

ORDINANCE NO. 49-2025

AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF THE CITY OF MONTGOMERY, ALABAMA, TO ADD ARTICLE VI, REGULATING DANGEROUS PEDESTRIAN CONDUCT IN PUBLIC RIGHTS-OF-WAY.

WHEREAS, the City of Montgomery, Alabama, has a compelling governmental interest in ensuring the safety of its citizens, including pedestrians, cyclists, and motorists; and

WHEREAS, the conduct of individuals entering into traffic lanes, medians, and other areas of the public right-of-way to interact with occupants of motor vehicles poses a significant and demonstrable risk of harm, traffic accidents, and injuries; and

WHEREAS, existing City and State traffic and pedestrian laws, while helpful, may not fully address the specific, recurring public safety hazards created by these activities; and

WHEREAS, this ordinance is a content-neutral regulation of conduct in public rights-of-way, designed to protect public safety and facilitate the safe and orderly flow of traffic, without regulating the content of any speech, message, or expressive activity.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MONTGOMERY, ALABAMA, AS FOLLOWS:

Section 1. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- **"Public right-of-way"** shall mean the area of land acquired for or dedicated to public use for a street, highway, or alley, and shall include the roadway, shoulder, sidewalk, and median.
- **"Roadway"** shall mean that portion of a highway or street improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.
- **"Median"** shall mean a physical barrier, strip of land, or a painted area separating traffic flowing in opposite directions.
- **"Pedestrian refuge"** shall mean a designated area within a roadway or median that is clearly marked or constructed to provide a safe space for pedestrians to stand while crossing a street.

Section 2. Prohibited Conduct in Public Rights-of-Way.

It shall be unlawful for any person to engage in the following dangerous conduct within the public rights-of-way of the City of Montgomery:

(a) **Entering or remaining in a roadway for non-traffic purposes.** No person shall enter or remain in a roadway for the purpose of giving or receiving any object, including but not limited to money, flyers, newspapers, or religious materials, from the occupant of a vehicle, or for any other purpose that is not a lawful pedestrian action as defined by state and local traffic laws. This subsection shall not apply to emergency services personnel, duly authorized public employees, or to persons with a valid permit issued by the City of Montgomery.

(b) **Standing, sitting, or lying on a median.** No person shall stand, sit, or lie on a median, unless such median is a designated pedestrian refuge, and the person is lawfully waiting to cross a street. This provision does not apply to authorized construction or maintenance personnel.

(c) **Impeding the flow of traffic.** No person shall, by act or omission, block, hinder, or impede the safe and orderly flow of vehicular or pedestrian traffic for any purpose other than as expressly permitted by law. This includes, but is not limited to, stepping into or remaining in the path of a moving vehicle.

(d) **Use of roadway when sidewalk or shoulder is available.** Where a sidewalk or shoulder is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

Section 3. Enforcement and Notice Requirement.

- (a) Any person who violates the provisions of this article shall be guilty of a misdemeanor.
- (b) Before a citation is issued for a violation of this article, a police officer shall provide a verbal warning to the individual to cease the dangerous activity and move to a safer location. If, after receiving such a warning, the individual continues to engage in the same or similar dangerous activity, a citation may be issued.
- (c) This notice requirement does not apply in cases where the prohibited conduct has directly caused or is about to cause an imminent traffic accident, injury, or other emergency situation. In such cases, an officer may take immediate action as necessary for public safety.

Section 4. Severability.

The provisions of this ordinance are severable. If any part or provision is found by a court of competent jurisdiction to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

Section 5. Effective Date.

This ordinance shall become effective upon its passage, approval and publication or as other required by law.

ADOPTED this the 21ST day of October, 2025.

APPROVE: /S/
STEVEN L. REED, MAYOR

ATTEST:

/S/
BRENDA GALE BLALOCK, CITY CLERK