intersection.~~

B ~~C~~. Subsections A and B. of this section shall not apply to:

1. Persons using a crosswalk or safety zone to cross from one side of the street or highway to another;
2. Law enforcement officers or public employees acting within the scope of their work;
3. Persons conducting authorized construction or maintenance work;
4. Persons responding to any emergency situation;
5. Persons standing, sitting, or staying on any trail designated for public use; or
6. Persons standing, sitting, or staying on land dedicated to the public use as a public park ; or
7. Portions of medians containing benches or other improvements designed for use by the public.

C. ~~D~~. Purposes for the Prohibition. The purposes for the prohibitions in this section are to:

1. Help to protect persons from the traffic hazards and potential personal injuries that they are or may be exposed to by engaging in any activity on those portions of the public streets or highways that are open, improved, and in actual use by vehicular travel; and
2. Help to protect drivers of vehicles from potential legal liability from injuring persons engaged in any such activities on any such public streets and highways, or from potential legal liability or injury from traffic accidents potentially resulting from the distractions created by persons engaging in any such activities on any such streets and highways.

Section 2. Severability Clause. If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date: The Provisions of this ordinance shall become effective thirty (30) days after the date of the ordinance's passage.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that: SAID ORDINANCE IS ADOPTED

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of _____ 2023.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this ____ day of _____, 2023.

TIMOTHY WILSON,
ACTING CITY ATTORNEY

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BRIEF GIST

This ordinance amends language in Section 23-19-1909, Article 23-19, Chapter 23 relating to vehicles and traffic by revising language to adhere to current judicial rulings regarding standing, sitting or staying on any street, highway or median.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this ____ day of _____, 2023.

STANLEY BOOKER, MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK