

PRESENTED: February 18, 2025

ADOPTED: February 18, 2025

ORDINANCE NO. 2025 – 02.03

AN ORDINANCE REPEALING AND REORDAINING IN ITS ENTIRETY CHAPTER 35, ENTITLED "STREETS AND SIDEWALKS", OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AND REPEALING IN THEIR ENTIRETY CHAPTER 7, ENTITLED "BICYCLES", CHAPTER 21, ENTITLED "MOTOR VEHICLES AND TRAFFIC", AND CHAPTER 31, ENTITLED "RAILROADS", OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED.

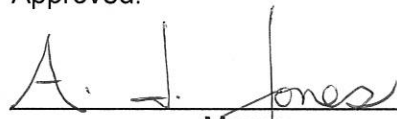
WHEREAS, the current Chapters 7, entitled "Bicycles", 21, entitled "Motor Vehicles and Traffic", 31, entitled "Railroads", and 35, entitled "Streets and Sidewalks" of the Code of the City of Danville, Virginia, need to be repealed; and

WHEREAS, the current language of Chapters 7, entitled "Bicycles", 21, entitled "Motor Vehicles and Traffic", and 35, entitled "Streets and Sidewalks", of the Code of the City of Danville, Virginia, need to be updated, revised, consolidated, and reordained.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that Chapters 7, entitled "Bicycles", 21, entitled "Motor Vehicles and Traffic", 31, entitled "Railroads", and 35, entitled "Streets and Sidewalks", of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, repealed in their entirety; and

BE IT FURTHER ORDAINED, by the Council of the City of Danville, Virginia, that Chapter 35, entitled "Streets and Traffic", of the Code of the City of Danville, Virginia, 1986, as amended, is hereby, replaced and reordained as attached hereto, and made apart hereof.

Approved:



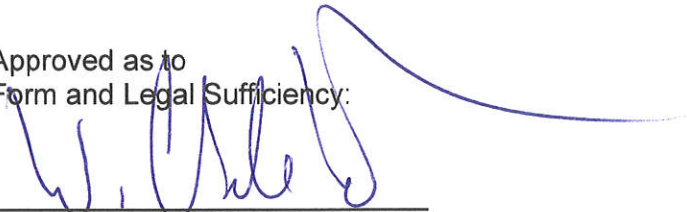
Mayor

Attest:



City Clerk

Approved as to
Form and Legal Sufficiency:



City Attorney

Chapter 7 BICYCLES¹

ARTICLE I. IN GENERAL

Sec. 7-1. Frame numbers.

- (a) The owner of any bicycle upon which the frame number has been removed or obliterated shall immediately make application to the Chief of Police for a new frame number for such bicycle. The Chief of Police, when satisfied that the applicant is the lawful owner or possessor of the bicycle referred to in the application, may assign a new frame number thereto and require that it be suitably stamped or impressed upon the frame.
- (b) No person shall remove, change, alter or conceal any bicycle frame number, without the consent of the Chief of Police.
- (c) No person shall knowingly have in his possession a bicycle, the frame number of which has been removed, changed or altered, without the consent of the Chief of Police.
- (d) It shall be unlawful for any person to sell, or to operate upon the streets and alleys of the City, any bicycle which does not have stamped upon or cut into the frame thereof the frame number or which does not bear a frame number assigned thereto by the manufacturer or by the Chief of Police.
- (e) A violation of any provision of this section shall constitute a Class 2 misdemeanor.

(Code 1962, § 4-5; Ord. No. 88-6.14, § 1, 6-7-88)

Cross reference(s) — Penalty for Class 2 misdemeanor, § 1-1.

Sec. 7-2. Reports by dealers in secondhand bicycles.

- (a) All persons engaged in the business of buying secondhand bicycles, or any parts of secondhand bicycles, shall report to the Chief of Police, within forty eight (48) hours after acquiring any secondhand bicycle or parts thereof, such report to include a description of such bicycle, the frame number thereof and the name and address of the person from whom the same was acquired.
- (b) A violation of this section shall constitute a Class 2 misdemeanor.

(Code 1962, § 4-4; Ord. No. 88-6.14, § 1, 6-7-88)

Cross reference(s) — Penalty for Class 2 misdemeanor, § 1-11.

Sec. 7-3. Impoundment of abandoned bicycles.

- (a) Any unattended bicycle found under such times and circumstances that indicate it has been lost or stolen shall be deemed abandoned. If a reasonable attempt to locate the owner or user in the immediate vicinity of the bicycle fails to produce the owner or user, any bicycle so abandoned shall be taken into custody and impounded by the Chief of Police or any officer of the Police Department.
- (b) No abandoned bicycle shall be released or removed from impoundment except upon satisfactory showing of ownership.
- (c) If an abandoned bicycle is not reclaimed, within thirty (30) days from the date of impounding, the Chief of Police or his agent shall provide for the public sale or donation to a charitable organization of such bicycle.

(Code 1962, § 4-3; Ord. No. 88-6.14, § 1, 6-7-88)

(g) Any bicycles found and delivered to the Police Department by a private person which thereafter remain unclaimed for thirty (30) days after the final date of publication as required herein may be given to the

finder; however, the location and description of the bicycle shall be published at least once a week for two (2) successive weeks in a newspaper of general circulation in the City. In addition, if there is a license tag affixed to the bicycle, the record owner shall be notified directly.

(Ord. No. 2008-10.10, 10-7-08)

Secs. 7-4—7-13. Reserved.

ARTICLE II. RESERVED²

Secs. 7-14—7-34. Reserved.

ARTICLE III. OPERATING RULES³

Sec. 7-35. Violations of article.

Unless otherwise specifically provided, a violation of any provision of this article shall constitute a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00).

Sec. 7-36. Use of seat required; carrying excess passengers.

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code 1962, § 4-10)

Sec. 7-37. Riding on sidewalks.

It shall be unlawful for any person to operate a bicycle upon any sidewalk or pedestrian walkway in the City.
(Code 1962, § 4-8)

State law reference(s)—Authority for above section, Code of Virginia, § 46.1-229.01.

Sec. 7-38. Required use of paths.

Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Code 1962, § 16-110.1)

State law reference(s)—Authority for above section, Code of Virginia, § 46.1-229.1(c).

²Editor's note(s)—Ord. No. 88-6.14, § 2, adopted June 7, 1988, repealed former Art. II, §§ 7-14—7-23, relative to registration, which derived from Code 1962, §§ 4-1, 4-2, 4-5 and 4-6.

³Cross reference(s)—Traffic, Ch. 21.

ARTICLE I. IN GENERAL

Sec. 21-1. Definitions.

All definitions of words and phrases contained in the state law adopted by section 21-3 shall apply to such words and phrases when used in this chapter, unless clearly indicated to the contrary.

Sec. 21-2. Compliance with chapter; general penalty for violations.

It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto. Unless otherwise specifically provided, a violation of any provision of this chapter or any such rule or regulation shall constitute a traffic infraction punishable by a fine of not more than two hundred dollars (\$200.00).

(Code 1962, § 16-34; Ord. No. 99-03-07, 3-2-99)

State law reference(s)—Similar provisions applicable to violation of state traffic laws, Code of Virginia, § 46.2-113; City prohibited from imposing penalty for traffic violation which is greater than penalty imposed by state law for similar offense, § 46.2-1300.

Sec. 21-3. Adoption of state law.

- (a) Pursuant to the authority of section 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the Commonwealth contained in title 46.2 of the Code of Virginia and in effect on July 1, 1998, except those provisions and requirements the violations of which constitute a felony and except those provisions and requirements which, by their nature, can have no application to or within the City, and except those provisions which by law may not be adopted or incorporated, are hereby adopted and incorporated *mutatis mutandis* in this chapter by reference and made applicable within the City. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the City. Such provisions and requirements are hereby adopted and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the City to violate, or fail, neglect or refuse to comply with, any such provision or requirement; provided that, in no event shall the penalty imposed for the violation of any such provision or a requirement exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia.
- (b) Pursuant to the authority of section 46.2-1313 of the Code of Virginia, all of the provisions of article 9 of chapter 11 of title 16.1 of the Code of Virginia and in effect on July 1, 1998, are hereby adopted and incorporated *mutatis mutandis* in this chapter by reference and made applicable within the City.
- (c) The provisions of Part Three B, entitled "Traffic Infractions and Uniform Fine Schedule," of the Rules of the Supreme Court of Virginia, in effect on July 1, 1998, as from time to time amended, shall be applicable to all affected violations of this chapter.

(Ord. No. 88-6-17, 6-7-88; Ord. No. 89-10-5, 10-5-89; Ord. No. 90-12-16, § 1, 12-4-90; Ord. No. 91-5-16, 5-17-91; Ord. No. 91-6-17, § 3, 6-18-91; Ord. No. 92-6-19, § 4, 6-2-92; Ord. No. 93-11-16, § 1, 11-16-93; Ord. No. 94-7-2, § 1, 7-5-94; Ord. No. 95-6-31, § 1, 6-6-95; Ord. No. 96-6-20, 6-18-96; Ord. No. 97-6-15, § 1, 6-3-97; Ord. No. 98-06-41, § 1, 6-16-98)

Sec. 21-4. General powers of City Manager relative to traffic.

- (a) ~~The City Manager, except as otherwise provided by this chapter and except as otherwise directed from time-to-time by the Council, shall have power and he is hereby authorized to regulate the operation and parking of vehicles within the corporate limits of the City by the erection or placing of proper signs or markers indicating prohibited or limited parking, restricted speed areas, through or arterial streets, stop intersections, yield right-of-way intersections, "U" turns, school zones, hospital zones, loading and unloading zones, quiet zones and other signs or markers indicating the place and manner of operating or parking vehicles within the corporate limits of the City.~~
- (b) ~~The City Manager shall also have power and he is hereby authorized as follows:~~
 - (1) ~~To regulate the movement of pedestrians upon the streets and sidewalks of the City by the erection or placing of proper signs or markers indicating the flow of pedestrian traffic.~~
 - (2) ~~To designate bus stops and to erect signs prohibiting the parking of vehicles other than buses at such stops.~~
 - (3) ~~To regulate the parking of vehicles of various sizes and weights.~~
 - (4) ~~To mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic.~~
 - (5) ~~To designate, by proper signs or markers, the street intersections at which right turns are not permitted on a red traffic signal light.~~
 - (6) ~~To secure all necessary signs or markers to be erected or placed on any street or part of a street.~~
- (c) ~~The existence of signs or markers referred to in this section at any place within the corporate limits of the City shall be prima facie evidence that such signs or markers were erected or placed by and at the direction of the City Manager in accordance with the provisions of this section. It shall be unlawful for any person to fail or refuse to comply with the directions indicated on any sign or marker erected or placed in accordance with the provisions of this section, when such sign or marker so placed or erected is visible and legible.~~

~~(Code 1962, § 16-39)~~

Sec. 21-5. Authority of City Manager as to speed limits.

- (a) ~~The City Manager is hereby authorized to increase or decrease the speed limits for vehicular traffic on streets maintained by the City in business and residential districts and to fix the speed limits for vehicular traffic on streets of the City for congested areas or curves, right angle turns or other dangerous areas or points. All such speed limits shall be based on an engineering or traffic investigation.~~
- (b) ~~Speed limits fixed by the City Manager pursuant to this section shall be clearly indicated by signs or markers erected and maintained on the streets or portions thereof where such limits are in effect.~~

~~(Code 1962, § 16-40)~~

~~State law reference(s)—Power of local authorities to vary speed limits, Code of Virginia, §§ 46.2-870—46.2-878, 46.2-1104.~~

Sec. 21-6. Authority of police to move vehicle involved in accident.

~~Whenever a motor vehicle, trailer or semitrailer involved in an accident is found upon a street of the City and is so located as to impede the orderly flow of traffic, the police may, at no cost to the owner or operator, remove such motor vehicle, trailer or semitrailer from the street to some point in the vicinity where such motor vehicle, trailer or semitrailer will not impede the flow of traffic.~~

(Code 1962, § 16-5)

State law reference(s) — Authority for above section, Code of Virginia, § 46.2-1212.

Sec. 21-7. Direction of traffic by Fire Department officers at scene of fire.

Officers of the Fire Department may direct or assist the police in directing traffic at or in the immediate vicinity of a fire, and while so acting, shall have all the authority of police officers.

(Code 1962, § 16-48; Ord. No. 2014-06.08, 6-17-14)

Cross reference(s) — Fire prevention and protection, Ch. 14.

Sec. 21-8. License tax on vehicles without current license plates.

- (a) For each operable motor vehicle located within the city which does not display a current license plate, the owner of such motor vehicle shall pay to the City an annual license tax in the amount of two hundred dollars (\$200.00).
- (b) The tax imposed by this section shall not be required for any motor vehicle which:
 - (1) Is exempt from the requirements of displaying current license plates under the provisions of sections 46.2-650 through 46.2-654, 46.2-663 through 46.2-683, 46.2-723, 46.2-750, and 46.2-750.1 of the Code of Virginia; or
 - (2) Is in a public dump or landfill or an automobile graveyard, as defined by section 33.1-348 of the Code of Virginia; or
 - (3) Is in the possession of a licensed junk dealer or a licensed motor vehicle dealer; or
 - (4) Is stored on private property for a period not in excess of sixty (60) days for the purpose of removing parts for the repair of another vehicle; or
 - (5) Is being held or stored by or at the direction of any governmental authority; or
 - (6) Is owned by a member of the armed forces on active duty and assigned outside of the United States; or
 - (7) Is stored within a fully enclosed building or structure.
- (c) The owner of any motor vehicle which is subject to the license tax imposed by this section shall, within thirty (30) days after the motor vehicle becomes subject to such tax and annually thereafter between March 15 and April 15 of each year, register such motor vehicle with the City Treasurer, by reporting the make, model, serial number, motor number and the location of the motor vehicle, and shall, at that time, pay such tax.
- (d) Upon payment of the license tax imposed by this section, a decal shall be issued to the owner, which shall be affixed by the owner to the windshield of the vehicle for which the tax was paid.
- (e) Failure to pay the license tax as required by this section shall be unlawful and shall constitute a Class 3 misdemeanor. In any prosecution under this section, the owner of the motor vehicle for which the payment of the license tax is required by this section and which does not display a current valid decal evidencing the payment of such tax shall be presumed to have failed to pay such tax as required.

(Ord. No. 82-12.13, 1-11-83; Ord. No. 90-12.16, § 2, 12-4-90; Ord. No. 98-09.11, 9-1-98; Ord. No. 99-03.07, 3-2-99; Ord. No. 99-07.23, 7-6-99; Ord. No. 2013-08.01, 8-20-13)

Cross reference(s) — Penalty for Class 3 misdemeanor, § 1-11.

State law reference(s)—Authority for above tax, Code of Virginia, § 15.2-973.

Sec. 21-9. Cruising.

- (a) This section shall regulate or prohibit vehicular traffic on certain privately owned public parking areas and driveways. The section shall regulate or prohibit the stopping, standing, parking, or flow of vehicles in parking areas or driveways of shopping centers and commercial offices and apartment complexes. The section shall be applied to and enforced in a special center or commercial area upon application in writing by the owner or person in general charge of the operation of such area to the Chief of Police.
- (b) No person shall drive or permit a motor vehicle under his care, custody, or control to be driven past a traffic control point three (3) or more times within a two hour period from 6:00 p.m. to 4:00 a.m., Monday through Sunday, in or around a posted no cruising area so as to contribute to traffic congestion; obstruction of streets, sidewalks, parking lots, or public vehicular areas; impediment of access to shopping centers or other buildings open to the public; or interference with the use of property or conduct of business in the area adjacent thereto.
- (c) At every point where a public street or alley becomes or provides ingress to a no cruising area there shall be posted a sign which designates no cruising areas and times.
- (d) "Traffic control point," as used in this section, means any point or points within the no cruising area established by the Division of Police of the City for the purpose of monitoring cruising.
- (e) No violations shall occur except upon the third passage past the same traffic control point within a two hour period.
- (f) No area shall be designated or posted as a no cruising area except upon the passage of a resolution by the Council specifically requiring such designation and posting for a particular area.
- (g) This section shall not apply to in service emergency vehicles, taxicabs for hire, buses, and other vehicles being used for business purposes.
- (h) Where there is a violation of any provision of this section, a City Police Officer shall issue a citation for such violation subjecting the violator to a twenty five dollar civil penalty. If the offender neither pays the penalty nor provides notice that he contests the citation within ten (10) days of the citation, an additional delinquency charge of twenty five dollars (\$25.00) shall be added to the penalty, and the penalty and delinquency charge may be recovered by the City in a civil action, together with the cost of such action including reasonable attorney's fees.

(Ord. No. 91-7.13, 7-2-91)

Editor's note(s)—Ordinance No. 91-7.13, adopted July 2, 1991, amended § 21-9 to read as set out herein. Prior to such amendment, § 21-9 pertained to identification of vehicles in funeral processions and derived from § 16-54 of the 1962 Code.

Sec. 21-10. Boarding or alighting from moving vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion.

(Code 1962, § 16-55)

Sec. 21-11. Riding on portion of vehicle not intended for passengers.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

(Code 1962, § 16-56)

~~Sec. 21-12. Lowering or opening vehicle tail gate.~~

It shall be unlawful for the operator of any truck, trailer or other vehicle equipped with a tail gate to lower or open the tail gate thereon, or to suffer or permit such tail gate to be lowered or opened, except during the time the vehicle is being loaded or unloaded and except during the time the load on the vehicle necessitates a lowered or opened tail gate as a support for the load. It shall be the duty of the operator of any such vehicle to see that the tail gate on such vehicle is kept closed or raised, except during the times hereinbefore specified.

(Code 1962, § 16-205)

~~Sec. 21-13. Greasing, changing oil or performing mechanical work on vehicle on street or sidewalk.~~

No person shall perform mechanical work, change oil or grease a vehicle upon a street or sidewalk of this City nor shall the owner of a vehicle permit it to be greased, have its oil changed or mechanical work performed thereon upon a street or sidewalk of this City.

(Code 1962, § 16-47)

~~Sec. 21-14. Damaging, defacing, etc., signs posted pursuant to chapter.~~

Any person who defaces, injures, knocks down, or removes any legally posted sign shall be guilty of a Class 2 misdemeanor.

(Code 1962, § 16-51; Ord. No. 99-03.07, 3-2-99)

Cross reference(s)—Damaging property generally, § 23-32.

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-832.

~~Secs. 21-15—21-25. Reserved.~~

ARTICLE II. VEHICLE REGISTRATION AND LICENSING⁵

Sec. 21-26. Exemptions from article generally.

The provisions of this article shall not apply to any motor vehicle, trailer or semitrailer, which is exempt from license taxes or fees under Section 46.2-755 or any other section of the Code of Virginia.

(Ord. No. 2006-03.02, 3-7-06; Ord. No. 2006-04.10, 4-4-06)

Sec. 21-27. Exemption for vehicles taxes under section 20-59 of this Code.

The owner of a truck, trailer or motorcycle, whether a resident or a nonresident of the City, who has paid a current vehicle license tax on such vehicle pursuant to section 20-59 of this Code shall not be required, during the same year for which such vehicle license tax is applicable, to register such vehicle under this article.

(Ord. No. 2006-03.02, 3-7-06; Ord. No. 2006-04.10, 4-4-06)

Sec. 21-28. Application of article to nonresidents.

- (a) The provisions of this article shall apply to any person not a resident of the City when his motor vehicle, trailer or semitrailer is used in and about the conduct of any business or occupation in the City, except as follows:
- (1) Operators of taxicabs.
 - (2) Under the circumstances stated in section 21-27 of this article.
- (b) This article shall not apply to motor vehicles, trailers and semitrailers brought to the City by nonresidents for their use during a limited sojourn and not used in the City for the conduct of a business or occupation, provided such motor vehicles, trailers and semitrailers bear current license tags required by the local law applicable to the residence of the owner.

(Ord. No. 2006-03.02, 3-7-06; Ord. No. 2006-04.10, 4-4-06)

Sec. 21-29. Registration generally.

- (a) Except as otherwise provided, every person who owns a motor vehicle, trailer or semitrailer operated upon the streets of the City shall register such motor vehicle, trailer or semitrailer each year with the Commissioner of the Revenue, if it has a situs for personal property taxes in the City, giving the make of the motor vehicle, trailer or semitrailer, the motor number and the state license number, which registration shall be made annually between May 6 and June 5 of each year. The owner of a motor vehicle, trailer or semitrailer, moving his residence to the City, shall register his motor vehicle, trailer or semitrailer with the Commissioner of the Revenue within thirty (30) days from the time he moves his residence to the City.
- (b) It shall be unlawful for any person to operate upon the streets of the city any motor vehicle, trailer or semitrailer required by this article to be registered with the Commissioner of the Revenue, unless such vehicle has been so registered.

(Ord. No. 2006-03.02, 3-7-06; Ord. No. 2006-04.10, 4-4-06)

Cross reference(s) — License tax on trucks, trailers and certain motorcycles, § 20-59.

Sec. 21-30. Vehicle license tax.

(a) ~~There is hereby imposed an annual vehicle license tax in the amount defined below in subsection (b) below on every motor vehicle, trailer and semitrailer required to be registered under this article which shall be due and payable between May 6 and June 5 of each year.~~

(b) ~~The vehicle license taxes shall be as follows:~~

~~All vehicles up to 1 ton 25.00~~

~~1½ ton 30.00~~

~~2 ton 40.00~~

~~2½ ton 65.00~~

~~3 ton 95.00~~

~~Over 3 ton 175.00~~

~~Operable vehicle which does not display a current license plate 200.00~~

~~The trailer vehicle license tax is one half the cost of the tonnage truck.~~

~~Example: 3 ton truck decal is \$175.00 and the trailer with this truck is \$87.50.~~

(c) ~~For each motor vehicle, trailer and semitrailer required to be registered after September 5 of any year, the vehicle license tax shall be in an amount equal to one quarter of the tax prescribed in subsection (a) above, computed to the nearest cent, multiplied by the number of quarters remaining in the period for which the registration is made.~~

(d) ~~Notwithstanding any other provision of this section to the contrary, there will be no annual vehicle license tax on one (1) motor vehicle owned by any member of a volunteer rescue squad used regularly to respond to calls, provided, that such member of a volunteer rescue squad shall furnish the Commissioner of the Revenue, or other assessing officer, at a time established by the Commissioner of the Revenue, with a certification by the chief or head of the volunteer organization, that such volunteer is a member of the volunteer rescue squad who regularly responds to calls or regularly performs other duties for the rescue squad and the motor vehicle is identified as belonging to such member.~~

~~(Ord. No. 2006-03.02, 3-7-06; Ord. No. 2006-04.10, 4-4-06; Ord. No. 2013-08.01, 8-20-13)~~

Sec. 21-31. Payment of vehicle personal property taxes prerequisite to licensing.

~~No motor vehicle, trailer or semitrailer shall be licensed by the City unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the motor vehicle, trailer or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the City.~~

~~(Ord. No. 2006-03.02, 3-7-06; Ord. No. 2006-04.10, 4-4-06)~~

Sec. 21-32. Operations and use of mopeds; generally.

~~(a) Every resident owner of a moped shall pay a license fee of twenty five dollars (\$25.00) and obtain a moped license from the City of Danville Treasurer's Office.~~

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- ~~(1) Prior to issuance of the license, the resident owner shall complete a license application form developed by the City Treasurer that includes the name, address and telephone number of the resident owner and the make, model, year, color, and vehicle identification number of the moped.~~
 - ~~(2) The moped license shall be purchased from the City Treasurer and be an adhesive decal that contains a unique identifying number and the seal of the City of Danville and shall be affixed to the left side of the moped. The moped license shall be valid for the assigned moped as long as the resident owner retains ownership of the moped.~~
 - ~~(3) Any person who operates a moped on the public streets of the city without a license issued pursuant to the provisions of this section shall be guilty of a traffic infraction and be subject to a fine of not more than fifty dollars (\$50.00).~~
- ~~(b) Every operator of a moped upon the public streets of the City of Danville shall wear a face shield, safety glasses, or goggles of a type approved by the Superintendent of State Police or have the moped equipped with safety glass or a windshield at all times while operating such vehicle. Any person who violates this provision of this section shall be guilty of a traffic infraction and be subject to a fine of not more than fifty dollars (\$50.00).~~
 - ~~(c) Every operator of a moped upon the public streets of the City of Danville and any passengers thereon, if any, shall wear a protective motorcycle helmet of a type approved by the Superintendent of State Police. Any person who violates this provision of this section shall be guilty of a traffic infraction and be subject to a fine of not more than fifty dollars (\$50.00).~~

~~(Ord. No. 2006-03.02, 3-7-06; Ord. No. 2006-04.10, 4-4-06)~~

Sec. 21-33. Impoundment of abandoned and unregistered mopeds.

- ~~(a) Any moped found without a number plate or tag issued pursuant to section 21-32 of this chapter and unattended shall be deemed abandoned. If a reasonable attempt to locate the owner or user in the immediate vicinity of the moped fails to produce such owner or user, any moped so abandoned shall be taken into custody and impounded by the Chief of Police or any officer of the Police Department.~~
- ~~(b) No abandoned moped shall be released or removed from impoundment except upon satisfactory showing of ownership and display of a City registration certificate and proper display of a City decal or number plate by the owner or an agent of the owner.~~
- ~~(c) If an abandoned moped is not reclaimed, within thirty (30) days from the date of impounding, the Chief of Police or his agent shall provide for the public sale or donation to a charitable organization of such moped.~~
- ~~(d) Any moped found and delivered to the Police Department by a private person which thereafter remains unclaimed for thirty (30) days after the final date of publication as required herein may be given to the finder; however, the location and description of the moped shall be published at least once a week for two (2) successive weeks in a newspaper of general circulation in the City. In addition, if there is a license tag affixed to the moped, the record owner shall be notified directly.~~

~~(Ord. No. 2008-10.09, 10-7-08)~~

Secs. 21-34—21-47. Reserved.

~~ARTICLE III. OPERATION OF VEHICLES GENERALLY⁶~~

~~Sec. 21-48. Driving motor vehicle, engine, etc., while intoxicated; adoption of state law.~~

~~Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-266 of the Virginia Code, as amended, which relates to driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.~~

~~(Ord. No. 91-4.8, § 2, 4-2-91; Ord. No. 91-6.17, § 4, 6-18-91; Ord. No. 92-6.19, § 5, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)~~

~~Sec. 21-48.1. Persons under age twenty-one driving after illegally consuming alcohol; penalty; adoption of state law.~~

~~Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-266.1 of the Virginia Code, as amended, which relates to persons under the age of twenty-one (21) driving after illegally consuming alcohol, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.~~

~~(Ord. No. 94-7.2, § 3, 7-5-94; Ord. No. 95-6.31, § 3, 6-6-95; Ord. No. 95-8.8, § 1, 8-1-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)~~

~~Sec. 21-49. Preliminary analysis of breath to determine alcoholic content of blood; adoption of state law.~~

~~Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-267 of the Virginia Code, as amended, which relates to the ability of a person who is suspected of a violation of section 18.2-266 or section 18.2-266.1, to have his breath analyzed to determine the probable alcoholic content of his blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.~~

~~(Ord. No. 91-4.8, § 2, 4-2-91; Ord. No. 91-6.17, § 4, 6-18-91; Ord. No. 92-6.19, § 5, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)~~

~~Sec. 21-49.1. Reserved.~~

~~Editor's note(s)—Ordinance No. 92-6.19, § 6, adopted June 2, 1992, repealed § 21-49.1. Formerly, § 21-49.1 pertained to the use and procedure of a chemical test to determine blood alcohol content and adoption of state law and derived from Ord. No. 91-4.8, § 2, adopted April 2, 1991; and Ord. No. 91-6.17, § 4, adopted June 18, 1991.~~

~~Sec. 21-49.1.1. Chemical testing to determine alcohol or drug content of blood; definitions; adoption of state law.~~

⁶~~Cross-reference(s)—Operating rules for bicycles, § 7-35 et seq.~~

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.1 of the Virginia Code, as amended, which sets out the definitions to be used in conjunction with chemical testing of motor vehicle operators to determine the alcohol or drug content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 92-6.19, § 7, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)

Sec. 21-49.1.2. Implied consent to post-arrest chemical test to determine drug or alcohol content of blood; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.2 of the Virginia Code, as amended, which relates to the implied consent of motor vehicle operators to submit to post-arrest chemical testing to determine the drug or alcohol content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 92-6.19, § 7, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)

Sec. 21-49.1.3. Refusal of tests; procedures, adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.3 of the Virginia Code, as amended, which relates to the refusal of motor vehicle operators to submit to post-arrest chemical tests to determine the drug or alcohol content of their blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 92-6.19, § 7, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)

Sec. 21-49.1.4. Appeal and trial; sanctions for refusal; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.4 of the Virginia Code, as amended, which relates to the procedure for appeal and trial of the warrant or summons issued for a refusal to submit to post-arrest chemical tests and the sanctions for such refusal, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 92-6.19, § 7, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)

Sec. 21-49.1.5. Qualifications and liability of persons authorized to take blood sample; procedure for taking samples; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.5 of the Virginia Code, as amended, which relates to the qualifications and liability of persons authorized to take blood samples for the purpose of determining the blood's alcohol and/or drug content, and the procedures

to be followed in taking such blood samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 92-6-19, § 7, 6-2-92; Ord. No. 93-11-16, § 2, 11-16-93; Ord. No. 94-7-2, § 2, 7-5-94; Ord. No. 95-6-31, § 2, 6-6-95; Ord. No. 96-6-20, § 2, 6-18-96; Ord. No. 97-6-15, § 2, 6-3-97; Ord. No. 98-06-41, § 2, 6-16-98; Ord. No. 2001-06-11, 6-19-01)

Sec. 21-49.1.6. Transmission of blood samples; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.6 of the Virginia Code, as amended, which relates to the procedures to be followed in the preservation and transmission of blood samples for analysis of the blood's alcohol and/or drug content, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 92-6-19, § 7, 6-2-92; Ord. No. 93-11-16, § 2, 11-16-93; Ord. No. 94-7-2, § 2, 7-5-94; Ord. No. 95-6-31, § 2, 6-6-95; Ord. No. 96-6-20, § 2, 6-18-96; Ord. No. 97-6-15, § 2, 6-3-97; Ord. No. 98-06-41, § 2, 6-16-98; Ord. No. 2001-06-11, 6-19-01)

Sec. 21-49.1.7. Transmission of blood test results; use as evidence; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.7 of the Virginia Code, as amended, which relates to transmission of blood test results and the admissibility of blood test results as evidence in court, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 92-6-19, § 7, 6-2-92; Ord. No. 93-11-16, § 2, 11-16-93; Ord. No. 94-7-2, § 2, 7-5-94; Ord. No. 95-6-31, § 2, 6-6-95; Ord. No. 96-6-20, § 2, 6-18-96; Ord. No. 97-6-15, § 2, 6-3-97; Ord. No. 98-06-41, § 2, 6-16-98; Ord. No. 2001-06-11, 6-19-01)

Sec. 21-49.1.8. Fees relating to blood samples; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.8 of the Virginia Code, as amended, which relates to the fees that may be charged for withdrawal and analysis of blood samples, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 92-6-19, § 7, 6-2-92; Ord. No. 93-11-16, § 2, 11-16-93; Ord. No. 94-7-2, § 2, 7-5-94; Ord. No. 95-6-31, § 2, 6-6-95; Ord. No. 96-6-20, § 2, 6-18-96; Ord. No. 97-6-15, § 2, 6-3-97; Ord. No. 98-06-41, § 2, 6-16-98; Ord. No. 2001-06-11, 6-19-01)

Sec. 21-49.1.9. Assurance of breath-test validity; use of test results as evidence; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.9 of the Virginia Code, as amended, which relates to standards for the chemical analysis of a person's breath and the use of breath test results as evidence in court, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 92-6-19, § 7, 6-2-92; Ord. No. 93-11-16, § 2, 11-16-93; Ord. No. 94-7-2, § 2, 7-5-94; Ord. No. 95-6-31, § 2, 6-6-95; Ord. No. 96-6-20, § 2, 6-18-96; Ord. No. 97-6-15, § 2, 6-3-97; Ord. No. 98-06-41, § 2, 6-16-98; Ord. No. 2001-06-11, 6-19-01)

Sec. 21-49.1.10. Evidence of violation; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.10 of the Virginia Code, as amended, which relates to the admissibility of evidence at trial for violation of City Code sections 21-48 or 21-48.1 and of comparable provisions of the Virginia Code, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 92-6.19, § 7, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)

Sec. 21-49.1.11. Substantial compliance; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-268.11 of the Virginia Code, as amended, which relates to compliance with the steps set forth in City Code sections 21-49.1.2 through 21-49.1.9 and comparable Virginia Code sections relating to the taking, handling, identifying and disposing of blood or breath samples, is hereby adopted and incorporated in its entirety in to this chapter as if it were fully set forth herein.

(Ord. No. 92-6.19, § 7, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)

Sec. 21-49.2. Presumptions from alcoholic content of blood; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-269 of the Virginia Code, as amended, which relates to presumptions arising from the alcohol content of blood, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 91-4.8, § 2, 4-2-91; Ord. No. 91-6.17, § 4, 6-18-91; Ord. No. 92-6.19, § 5, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)

Sec. 21-49.3. Penalty for driving while intoxicated; subsequent offense; prior conviction; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-270 of the Virginia Code, as amended, which relates to the penalties for driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 91-4.8, § 2, 4-2-91; Ord. No. 91-6.17, § 4, 6-18-91; Ord. No. 92-6.19, § 5, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)

Sec. 21-49.4. Forfeiture of driver's license for driving while intoxicated; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-271 of the Virginia Code, as amended, which relates to the forfeiture of a driver's license for driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 91-4.8, § 2, 4-2-91; Ord. No. 91-6.17, § 4, 6-18-91; Ord. No. 92-6.19, § 5, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)

Sec. 21-49.5. Driving after forfeiture of driver's license; adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-272 of the Virginia Code, as amended, which relates to driving after forfeiture of a driver's license, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 91-4.8, § 2, 4-2-91; Ord. No. 91-6.17, § 4, 6-18-91; Ord. No. 92-6.19, § 5, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)

Sec. 21-49.6. Probation, education, and rehabilitation of person charged or convicted; person convicted under law of another state adoption of state law.

Pursuant to the authority granted by section 46.2-1313 of the Code of Virginia (1950), as amended, section 18.2-271.1 of the Virginia Code, as amended, which relates to rehabilitation of a driver convicted of driving while intoxicated, is hereby adopted and incorporated in its entirety into this chapter as if it were fully set forth herein.

(Ord. No. 91-4.8, § 2, 4-2-91; Ord. No. 91-6.17, § 4, 6-18-91; Ord. No. 92-6.19, § 5, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98; Ord. No. 2001-06.11, 6-19-01)

Sec. 21-49.7. Report of conviction to Department of Motor Vehicles; adoption of state law.

The provisions of section 18.2-273 of the Code of Virginia, 1950, as amended, as effective on July 1, 1998, pertaining to the reporting of convictions to the Department of Motor Vehicles, are hereby adopted and incorporated *mutatis mutandis* in this chapter by reference, pursuant to the authority contained in section 46.2-1313 of the Code of Virginia, 1950, as amended.

(Ord. No. 91-4.8, § 2, 4-2-91; Ord. No. 91-6.17, § 4, 6-18-91; Ord. No. 92-6.19, § 5, 6-2-92; Ord. No. 93-11.16, § 2, 11-16-93; Ord. No. 94-7.2, § 2, 7-5-94; Ord. No. 95-6.31, § 2, 6-6-95; Ord. No. 96-6.20, § 2, 6-18-96; Ord. No. 97-6.15, § 2, 6-3-97; Ord. No. 98-06.41, § 2, 6-16-98)

Sec. 21-50. U turns prohibited at certain intersections.

No driver shall cause any vehicle to make a turn to proceed in the opposite direction at any intersection where there is a sign or other marking prohibiting such action and no vehicle shall be turned so as to proceed in the opposite direction at any intersection where traffic is controlled by a traffic control signal device in operation.

(Code 1962, § 16-95)

State law reference(s)—U turns, Code of Virginia, § 46.2-845.

Sec. 21-51. Driving in funeral processions.

Each driver in a funeral procession shall drive as near to the right hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe.

(Code 1962, § 16-53)

State law reference(s) — ~~Right of way of funeral processions, Code of Virginia, § 46.2-828.~~

Sec. 21-52. Driving through funeral or other procession or parade.

No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession or a parade, except when otherwise directed by a police officer. This provision shall not apply to emergency vehicles referred to in section 46.2-920 of the Code of Virginia.

(Code 1962, §§ 16-53, 16-58K; Ord. No. 90-12.16, § 4, 12-4-90)

Gross reference(s) — ~~Hampering or obstructing parades generally, § 24-16.~~

Sec. 21-53. One-way streets—Generally.

- (a) The following streets are hereby established and designated as one-way streets:
- (1) ~~West Green Street, from one hundred (100) feet north of Rison Street to Holbrook Street, is established as a one-way street for vehicular traffic proceeding from Rison Street. No vehicle shall enter West Green Street from Holbrook Avenue.~~
 - (2) ~~Chambers Street is established as a one-way street for vehicular traffic proceeding in a northerly direction.~~
 - (3) ~~Main Street, from Bridge Street to Memorial Drive, is established as a one-way street for vehicular traffic proceeding in a southwesterly direction.~~
 - (4) ~~Patton Street, from Ridge Street to Bridge Street, is established as a one-way street for vehicular traffic proceeding in a northeasterly direction.~~
 - (5) ~~Union Street, from Main Street to Patton Street, is established as a one-way street for vehicular traffic proceeding in a southeasterly direction.~~
 - (6) ~~Market Street, from Patton Street to Spring Street, is established as a one-way street for vehicular traffic proceeding in a north-westerly direction.~~
 - (7) ~~Woodland Drive, from West Main Street to Surry Lane, is established as a one-way street for vehicular traffic proceeding in a northwesterly direction.~~
 - (8) ~~Garfield Street, from Blaine Street to Seeland Road, is established as a one-way street for vehicular traffic proceeding in a southerly direction.~~
 - (9) ~~Grant Street, from Seeland Road to Blaine Street, is established as a one-way street for vehicular traffic proceeding in a northerly direction.~~
 - (10) ~~Dibrell Alley from Holbrook Street to Broad Street, is established as a one-way street for vehicular traffic proceeding in a southwesterly direction.~~
 - (11) ~~Lynn Street, from Loyal Street to Patton Street, is established as a one-way street for vehicular traffic proceeding in a northwesterly direction.~~
- (b) ~~The City Manager shall have erected and maintained such signs on the one-way streets designated in this section as will apprise an ordinarily observant person of the direction of lawful traffic.~~
- (c) ~~When signs are in place in accord with subsection (b) above, it shall, except as otherwise provided in section 21-54, be unlawful for any person to drive or move any vehicle on any street designated in subsection (a) above in a direction other than that designated by such signs.~~

(Code 1962, §§ 16-233, 16-234; Ord. No. 88-6.16, 6-7-88; Ord. No. 89-11.21, 11-21-89; Ord. No. 90-7.5, 7-5-90; Ord. No. 93-1.8, 1-5-93; Ord. No. 98-11.15, 11-5-98)

Sec. 21-54. Same—Variances.

When it can be demonstrated to the satisfaction of the City Manager that the strict enforcement of section 21-53 will cause an unreasonable hardship on some particular person relative to the loading or unloading of trucks or other vehicles on the one-way streets designated in such section, the City Manager is authorized to issue a special permit to such person permitting a variance from the provisions of section 21-53. Any such special permit shall be in writing and shall specify the nature of such variance and the place and period of time when such variance shall be permitted. Such permit shall only be issued when it can be demonstrated to the satisfaction of the City Manager that the granting of such permit will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience, to the person who seeks such permit.

(Code 1962, § 16-234)

Sec. 21-55. Truck routes.

- (a) The drivers of motor trucks engaged in the transportation of freight and entering the City from the east or west over U.S. Route No. 58 shall continue through the City over U.S. Route No. 58, which route is known within the limits of the City as Riverside Drive and River Street.
- (b) The drivers of such trucks approaching the City from the north or from the south over U.S. Route No. 29 shall continue around the City over U.S. Route No. 29.
- (c) The drivers of such trucks approaching the City from the north or south on U.S. Route No. 29 and who intend to go east or west over U.S. Route No. 58 shall use U.S. Route No. 29 to the intersection of U.S. Route No. 29 with U.S. Route No. 58, and then proceed over U.S. Route No. 58 through the City.
- (d) The drivers of such trucks entering the City over Virginia State Route No. 360 and intending to go either east or west on U.S. Route No. 58 shall follow North Main Street from its intersection with Virginia State Route No. 360 to the intersection of North Main Street and U.S. Route No. 58.
- (e) The drivers of trucks originating within the City or the outskirts of the City and engaging in deliveries or pickups or proceeding for repairs shall follow the truck routes established in this section, so far as practical, to their destination.
- (f) The drivers of trucks entering the City over Virginia State Route No. 86 shall follow Route 86 to its intersection with U.S. Routes No. 58 and No. 29 and then follow the proper truck route to their destination through the City.
- (g) This section shall not apply to trucks receiving or making deliveries in the City or proceeding to a place in the City for the purpose of undergoing repairs.

(Code 1962, § 16-49)

State law reference(s)—Authority for above section, Code of Virginia, § 46.2-1304.

Sec. 21-56. Certain vehicles not to be operated on Worsham Street bridge and Union Street bridge.

- (a) No person shall drive or operate a vehicle on the bridge over the Dan River on Worsham Street, if the gross weight of such vehicle is greater than five (5) tons, or a truck, except a pickup or panel truck, or a bus having a seating capacity of more than ten (10) persons, including the driver.

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- (b) No person shall drive or operate a vehicle on the bridge over the Dan River at Union Street and Poplar Street, if the gross weight of the vehicle is greater than thirteen (13) tons.

(Code 1962, § 16-227.1)

State law reference(s)—Compliance with posted carrying capacity of bridges and culverts, Code of Virginia, § 46.2-1130.

Sec. 21-57. Golf cart and utility vehicle operation, generally.

No person shall operate a golf cart or utility vehicle in any park, or on any public or bicycle pathway, or on or over any highway in the City except as provided in this article.

(Ord. No. 2012-12.01, 12-4-12)

Sec. 21-58. Designation of City highways for golf cart operation; posting of signs.

- (1) Golf carts may be operated only on the following designated highways: Acorn Lane; Clearview Drive; Creekside Drive; Dogwood Drive; Hemlock Lane; and Oakcreek Drive.
- (2) The City of Danville shall be responsible for the posting and maintenance of a sign at any entrance to the subdivision which designates the highways in the subdivision as approved for golf cart usage.

(Ord. No. 2012-12.01, 12-4-12)

Sec. 21-59. Limitations.

Golf cart operations on designated City highways shall be in accordance with the following limitations:

- (1) No person shall operate any golf cart on any designated City highway unless he has in his possession a valid driver's license issued to him.
- (2) No golf cart shall be operated on any designated City highway without displaying a slow-moving vehicle emblem in conformity with section 46.2-1081 of the Code of Virginia as may be amended from time to time.
- (3) No person shall operate any golf cart on any designated City highway between sunset and sunrise, unless equipped with lights as are required in title 46.2, article 3 (46.2-1010 et seq.) chapter 10 of the Code of Virginia for different classes of vehicles.

(Ord. No. 2012-12.01, 12-4-12)

Sec. 21-60. Exceptions.

The limitations set forth in sections 21-57 and 21-59 shall not apply to golf carts or utility vehicles being operated on any City highway as follows:

- (a) To the extent necessary for City employees and City contractors to fulfill a governmental purpose, or as otherwise authorized by the City Manager or his designee, provided the golf cart or utility vehicle is not operated on a City highway with a posted speed limit over thirty-five (35) miles per hour;
- (b) As necessary by employees of public or private two-year or four-year institutions of higher education if operating on highways within the property limits of such institutions, provided the golf cart or utility vehicle is not operated on a City highway with a posted speed limit over thirty-five (35) miles per hour.

(Ord. No. 2012-12.01, 12-4-12)

~~Secs. 21-61—21-67. Reserved.~~

~~ARTICLE IV. STOPPING, STANDING AND PARKING⁷~~

~~DIVISION 1. GENERALLY~~

~~Sec. 21-68. General parking prohibitions.~~

- (a) ~~No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:-~~
- ~~(1) On a sidewalk.~~
 - ~~(2) In front of a public or private driveway.~~
 - ~~(3) Within an intersection.~~
 - ~~(4) Within fifteen (15) feet of a fire hydrant.~~
 - ~~(5) On a crosswalk.~~
 - ~~(6) Within twenty (20) feet from the intersection of curb lines, or if none, then within fifteen (15) feet of the intersection of property lines at an intersection of highways.~~
 - ~~(7) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings.~~
 - ~~(8) Within fifty (50) feet of the nearest rail of a railroad grade crossing.~~
 - ~~(9) Within fifteen (15) feet of the entrance to a building housing rescue squad equipment or ambulances, provided such buildings are plainly designated.~~
 - ~~(10) Within fifteen (15) feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within seventy five (75) feet of the entrance, when properly signposted.~~
 - ~~(11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.~~
 - ~~(12) On the roadway side of any vehicle parked at the edge or curb of a street.~~
 - ~~(13) Upon any bridge or other structurally elevated street or highway or within a tunnel.~~
 - ~~(14) At any place where official signs prohibit parking.~~
- (b) ~~No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful.~~

~~(Code 1962, § 16-138)~~

~~Sec. 21-69. Parking or stopping for certain purposes prohibited.~~

- (a) ~~It shall be unlawful for any person to park or place any automobile, truck, trailer or other vehicle upon or in any street, alley or parkway for the purpose of selling or offering the same for sale or rent. No sign or lettering shall be attached or placed upon any automobile, truck, trailer or other vehicle parked in or upon any public street, alley or parkway of the City indicating that such vehicle is offered for sale or for rent.~~

⁷Cross-reference(s) - Placing advertising material on or in parked vehicles, § 2-

State law reference(s) - General authority of City to regulate parking, Code of Virginia, § 46-2-1220

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- (b) It shall be unlawful for any person to stop a vehicle at any time upon a street or highway for the purpose of advertising any article of any kind, or to display thereupon advertisements of any article or advertisement for the sale of the vehicle itself.

(Code 1962, § 16-137)

Cross-reference(s)—Advertising, Ch. 3.

Sec. 21-70. Parking prohibited on portion of Chambers Street.

It shall be unlawful for any person to park any motor vehicle on the westerly side of Chambers Street, from Main Street to Grove Street, except that a vehicle may be stopped for loading and unloading purposes at business establishments on Chambers Street.

(Code 1962, § 16-233)

Sec. 21-71. Parking on parade route.

The Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or part thereof constituting a part of the route of a parade for which a permit has been issued under article II of chapter 24 of this Code. The Chief of Police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be guilty of violating this section unless such signs are posted.

(Code 1962, § 16-58K)

Sec. 21-72. Angle parking.

Notwithstanding any of the provisions of this chapter, the City Manager may, when in his discretion the public interest so requires, provide for angle parking on any street or portion thereof; provided, however, such streets are marked so as to apprise an ordinarily observant person of the regulation.

(Code 1962, § 16-130)

Sec. 21-73. Tandem parking.

Notwithstanding any of the provisions of this chapter, the City Manager may, when in his discretion the public interest so requires, provide for tandem parking on any street or portion thereof; provided, however, such streets are marked so as to apprise an ordinarily observant person of the regulation.

(Code 1962, § 16-131)

Sec. 21-74. Reserved.

Editor's note(s)—Ord. No. 87-1.4, § 2, adopted Jan. 6, 1987, repealed § 21-74, relative to a two-hour parking limit on certain streets, as derived from Ord. No. 82-3.4, adopted March 9, 1982.

Sec. 21-75. Limitation on parking of certain vehicles in residential districts.

- (a) For the purposes of this section, the following terms shall be defined as follows:

~~(1) *Prohibited vehicle.* Any truck (except pickup trucks or vans), boat, camper, or trailer, including boat trailers, camper trailers, and utility trailers.~~

~~(2) *Residential district.* Any area zoned as R1-A single family dwelling district, R1-B single family dwelling district, R-2 two-family dwelling district, or R-3 multiple family dwelling district pursuant to chapter 41 of this City Code.~~

~~(b) No prohibited vehicle shall be parked on a public street in the City within a residential district for longer than two (2) hours, unless actually engaged in loading or unloading.~~

~~(Code 1962, § 16-134; Ord. No. 93-3.6, 3-2-93)~~

Sec. 21-76. Time limit for parking not applicable to certain delivery vehicles.

The time limit for parking motor vehicles on the public streets of the City, as provided by this chapter or rules and regulations promulgated hereunder, shall not apply to delivery vehicles belonging to and used by merchants doing business on such streets to the extent that such vehicles may be parked during business hours in front of such merchant's place of business for loading and unloading merchandise; provided, however, that no merchant shall permit a vehicle used in his business to be parked in the loading zone of another place of business.

~~(Code 1962, § 16-135)~~

Sec. 21-77. Backing to curb.

No vehicle shall be backed to a curb, except during the time actually engaged in loading or unloading merchandise therefrom.

~~(Code 1962, § 16-129)~~

Sec. 21-78. Parking vehicle without current state license.

It shall be unlawful for any person to park any vehicle having no current state license on any highway or street within the City.

~~(Code 1962, § 16-132)~~

Sec. 21-79. Parking in space reserved for handicapped.

~~(a) It is unlawful for a vehicle to be parked in a parking space reserved for the handicapped on public property or at privately owned parking areas, unless such vehicle is transporting a handicapped person and bears or displays a valid special license plate, decal or parking permit lawfully issued to, or for use by, the handicapped person.~~

~~(b) This section shall be enforced in accordance with the provisions of this article and without the necessity of a warrant being obtained by the owner of any privately owned parking area on which a violation hereof occurs.~~

~~(c) Spaces reserved for the handicapped shall be identified by the above-grade signs.~~

~~(Code 1962, § 16-148.1; Ord. No. 85-2.6, 2-5-85)~~

State law reference(s)—Authority for above section, Code of Virginia, § 46.2-1237.

Sec. 21-80. Manner of using loading zones.

Where a loading and unloading zone has been set apart by the City Manager in accordance with section 21-4- or 21-108 of this chapter, the following regulations shall apply with respect to the use of such areas:

- (1) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb-loading zone during hours when the provisions applicable to such zones are in effect. All delivery vehicles, other than regular delivery trucks, using such loading zones shall be identified by the owner's or company's name on an easily readable professionally prepared sign painted or permanently attached on both sides of the vehicle or by a temporary sign placed on or clearly visible through the windshield.
- (2) The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles when such stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter or is about to enter such loading space.

(Code 1962, § 16-133)

Sec. 21-81. Manner of using bus stops and taxicab stands.

Where a bus stop or taxicab stand has been set apart by the City Manager in accordance with applicable provisions of this chapter or section 39-22 of this Code, the following regulations shall apply as to the use thereof: No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(Code 1962, § 16-136)

Sec. 21-82. Leaving vehicle on private property of another without consent.

- (a) It shall be unlawful for any person to leave any motor vehicle, trailer, semitrailer or part thereof on the private property of any other person without his consent. Upon written request of the owner, lessee or occupant of the property on which such motor vehicle, trailer, semitrailer or part thereof has been left unattended for more than ten (10) days or has been abandoned, such motor vehicle, trailer, semitrailer or part thereof may be removed by or under the direction of a police officer to a storage garage or area. The person at whose request such motor vehicle, trailer, semitrailer or part thereof is so removed shall indemnify the City against any loss or expense incurred by reason of the removal, storage or sale thereof.
- (b) Except as otherwise specifically provided, the provisions of sections 46.2-1213 and 46.2-1217 of the Code of Virginia shall apply to removals, storage and sales under this section.
- (c) In case of a removal of a part of a motor vehicle, trailer or semitrailer from private property pursuant to this section, when such part cannot be readily sold, it may be disposed of in such manner as may be deemed to be expedient by the City Manager.

(Code 1962, § 16-6)

Sec. 21-83. Penalties for, notice of, etc., certain parking violations.

- (a) The following specific penalties are hereby established for the following violations: ;\$;
- (1) ~~Parking overtime \$10.00~~
 - (2) ~~Parked in restricted area 10.00~~
 - (3) ~~Parked within twenty (20) feet of corner 10.00~~
 - (4) ~~Parked in bus stop 10.00~~
 - (5) ~~Parked on wrong side of street 10.00~~
 - (6) ~~Not parked parallel to curb 10.00~~
 - (7) ~~Double parked 10.00~~
 - (8) ~~Parked too far from curb 10.00~~
 - (9) ~~Not parked within proper lines 10.00~~
 - (10) ~~Blocking driveway 10.00~~
 - (11) ~~Parked within fifteen (15) feet of fire hydrant 10.00~~
 - (12) ~~Parked in handicap zone 100.00~~
 - (13) ~~Parked in fire lane 50.00 ;~~
- (b) Each police officer charged with the duty of enforcing the traffic laws of the City shall, with respect to each vehicle found by him to be parked in violation of the regulations listed in subsection (a) above, make a record of the make, model and license tag number of the vehicle, the regulation violated and the date, time and location of such violation and shall report the same to the Police Department by filing with the Department the stub provided with the envelope mentioned in subsection (c) below.
- (c) Each such officer shall attach to such vehicle a notice to the owner thereof that such vehicle has been parked in violation of one of the parking regulations. Such notice shall be in the form of a money envelope advising the owner of the particular parking violation and the amount of the penalty and advising the owner that he may pay the fine by placing the amount in the envelope and mailing the same to the address on the reverse side, or pay in person at the Division of Central Collections, Financial Service Center, 311 Memorial Drive, Danville Drive, Danville, Virginia, within five (5) days of the time when such notice was attached to such vehicle, in which event the penalty for such violation shall thereupon be fully satisfied.
- (d) The penalties provided for in subsection (a) hereof shall apply only when the penalty is paid within five (5) days after the notice of violation is attached to the vehicle. Any owner failing to pay such penalty within the prescribed time and manner shall be required to pay an additional penalty of five dollars (\$5.00).
- (e) After five (5) days after the time when the notice of payment was attached to a vehicle, the Division of Central Collections shall notify the Chief of Police whether or not such fine has been paid. Thereupon, if the fine has been paid, the Chief of Police shall cancel the stub in his possession covered by such payment. If the fine has not been paid within the required time, it shall be the duty of the Chief of Police to give the notice required by section 21-85 and, if such notice is not complied with, to have issued a summons against the owner of the vehicle involved for the violation.

(Code 1962, § 16-149; Ord. No. 82-3.4, 3-9-82; Ord. No. 88-2.13, 2-16-88; Ord. No. 89-1.5, 1-3-89; Ord. No. 94-10.13, 10-4-94; Ord. No. 97-9.08, 9-2-97; Ord. No. 2006-03.02, 3-7-06)

Sec. 21-84. Collection of, and accounting for, uncontested payment of parking citation penalties; certification of contest of parking citation; etc.

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- (a) ~~The uncontested payment of parking citation penalties provided for in this article shall be collected and accounted for by the City Collector.~~
 - (b) ~~A contest by any person of a parking citation shall be certified in writing, on an appropriate form, to the General District Court of the City and the Chief of Police by the City Collector.~~
 - (c) ~~Subject to the provisions of section 21-85, the Chief of Police shall cause complaints, summons or warrants to be issued for delinquent parking citations.~~

~~(Code 1962, § 16-155.1)~~

~~Sec. 21-85. Conditions precedent to issuance of summons for parking violation.~~

~~Before any summons shall issue for the prosecution of a violation of the parking provisions of this article, the violator shall have been first notified by the Chief of Police or his deputy, by mail at his last known address or at the address shown for such violator on the records of the Department of Motor Vehicles of the Commonwealth, that he may pay the fine provided by law for such violation, within five (5) days of receipt of such notice, and the officer issuing such summons shall be notified that the violator has failed to pay such fine within such time. The notice to the violator required by this section shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed on the face thereof in type at least one half inch in height.~~

~~(Code 1962, § 16-149.1)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 46.2-941.~~

~~Sec. 21-86. Presumption in prosecution for parking violation.~~

~~In any prosecution charging that a vehicle was parked in violation of any provision of this article or any other ordinance, regulation or rule, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such provision of this article or other ordinance, regulation or rule, together with proof that the defendant was, at the time of such parking, the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.~~

~~(Code 1962, § 16-153)~~

~~State law reference(s)—Similar provisions, Code of Virginia, § 46.2-1220.~~

~~Sec. 21-87. Impoundment of vehicles against which there are outstanding parking citations.~~

- (a) ~~Whenever there is found parked upon the public streets or highways or public grounds of the City any motor vehicle against which there are three (3) or more outstanding unpaid or otherwise unsettled parking violation notices or citations, such vehicle may, by towing or otherwise, be removed or conveyed to a place in the City designated by the Chief of Police for the temporary storage of such vehicle. The removal or conveyance of such vehicle shall be by or under the direction of an officer or member of the Police Division.~~
- (b) ~~It shall be the duty of the officer or member of the Police Division removing a motor vehicle under this section, or under whose direction such vehicle is removed, to inform, as soon as practicable, the owner of the removed vehicle of the nature and circumstances of the prior unsettled parking violation notices or citations for which or on account of which such vehicle was removed.~~
- (c) ~~The owner of a motor vehicle removed under this section, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle by payment of the outstanding parking violation notices or citations for which the vehicle was removed and by payment of all reasonable costs~~

incidental to the removal and storage of the vehicle and the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of such owner be unknown and unascertainable, such removed motor vehicle may be sold in accordance with the procedures set forth in sections 46.2-1213 and 46.2-1217 of the Code of Virginia.

(Code 1962, § 16-155.2)

State law reference(s)— Authority for above section, Code of Virginia, §§ 46.2-1216, 46.2-1217.

Secs. 21-88—21-98. Reserved.

DIVISION 2. RESERVED⁸

Secs. 21-99—21-120. Reserved.

ARTICLE V. PEDESTRIANS⁹

Sec. 21-121. Duty to obey traffic signs, signals, etc.

Pedestrians shall obey signs and signals erected on highways or streets for the direction and control of travel and traffic and they shall obey the orders of police officers engaged in directing travel and traffic on the highways and streets in the City. Violations of this section shall be punished by a fine not exceeding five dollars (\$5.00) for each offense.

(Code 1962, § 16-123)

State law reference(s)— Authority for above section, Code of Virginia, § 46.2-935.

Sec. 21-122. Crossing intersection diagonally.

Pedestrians may cross an intersection diagonally when all traffic entering the intersection has been halted by lights or other traffic control devices or by a peace or police officer.

(Code 1962, § 16-111)

State law reference(s)— Authority for above section, Code of Virginia, § 46.2-923.

Sec. 21-123. Loitering on bridges.

Pedestrians shall not loiter on any bridge on which the City Manager has posted signs prohibiting such action.

(Code 1962, § 16-118)

State law reference(s)— Similar provisions as to bridges posted by state highway and transportation commissioner, Code of Virginia, § 46.2-930.

⁸Editor's note(s)— Ord. No. 87-1.4, § 3, adopted Jan 6, 1987, repealed §§ 21-99—21-109, which comprised the substantive sections of former Div. 2 relative to parking meters. The provisions of former §§ 21-99—21-109 derived from Code 1962, §§ 16-140—16-147, 16-152, 16-155 and Ord. No. 82-3.4, adopted March 9, 1982.

⁹State law reference(s)— Protection of pedestrians, Code of Virginia, § 46.2-923 et seq.

PART II - CODE
Chapter 21 - MOTOR VEHICLES AND TRAFFIC
ARTICLE VI. ABANDONED VEHICLES

~~ARTICLE VI. ABANDONED VEHICLES~~¹³

Sec. 21-134. Right of entry to enforce chapter.

Upon a citizen complaint, a citizen report, or reasonable suspicion, the Director of Public Works or his designee, after reasonable notice for occupied property, may enter between the hours of 9:00 a.m. and 5:00 p.m., upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter or regulations adopted pursuant thereto.

(Ord. No. 2011-07.12, 7-19-11)

Sec. 21-135. Definitions.

For the purposes of this article, the following words and terms shall have the meanings ascribed to them in this section:

Abandoned motor vehicle means a motor vehicle, trailer, semitrailer, or part thereof that:

- (1) Is inoperable and is left unattended on any street or other public property for more than forty eight (48) hours, or
- (2) Has remained illegally on any City street or other public property for a period of more than forty eight (48) hours, or
- (3) Has remained without consent on private property, including, but not limited to, any commercial parking place, motor vehicle storage facility or establishment for the service, repair, maintenance or sale of motor vehicles, whether or not such vehicle was brought onto or left at such property with or without the consent of the owner or person in control of the property, for more than forty eight (48) hours, or
- (4) Is inoperable, left unattended, or both, on an interstate highway, City street, or
- (5) Is inoperable, left unattended, or both, on the shoulder or [of] a primary highway or City street.

Demolisher means any person, firm or corporation whose business is to convert a motor vehicle, trailer or semitrailer into processed scrap or scrap metal or otherwise to wreck or dismantle such vehicles.

Department means the Department of Motor Vehicles of the Commonwealth.

Immobile vehicle means a vehicle which is incapable of being moved without the use of a wrecker or other type of towing/hauling device.

Inoperative vehicle means any vehicle, trailer, or semitrailer, or portion thereof, which is not in operating condition or on which there are displayed neither valid license plates or a valid inspection decal.

Motor vehicle means any vehicle which is self-propelled or designed for self-propulsion. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space shall be considered a part of a motor vehicle.

Notice means the notice required by section 21-137 of this article.

Semitrailer means any vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests or is carried by another vehicle.

~~Trailer means any vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including mobile homes.~~

~~Unlicensed vehicle decal means a decal purchased from the City of Danville Treasurer's Office affixed to the windshield or other prominent place on any operative vehicle, trailer, or semitrailer which does not display a current license plate allowing the owner to place said vehicle in any legal parking or storage place for the period which the decal is purchased.~~

~~Vehicle means every device, in or on, by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purpose of this chapter, mopeds shall not be considered vehicles.~~

~~(Code 1962, § 16-263; Ord. No. 99-07.21, 7-6-99; Ord. No. 2011-07.12, 7-19-11; Ord. No. 2013-08.01, 8-20-13)~~

~~State law reference(s)— Similar provisions, Code of Virginia, §§ 46.2-1200 and 46.2-1205.~~

Sec. 21-136. Removal and disposition of abandoned vehicles from public property.

~~The City may take into custody any abandoned motor vehicle left on public property. In such connection, the City may employ its own personnel, equipment and facilities or hire persons, equipment and facilities or firms or corporations who may be independent contractors for the purpose of removing, preserving and storing abandoned motor vehicles.~~

~~Removal of an abandoned vehicle from public property shall be carried out by or under the direction of law enforcement officers.~~

~~(Code 1962, § 16-264; Ord. No. 93-12.11, 12-7-93; Ord. No. 99-07.21, 7-6-99; Ord. No. 2004-10.01, 10-7-04; Ord. No. 2011-07.12, 7-19-11)~~

~~State law reference(s)— Similar provisions, Code of Virginia, § 46.2-1205.~~

Sec. 21-136.1. Removal and disposition of unattended or immobile vehicles.

- (a) ~~The City may take into custody any unattended or immobile vehicle if:
 - (1) It is left unattended on a public street or highway or other public property and constitutes a traffic hazard;
 - (2) It is illegally parked;
 - (3) It is left unattended for more than ten (10) days either on public property or on private property without the permission of the property owner, lessee, or occupant;
 - (4) It is immobilized on a public roadway by weather conditions or other emergency situation.~~
- (b) ~~It shall be presumed that any such motor vehicle, trailer, semitrailer, or part thereof is abandoned if it (i) lacks either a current license plate; or a valid state inspection sticker; or an inoperative vehicle decal and (ii) it has been in a specific location for four (4) days without being moved.~~
- (c) ~~The City may employ its own personnel, equipment and facilities or hire persons, equipment and facilities or firms or corporations who may be independent contractors for the purpose of removing, preserving and storing unattended or immobile vehicles.~~
- (d) ~~Removal shall be carried out by or under the supervision of a law enforcement officer.~~
- (e) ~~As promptly as possible each removal shall be reported to the City's Chief of Police and to the owner of the motor vehicle, trailer, or semitrailer.~~
- (f) ~~Removal of any motor vehicle, trailer, semitrailer or part thereof from private property must be by written request of the owner, lessee, or occupant of the premises.~~

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- (g) Before re-obtaining possession of the motor vehicle, trailer, semitrailer or part thereof, the owner shall pay to the parties entitled to administrative fees as prescribed by the City of Danville Fee Schedule, thereto and all other costs incidental to its removal and storage and locating the owner. If the owner fails or refuses to pay the costs or if his identity or whereabouts are unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record with the office of the Department of Motor Vehicles against the motor vehicle, trailer, semitrailer, the vehicle shall be treated as an abandoned vehicle under the provision of section 21-136 of this Code.

(Ord. No. 2004-10.01, 10-7-04; Ord. No. 2011-07.12, 7-19-11)

Sec. 21-137. Notice of removal of abandoned vehicles left on public property.

- (a) When an abandoned motor vehicle has been taken into custody by the City, the City shall notify, within fifteen (15) days thereof, by registered or certified mail, return receipt requested, the owner of record of the motor vehicle, and all persons having security interests therein of record, that the vehicle has been taken into custody. The notice shall describe the year, make, model and serial number of the vehicle, set forth the location of the facility where the vehicle is being held, inform the owner and any persons having security interests of their right to reclaim the vehicle within twenty-one (21) days after the date of the notice, upon payment of administrative fees as prescribed by the City of Danville Fee Schedule all towing, preservation and storage charges resulting from placing the vehicle in custody, and state that the failure of the owner or persons having security interests to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner, and all persons having any security interests, of all right, title and interest in the vehicle and consent to the sale of the vehicle at a public auction.
- (b) If records of the Department contain no address for the owner or no address of any person shown by such records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice as to any person who cannot be notified pursuant to the provisions of subsection (a) of this section. Such notice by publication may contain multiple listings of abandoned motor vehicles. Any such notice shall be within the time requirements prescribed for notice by mail and shall have the same contents required for a notice by mail.
- (c) The consequences and the fact of failure to reclaim an abandoned motor vehicle shall be as set forth in a notice given in accordance with and pursuant to this section.

(Code 1962, § 16-265; Ord. No. 99-07.21, 7-6-99; Ord. No. 2004-10.01, 10-7-04; Ord. No. 2011-07.12, 7-19-11)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-1202.

Sec. 21-138. Sale.

- (a) If an abandoned motor vehicle has not been reclaimed as provided for in section 21-137, the City shall, as authorized by section 46.2-1203 of the Code of Virginia, and notwithstanding the provisions of section 46.2-617 of the Code of Virginia, sell the vehicle at public auction. For the purpose of this section, the term "public auction" shall include an internet sale by auction. The purchaser of the vehicle shall take title to it free and clear of all liens and claims of ownership of others, shall receive a sales receipt from the sale and shall be entitled to, upon application therefore pursuant to section 46.2-603 of the Code of Virginia, a certificate of title and registration card therefore. The sales receipt at such a sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and, in such case, no further titling of the vehicle shall be necessary.
- (b) From the proceeds of the sale of an abandoned motor vehicle pursuant to this section, the City shall reimburse itself for the expenses of the auction, administrative fees as prescribed by the City of Danville Fee

Schedule, the cost of towing, preserving and storing the vehicle which resulted from placing the same in custody and all notice and publication costs incurred pursuant to section 21-137. Any remainder from the proceeds of such sale shall be held for the owner of the abandoned motor vehicle or any person having security interests therein, as their interests may appear, for sixty (60) days, and then shall be deposited into the treasury of the City.

(Code 1962, § 16-266; Ord. No. 90-12.16, § 5, 12-4-90; Ord. No. 99-07.21, 7-6-99; Ord. No. 2011-07.12, 7-19-11; Ord. No. 2013-08.01, 8-20-13)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-1203.

Sec. 21-139. Reserved.

Editor's note(s)—Ord. No. 2011-07.12, adopted July 19, 2011, repealed § 21-139, which pertained to vehicles abandoned in garages and derived from the Code of 1962, § 16-267 and Ord. No. 99-07.21, adopted July 6, 1999.

Sec. 21-140. Disposition of inoperable vehicles left on public property.

Notwithstanding any other provisions of this article, any inoperative motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer which has been taken into custody pursuant to other provisions of this article may be disposed of to a demolisher, without the title and without the notification procedures, by the person or locality on whose property or in whose possession the motor vehicle, trailer, or semitrailer is found. The demolisher, on taking custody of the inoperative abandoned motor vehicle, shall notify the Department on forms and in the manner prescribed by the Commissioner. Notwithstanding any other provisions of law, no other report or notice shall be required in this instance.

(Code 1962, § 16-268; Ord. No. 90-12.16, § 6, 12-4-90; Ord. No. 99-07.21, 7-6-99; Ord. No. 2011-07.12, 7-19-11)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-1205.

Sec. 21-141. Duties of demolisher with respect to vehicle acquired for demolition.

- (a) Any demolisher who purchases or otherwise acquires a motor vehicle for purposes of wrecking, dismantling or demolition shall not be required to obtain a certificate of title for such motor vehicle in his own name. After the motor vehicle has been demolished, processed or changed so that it physically is no longer a motor vehicle, the demolisher shall surrender to the Department, for cancellation, the certificate of title or sales receipt therefor in accord with such forms, rules and regulations governing such surrender as are issued by the Department.
- (b) A demolisher shall keep an accurate and complete record of all motor vehicles purchased or received by him in the course of his business. These records shall contain the name and address of the person from whom each such motor vehicle was purchased or received and the date when such purchase or receipt occurred. Such records shall be open for inspection by the Department at any time during normal business hours.

(Code 1962, § 16-269; Ord. No. 99-07.21, 7-6-99)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-1206.

~~ARTICLE VII. INOPERATIVE VEHICLES¹¹~~

Sec. 21-142. Definitions.

For the purposes of this article, the following words and terms shall have the meanings ascribed to them in this section:

Motor vehicle means any vehicle which is self-propelled or designed for self-propulsion. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space shall be considered a part of a motor vehicle.

Notice means the notice required by sections 21-144 and 21-146 of this article.

Semitrailer means any vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests or is carried by another vehicle.

Shielded or screened from public view means completely precluding visibility of the subject vehicle from all adjacent streets, alleys and properties, by placing the vehicle within: (1) a fully enclosed building or structure, or (2) an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or by a landscaped arrangement of nondeciduous trees, sufficient in height, spacing, density and circumference. The number of vehicles that may be shielded by placing, draping or securing of a tarpaulin, or other nonrigid cover, over or around an inoperative vehicle shall be zero (0).

Trailer means any vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including mobile homes.

Unlicensed vehicle decal means a decal purchased from the City of Danville Treasurer's Office affixed to the windshield or other prominent place on any operative vehicle, trailer, or semitrailer which does not display a current license plate allowing the owner to place said vehicle in any legal parking or storage place for the period which the decal is purchased.

Vehicle means every device, in or on, by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purpose of this chapter, mopeds shall not be considered vehicles.

(Ord. No. 2007-02-08, 2-20-07; Ord. No. 2011-07-12, 7-19-11; Ord. No. 2013-08-01, 8-20-13)

State law reference(s) — Similar provisions, Code of Virginia, § 46.2-100

Sec. 21-143. Open storage of inoperative vehicles.

(a) It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from public view, on any property zoned for residential, commercial, or agricultural purposes, any motor vehicle, trailer, or semitrailer, as such are defined in section 46.2-100 of the Code of Virginia, which is inoperative unless an inoperative vehicle decal has been purchased and is affixed to the inside of the vehicle's windshield or prominent place.

(b) For the purposes of this section, an "inoperative motor vehicle" is any motor vehicle, trailer or semitrailer, or portion thereof, which is not in operating condition or on which there are displayed neither valid license plates nor a valid inspection decal. ¹¹Editor's Note(s) — Ord. No. 2007-02-08, adopted Feb. 20, 2007, repealed the former Art. VII, §§ 21-142 — 21-148, and enacted a new Art. VII as set out herein. The former Art. VII pertained to similar subject matter and derived from Ord. No. 97-07-22, adopted July 6, 1999.

State law reference(s) — Authority of City to adopt ordinance similar to this article, Code of Virginia, § 15.2-904.

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- (c) ~~The owners of real property zoned for residential, commercial or agricultural purposes shall remove or cause to be removed there from any inoperative motor vehicle, trailer or semitrailer that is not kept within a fully enclosed building or structure. Those vehicles otherwise shielded or screened from public view by a solid, rigid, or opaque fence shall be no more than two (2); however, the limit to the number of inoperative motor vehicles which any person may keep outside of a fully enclosed building or structure, but which are shielded or screened from view by covers, shall be zero (0).~~
- (d) ~~The City may, in the manner provided by this article remove and dispose of any inoperative motor vehicle, trailer or semitrailer found in violation of this section, whenever the owner of the real property upon which the same is located has failed, after notice, to do so. The cost of any such removal and disposal by the City shall be chargeable to the owner of the vehicle or filed as a lien against the real or personal property of the owner of the premises where the inoperative motor vehicle is cited and, if not otherwise recovered, may be collected by the City as taxes and levies are collected and shall have the same effect as a tax lien on the owner's property.~~
- (e) ~~Every cost authorized by this section with which the owner of the real property has been assessed shall constitute a lien against the real property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the City.~~
- (f) ~~The provisions of this section shall not apply to a licensed business, which, on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.~~
- ~~(Ord. No. 2007-02.08, 2-20-07; Ord. No. 2011-07.12, 7-19-11)~~

Sec. 21-144. Notice of removal of inoperative vehicles.

- (a) ~~An owner of any property upon which any inoperative vehicle is located which is zoned for residential, commercial or agricultural purposes, shall bring such vehicle and property into compliance with the requirements of this article within thirty (30) calendar days of the date of notice to the owner of the property upon which such inoperative vehicle is located, that such vehicle is in violation of this article. The notice to the owners of the premises upon which such inoperative vehicle is located shall (1) reasonably describe the inoperative vehicle in violation of this article; (2) state that any owner of such inoperative vehicle or property owner on which such inoperative vehicle is located may appeal the City's decision that the vehicle is in violation of this article by filing a notice of appeal with the City's Public Works Department Director; (3) state that failure to comply with the requirements of this article within the time frames may result in the removal and disposal of the vehicle; and (4) state that such removal and disposal may be at the expense of the owner of such inoperative vehicle or the owner of property upon which such vehicle is located.~~
- (b) ~~Whenever an owner of any property upon which such inoperative vehicle is located fails to bring such inoperative vehicle into compliance with the requirements of this article within thirty (30) calendar days of such notice, the City may remove such inoperative vehicle from the property.~~
- (c) ~~Notice to the owner of property on which an inoperative vehicle is located, may be given by mail. In the case of an owner of property on which an inoperative vehicle is located, notice shall be sent to the address of such property owner as set forth in the records of the department of real estate valuation for the City. Notice under this subsection shall be complete and sufficient, and the date of notice under this subsection, when such notice is addressed and deposited with the United States Postal Service, mail, postage prepaid.~~
- (d) ~~If notice is returned by the postal authorities, the City shall post a copy of the notice in a conspicuous place on the property on which the inoperative vehicle either is located or was located at the time it was removed, and shall give notice by publication once in a newspaper of general circulation in the area in which the inoperative vehicle either is located or was located at the time it was removed. Notice by publication may contain multiple listings of inoperative vehicles, which will be or were removed. Notice under this subsection shall be complete and sufficient, and the date of notice under this subsection shall be on the later of the date on which the posting is accomplished or the date of publication.~~

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- (e) In lieu of notice by mail, notice to an owner of property on which an inoperative vehicle is located may be given in writing in person to such property owner. Notice under this subsection shall be complete and sufficient, and the date of notice for purposes of this article, shall be the date on which the notice is handed to such property owner.

(Ord. No. 2007-02.08, 2-20-07; Ord. No. 2011-07.12, 7-19-11)

Sec. 21-145. Removal of inoperative vehicles.

If after notice under section 21-144 of the City Code the inoperative vehicle has not been removed, the violation corrected or the violation appealed; the City and/or its agent may remove the inoperative vehicle described in the notice from the property, or the vehicle owner, property owner or property tenant may be charged with a class 3 misdemeanor.

(Ord. No. 2007-02.08, 2-20-07; Ord. No. 2011-07.12, 7-19-11)

Sec. 21-146. Notice of disposal of unclaimed inoperative vehicles.

Whenever the City causes the removal of any inoperative vehicle to an impoundment lot, the City or its agent shall give notice in writing by mail as soon as possible, but in no event more than five (5) business days after the removal of the inoperative vehicle, to the owner of record of the inoperative vehicle and all persons holding a security interest in the inoperative vehicle as reported by the Division of Motor Vehicles for the Commonwealth of Virginia, that the vehicle has been taken into custody and will be sold if the cost of removal, storage and the one hundred dollar administrative fee is not paid. The notice shall (1) describe the year, make, model and serial number of the inoperative vehicle; (2) set forth the location of the facility where the inoperative vehicle is being held; (3) inform the owner and any holder of a security interest in the inoperative vehicle of their right to reclaim the inoperative vehicle within twenty one (21) days after the date of notice upon payment of the cost of removal; (4) state that the failure of the owner or the holder of a security interest in such inoperative vehicle to exercise their right to reclaim the inoperative vehicle within the time provided may result in the inoperative vehicle being disposed of; and (5) state that the owner of the inoperative vehicle, or the owner of the premises on which the inoperative vehicle was located at the time it was removed, may be liable for the cost of removal, administrative fees as prescribed by the City of Danville Fee Schedule and disposal of the inoperative vehicle.

(Ord. No. 2007-02.08, 2-20-07; Ord. No. 2011-07.12, 7-19-11)

Sec. 21-147. Disposition of inoperative motor vehicle.

- (a) Whenever any inoperative vehicle is not reclaimed by the owner of such inoperative vehicle, or by any holder of a security interest therein, by payment of the cost of removal of the inoperative vehicle within the time specified in the notice set forth in section 21-146, the City or its authorized agent may dispose of the inoperative vehicle.
- (b) If an inoperative vehicle is not reclaimed as provided above, the City or its authorized agent shall sell it or cause it to be sold by any commercially reasonable means. From the proceeds of the auction of an inoperative vehicle, the City, or its authorized agent, shall reimburse itself for the expenses of the sale, the cost of towing, administrative fees as prescribed by the City of Danville Fee Schedule, preserving and storing the vehicle, which resulted from placing the inoperative vehicle into custody and all notice and publication costs incurred pursuant to section 21-146. Any remainder from the proceeds of a sale shall be held for the owner of the inoperative motor vehicle or any person having security interests therein, as their interests may appear, for sixty (60) days, and then be deposited with the Treasurer of the City.
- (c) The cost for the removal and disposal of an inoperative vehicle, administrative fees as prescribed by the City of Danville Fee Schedule, all notice and publication costs incurred pursuant to section 21-146, may be

charged to the owner of such vehicle or the owner of the property from which such vehicle was removed, or both. Such costs may be collected by the City as taxes and levies are collected.

- (d) Any such costs assessed against the property from which the vehicle was removed shall constitute a lien against the property and shall continue until actual payment of such costs has been made to the City.

(Ord. No. 2007-02.08, 2-20-07; Ord. No. 2011-07.12, 7-19-11)

Sec. 21-148. Appeals.

- (a) Any vehicle owner, property owner or lessee of the property aggrieved by a decision of the City in connection with the administration or enforcement of this article may appeal such decision by filing a written notice of appeal with the City's Department of Public Works Director within thirty (30) calendar days of the filing of notice pursuant to section 21-144 by the City. Any such notice of appeal shall state the following in writing:

(1) The order, requirement, decision or determination, which is the subject of the appeal;

(2) The date of the decision; and

(3) The reason(s) for the appeal.

- (b) Upon receipt of an appeal by the City's Department of Public Works Director, the City shall designate a person, or panel of persons consisting of an odd number of persons, who did not participate in making the determination under review to hear the appeal.
- (c) The appeal shall be heard as soon as possible after the filing of the appeal, but in no event more than ten (10) business days after the filing of the appeal, unless the appeal officer, or panel, and the aggrieved person agree to an extension of the ten-day deadline.
- (d) The appeal officer, or panel, shall announce any decision within five (5) business days after the hearing, unless the appeal officer, or panel, and the aggrieved person agree to an extension of the five-day deadline. The appeal officer, or panel, shall have authority to affirm, modify or reverse the City's decision, including the authority to order appropriate relief under all circumstances.
- (e) Extension of deadlines pursuant to this section shall extend any other deadline within this article by an equal number of business or calendar days, as appropriate.
- (f) Any appeal filed under the provisions of this section shall stay enforcement of the order until such appeal has been reviewed and decided.

(Ord. No. 2007-02.08, 2-20-07; Ord. No. 2011-07.12, 7-19-11)

Sec. 21-149. Right of entry to enforce chapter.

Upon a citizen complaint, a citizen report or reasonable suspicion the Director of Public Works or his designee, after reasonable notice for occupied property, may enter between the hours of 9:00 a.m. and 5:00 p.m. upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter or regulations adopted pursuant thereto.

(Ord. No. 2007-02.08, 2-20-07)

Chapter 31 RAILROADS¹²

Sec. 31-1. Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 3 misdemeanor.

Cross reference(s) — Penalty for Class 3 misdemeanor, § 1-11.

Sec. 31-2. Construction and maintenance of crossings generally.

- (a) All railroad companies that cross the streets of the City with their tracks shall make such crossings only in accord with specifications of the State Department of Highways and Transportation and shall maintain such crossings in good repair. Such work shall be done to the satisfaction of the City Engineer.
- (b) The City Engineer shall notify railway companies at what points railway crossings are to be made or altered in conformity with this section. If a railway company so notified does not make or alter its crossings as required by this section, within ninety (90) days after such notice, such company shall be deemed to have violated this section.

(Code 1962, §§ 22-1, 22-2)

State law reference(s) — Maintenance of crossings, Code of Virginia, § 56-405.

Sec. 31-3. Flagman to precede trains at industrial crossings.

No railroad engine, car or train of cars shall be allowed to cross a public street or alley of the City along any of the industrial railway tracks traversing parts of the City, without a brakeman or flagman on foot to precede such engine, car or train of cars, to warn the public of the approach thereof.

(Code 1962, § 22-3)

Sec. 31-4. Switchman at North Main Street crossing.

At the railway crossing of North Main Street at Riverside Drive, the railway company shall provide, at all times that any engine or car is moving on the tracks of the railway company across the street, a switchman, who shall be equipped with a red flag in the daytime and a red light in the nighttime, and before any engine or car shall approach within twenty five (25) feet of the outside boundaries of the street, it shall be stopped. It shall then be the duty of the switchman to place himself within the intersection of the street and the railway tracks and signal all traffic coming along the street to stop, using either his red flag or his red light, and the engine or car, as the case may be, shall not move across the street until such traffic has stopped. After the engine or car shall have passed, it shall be the duty of the switchman to signal traffic to proceed.

(Code 1962, § 22-5)

Sec. 31-5. Electric signals required at Lynn Street crossing.

Railway companies shall install and maintain an electrical signal system at each side or street entrance at the Lynn Street crossing. Such signal system shall be of such design and pattern as is approved by the City Engineer and shall be operated by the railway company.

Cross reference(s) — Railroad corporations, Code of Virginia, § 56-345 et seq.

Sec. 31-6. Precautions required at Barker's crossing.

At Barker's crossing, the railway company shall not be required to keep a gateman in attendance, but at this crossing all trains and engines shall come to a full stop before crossing and send a flagman ahead to see that the way is clear.

(Code 1962, § 22-6)

Sec. 31-7. Sounding of locomotive bell or horn when approaching crossing.

- (a) Every railroad company shall provide each locomotive or diesel engine passing upon its road with a bell of ordinary size and steam whistle or horn and such whistle or horn shall be sharply sounded at least twice, at a distance of not less than three hundred (300) yards nor more than six hundred (600) yards from the place where the railroad crosses upon the same level any public highway, street or crossing in the City, and such bell shall be rung or whistle or horn sounded continuously or alternately until the engine has reached such public highway, street or crossing.
- (b) Every officer or employee of any railway company, whose duty it shall be to carry out the provisions of this section and who shall fail to do so, shall be punished by a fine of not exceeding ten dollars (\$10.00) for each offense.

(Code 1962, §§ 22-8.1, 22-8.2)

State law reference(s)—Similar provisions, Code of Virginia, §§ 56-414, 56-415.

Sec. 31-8. Effect of failure to give signals required by section 31-7.

If the employees in charge of any railroad engine or train fail to give the signals required by section 31-7 on approaching a grade crossing of a public highway or street within the City not protected with an automatically operating gate, operating wigwag signal or other operating electrical or operating automatic crossing protection device, the fact that a traveler on such highway or street failed to exercise due care in approaching such crossing shall not bar recovery for an injury to or death of such traveler, nor for an injury to or the destruction of property in his charge, where such injury, death or destruction results from a collision on such crossing between such engine or train and such traveler or the property in his charge, respectively; but the failure of the traveler to exercise such care may be considered in mitigation of damages.

(Code 1962, § 22-8.3)

State law reference(s)—Similar provisions, Code of Virginia, § 56-416.

Sec. 31-9. Trains obstructing crossings.

- (a) It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct, for a longer period than five (5) minutes, the free passage of any street in the City by standing cars or trains across the same, except a passenger train while receiving or discharging passengers, but a passway shall be kept open to allow normal flow of traffic; provided that, when a train has been uncoupled, so as to make a passway, the time necessarily required, not exceeding three (3) minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such car or train was standing across such street.
- (b) Any railroad company, receiver or trustee, violating any of the provisions of this section shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00); provided that the fine

may be one hundred dollars (\$100.00) for each minute beyond the permitted time but the total fine shall not exceed five hundred dollars (\$500.00).

(c) This section shall not apply when a train is stopped due to breakdown, mechanical failure or emergency.

(Code 1962, § 22-7)

State law reference(s) — Similar provisions, Code of Virginia, § 56-412.1.

Sec. 31-10. Speed limit for trains.

No railroad locomotive, engine, car or train of cars shall be moved within the corporate limits of the City at a greater rate of speed than thirty five (35) miles per hour; provided, however, that shifting or yard engines operating on spur tracks leading to private yards within the corporate limits shall not be moved at a greater rate of speed than fifteen (15) miles per hour.

(Code 1962, § 22-9)

Sec. 31-11. Boarding or alighting from moving train.

It shall be unlawful and a Class 4 misdemeanor for any unauthorized person to board or alight from the cars of any railroad company in the City by jumping on or off the same or taking hold of or hanging on the sides or ends of such cars while in motion.

(Code 1962, § 22-10)

Cross reference(s) — Penalty for Class 4 misdemeanor, § 1-11.

State law reference(s) — Similar provisions, Code of Virginia, § 18.2-161.

Sec. 31-12. Trespass on railway property.

It shall be unlawful and a Class 4 misdemeanor for any person, not an employee of the railway company or who is not on bona fide business with such company or some officer, agent or representative thereof, to trespass upon the railway yards, tracks, bridges or premises of any railway company within the corporate limits of the City.

(Code 1962, § 22-11)

Cross reference(s) — Penalty for Class 4 misdemeanor, § 1-11.

State law reference(s) — Trespass on tracks or trains, Code of Virginia, §§ 18.2-159, 18.2-160.

Chapter 35 STREETS AND SIDEWALKS¹³

Sec. 35-1. Violations of chapter.

Unless otherwise specifically provided, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

Cross reference(s) — Penalty for Class 4 misdemeanor, § 1-11.

Sec. 35-2. Certain ordinances relating to streets not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall affect any ordinance relating to the opening, relocation, improvement, closing or naming of any street or alley and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 35-3. Securing of street rights-of-way.

The Director of Public Works shall require the City Engineer to secure all street rights-of-way for the City. (Code 1962, § 2-64; Ord. No. 82-7.6, 7-13-82; Ord. No. 86-3.7, 3-4-86; Ord. No. 92-8.11, 8-4-92)

Sec. 35-4. Establishment of street grades.

The Director of Public Works shall report to the City Manager such grades as, in the opinion of the City Engineer, should be established on new streets, with such profiles of the same as may be necessary, and the City Manager, with the consent of Council, may direct such grades to be established.

(Code 1962, § 2-64; Ord. No. 82-7.6, 7-13-82; Ord. No. 86-3.7, 3-4-86; Ord. No. 92-8.11, 8-4-92)

Sec. 35-4.1. Opening streets on private property; use of unopened public right-of-way.

(a) No street shall be opened upon the private property of any person, by the owner of such property or any other person, without the permission of the Council, and the Council shall prescribe the terms for the

¹³ Chapter reference(s) — Streets and public ways, § 1-4.

(b) ~~Permit to Streets and Sewers Division created in Department of Public Works, § 2-168; Director of Community Development and Engineering to have control of design and planning of streets by the Director of Public Works, by letting advertisements on street signs, § 3-4; Trafficking and signposts on bridges, § 3-5; abandoning domestic animal in street, § 5-11; depositing dead animal in street or leaving maimed, diseased, etc., animal in street, § 5-13; riding bicycle on sidewalk, § 7-37; building and development requirements, Ch. 9; Danville Farmers Market, Ch. 11; sale of food from vehicles on streets near schools, § 15-~~

~~(2) deposit of garbage and refuse on sidewalks, § 17-9; the applicant's expense and conform to all Code requirements, Ch. 9; Danville Farmers Market, Ch. 11; sale of food from vehicles on streets near schools, § 15-~~

~~(3) The applicant is not vested with any property right to the right-of-way.~~

~~(4) The right of the right-of-way is to be at the applicant's risk and the applicant shall hold the City harmless for such use.~~

~~(5) General authority of City relative to streets and sidewalks, Code of Virginia, §§ 15.2-967,~~

~~(6) 2-2001 and 15-2-2002 of code, 15-2-2013, 15-2-2020 in letter agreement.~~

Denial of such permission by the City Manager may be appealed to the Council by notice given to the City Clerk within ten (10) days of such denial.

(Code 1962, § 28-1; Ord. No. 84-5.4, 5-3-84; Ord. No. 92-8.11, 8-4-92)

Sec. 35-5. Fee for processing application to close or vacate street or alley.

A fee of fifty dollars (\$50.00) shall be paid to the City at the time any application pursuant to section 15.2-2006 of the Code of Virginia for the closing or vacating of any street or alley is filed.

(Code 1962, § 28-1.1; Ord. No. 98-06.39, § 4, 6-16-98)

State law reference(s)— Authority for above section, Code of Virginia, § 15.2-2007.

Sec. 35-6. Width of sidewalks and standard specifications therefor.

Except when it is otherwise provided by action of the Council, the width of sidewalks shall be determined by the City Engineer, with the approval of the City Manager. Standard specifications for sidewalk construction shall be prepared by the City Engineer and approved by the City Manager.

(Code 1962, § 28-23)

Sec. 35-7. Construction of sidewalk or curb and gutter at request of property owner.

Any owner of real property in the City who desires a sidewalk or curb and gutter to be laid in front of or adjacent to his property, to be used by the general public, shall make application therefor to the City Engineer on such form as may be provided for the purpose, on which shall be stated the name of the applicant, the number of square feet of sidewalk or dimensions of curb and gutter for which application is made, and such other information as may be required by the City Engineer. All such forms and applications shall contain an agreement, to be signed by the applicant, pledging the applicant to pay to the City, on demand, the entire cost of the sidewalk. The City shall bear all costs of the curb and gutter. All claims for sidewalks shall be collected promptly in the same manner as other claims of the City are collected.

(Code 1962, § 28-22)

Sec. 35-8. Ramps for use by handicapped persons required on certain curbs.

On all streets of the City which require curbs and which are opened after January 1, 1975, there shall be constructed not less than two (2) ramps per lineal block leading to the crosswalks at intersections for use by handicapped persons. This requirement shall not apply to streets opened prior to January 1, 1975, until such time as the curbs at intersections leading to crosswalks are replaced, at which time, a ramp shall be constructed as a part of each such replacement.

(Code 1962, § 28-2)

State law reference(s)— Similar provisions, Code of Virginia, § 15.1-381.

Sec. 35-9. Excavation in street rights-of-way for installing utilities, making connections, repairs, etc.

- (a) If at any time it becomes necessary for any person other than an authorized employee of the City to cut, dig into or excavate within the right of way of any street, sidewalk, or alley in the City for the purpose of installing utilities, making connections, repairs, or for any other purpose whatsoever, such person shall do so

only after application for and receipt of a permit to do so from the City Engineer and with the understanding that the person for whose benefit the street was cut, dug or excavated shall bear the cost of repairing such street and restoring the same to its previous condition. All of such work of repairing such street shall be provided by the Department of Public Works or shall be done subject to the approval of the Director of Public Works; provided, however, that the cost of such work shall be borne by the person causing such street to be opened. The City shall bill such person for the actual cost to the City of such repairs.

- (b) The City Manager shall establish procedures and standards for such cutting, excavation, digging, restoration and the issuance of permits therefor.
- (c) It shall be unlawful for any such person to excavate within the right of way of any street, sidewalk, alley, or any public right of way unless and until a permit to do so has been granted by the City Engineer. Application for such permit shall be filed with the City Engineer on a form prescribed and furnished by him. A Performance Bond (or an equivalent assurance approved by the City Attorney) and insurance certificate shall be submitted with the application.
- (d) The fee for a permit required by this section shall be prescribed by the Council and such permit shall not be issued until such fee has been paid.
- (e) A violation of this section shall constitute a Class 1 Misdemeanor.

(Code 1962, § 28-4; Ord. No. 88-2.5, 2-2-88)

Sec. 35-10. Permit for curb cut or installation, repair, etc. of driveway.

- (a) It shall be unlawful for any person to make any curb cut or install, remove, alter or repair any driveway entrance in the City until a permit so to do has been granted by the Director of Public Works. Application for such permit shall be filed with the Director through the City Engineer on a form prescribed and furnished by him.
- (b) All costs and expenses incident to the installation, connection, and maintenance of the permitted driveway entrance shall be borne by the property owner; however, the City shall be responsible to maintain all public sidewalks which intersect or cross driveway entrances.
- (c) The City Manager shall establish procedures and standards for driveway curb cuts on public rights-of-way which:
 - (1) For residential driveway entrances, are consistent with Drawing No. C-207, entitled "Residential Driveway Entrance," dated December, 1986, on file in the Engineering Division of the Department of Public Works.
 - (2) For commercial and other driveway entrances, are consistent with Sections 203.02 through 203.13 of the Virginia Department of Transportation Road and Bridge Standards, current edition, and the Virginia Department of Transportation Minimum Standards of Entrances to State Highways, current edition.
- (d) The fee for a permit required by this section shall be as prescribed by the Council and the permit shall not be issued until such fee has been paid, except where otherwise exempted.
- (e) A permit issued under this section shall be posted in a conspicuous place near the curb which is being cut or the driveway which is being installed, removed, altered or repaired.
- (f) Any permit issued shall become invalid if the authorized work is not commenced within six (6) months of the issuance date of such permit; however, upon written request from the permittee, the Director may grant an extension of time not to exceed three (3) months.

(g) ~~Where a permit has been issued and subsequently becomes invalid under subsection (f) above, any fee collected for that permit shall be forfeited by the permittee to assist in the recovery of expenses by the City for the issuance of the invalidated permit.~~

(h) ~~A violation of this section shall constitute a Class 1 misdemeanor.~~

~~(Ord. No. 82-6.12, 6-30-82; Ord. No. 90-1.11, 1-2-90; Ord. No. 92-8.11, 8-4-92; Ord. No. 96-10.16, 10-1-96)~~

~~Cross reference(s) — Penalty for Class 1 misdemeanor, § 1-11; annual adoption of schedule of permit fees, § 2-9.~~

~~Sec. 35-11. Crossing curb and gutter with vehicle.~~

~~No person shall cross any curb and gutter in the City with any vehicle or with anything that will damage such curb and gutter, except at established driveways, unless with the approval in writing of the Director of Public Works. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor and, in addition, shall be held responsible for any damage to the curb and gutter.~~

~~(Code 1962, § 28-33)~~

~~Sec. 35-12. Obstructions generally.~~

~~Except as otherwise provided, it shall be unlawful for any person, in any way whatever, to obstruct any street or sidewalk in the City.~~

~~(Code 1962, § 28-8)~~

~~Cross reference(s) — Obstructing free passage of others, § 23-7(4); trains obstructing street crossings, § 31-9.~~

~~Sec. 35-13. Removal of street encroachments.~~

~~In every case of an encroachment upon a street, sidewalk or alley of the City by a building, fence, steps or other thing, unless there has been a special permit granted by the Council in reference thereto, the City Manager may require the owner of such building, fence, steps or other obstruction to remove the same.~~

~~(Code 1962, § 28-6)~~

~~Sec. 35-14. Clearance of tree limbs above street or sidewalk.~~

~~It shall be unlawful for any person to suffer his shade trees to have any limbs lower than twelve (12) feet above the sidewalk or street. If the owner shall fail or refuse to have such limbs cut off, the Director of Public Works shall trim such trees so as to conform with the provisions of this section.~~

~~(Code 1962, § 28-9)~~

~~Sec. 35-14.1. Obstructions to visibility at street intersections.~~

(a) ~~No sign, fence, wall, hedge, planting or other obstruction to vision, extending from a height of two and one-half (2½) feet to ten (10) feet above the established street grade, shall be permitted within the area formed by the intersection of right-of-way lines at corner lots and a straight line joining the right-of-way lines at points which are twenty five (25) feet distance from the intersection of the right-of-way lines at the corner of the lot. This section shall not apply to mailboxes, police and fire alarm boxes, public utility poles, street name markers, official traffic signs and control devices, fire hydrants, trees with no visual obstruction (except tree trunk) up to the height of ten (10) feet above the established street grade, or when an engineering and traffic investigation reveals that no safety hazard exists.~~

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- (b) Upon determination that a violation of this section exists, the City shall send written notice by first class mail of the violation to the owner or occupant of the lot requiring the owner or occupant to remove all obstructions violating the provisions of this section within five (5) days after receipt of the written notice. It shall be unlawful for any owner or occupant of a corner lot to fail to remove all obstructions violating the provisions of this section within five (5) days after receipt of written notice from the City so to do.
 - (c) Upon failure of the owner or occupant of a corner lot to comply with the provisions of this section within five (5) days after receipt of written notice from the City so to do, the City may enter upon such lot and remove there from any and all obstructions found to be in violation of this section. Where trees, shrubs, hedges or other plantings constitute the violation of this section, the City shall have the authority to either trim or remove the same based upon the most cost effective method.
 - (d) In the event an obstruction violating this section is located on City owned property or right of way, such obstruction may be trimmed or removed, whichever is applicable; provided, however, that prior to removal the City shall give written notice to the owner or occupant of the property adjacent to the City owned property or right of way on which the violation of this section is located of the City's intention to remove the obstruction within five (5) days from the receipt of the written notice by first class mail.

(Ord. No. 83-11.5, 11-7-83; Ord. No. 2011-07.13, 7-19-11)

Sec. 35-15. Barbed wire fences along or near streets or alleys.

- (a) It shall be unlawful and a Class 3 misdemeanor for any person to erect or maintain a barbed wire fence along any of the streets or public alleys of the City of Danville, except on land which is zoned AG-Agricultural or AG-R-Agricultural Residential, or in such close proximity thereto as to endanger the person or clothing of travelers along such streets or public alleys.
- (b) Any barbed wire fence which encroaches upon or is placed so near to the sidewalk or margin of a street or alley as to be dangerous to the person or clothing of travelers shall be taken down or removed to such safe distance as will ensure safety to the person and clothing of persons passing along such street or alley. In case any person shall fail or neglect to remove or take down such barbed wire fence after five (5) days' notice from the City Manager, such person shall be guilty of a Class 3 misdemeanor.

(Code 1962, § 28-18; Ord. No. 87-9.14, 9-29-87)

Cross reference(s) — Penalty for Class 3 misdemeanor, § 1-11.

Sec. 35-16. Deposit of hazardous or injurious material on street and removal of same.

- (a) No person shall throw or deposit or cause to be deposited, upon any street or alley in the City, any glass bottle, glass, nail, tack, wire, can or other substance likely to injure any person or animal or damage any vehicle upon such street or alley, nor shall any person throw or deposit or cause to be deposited, upon any street or alley any soil, sand, mud, gravel or other substance so as to create a hazard to the traveling public.
- (b) Any person who drops, or permits to be dropped or thrown, upon any street or alley any destructive, hazardous or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a street or alley in the City shall remove any glass or other injurious substance dropped upon the street or alley from such vehicle.
- (d) Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

(Code 1962, § 16-239)

Cross reference(s) — Penalty for Class 1 misdemeanor, § 1-11.

State law reference(s)—~~Similar provisions, Code of Virginia, § 18.2-324.~~

~~Sec. 35-17. Banners, decorative materials, etc., along or across streets.~~

- ~~(a) No person shall be permitted to swing or place along or across any street in the City any banner or any decorative or other materials, except as provided in this section.~~
- ~~(b) Before any banner or other decorative material may be placed over or along any street of the City, the interested party shall first apply for and obtain a permit therefor, such application to state the purpose, place and kind of material to be used.~~
- ~~(c) No permit shall be issued under this section until the applicant has filed with the Director of Community Development an application therefor, accompanied by payment of a fee of thirty dollars (\$30.00) per banner.~~
- ~~(d) Any denial by the Director of Community Development or by the City Manager of such a permit may be appealed by the applicant to the Council by filing with the City Clerk, within ten (10) days after such denial, a written notice of such appeal.~~
- ~~(e) All banners for which a permit is issued shall be placed and secured by City personnel at any one or more of three (3) locations specified and provided by the City: One location in the downtown shopping area of the City and two (2) locations on Riverside Drive, at Central Boulevard.~~
- ~~(f) Banners displayed at any of the three (3) permitted locations shall comply with the following requirements:
 - ~~(1) The banners may be displayed for a maximum of fourteen (14) days.~~
 - ~~(2) The banners must be for the benefit of nonprofit organizations advertising charitable or public events.~~
 - ~~(3) The banners displayed may not include any advertising matter other than that pertaining to the activity or event.~~
 - ~~(4) The banners may not advertise events or charitable fund-raising activities held outside the City's urban area as depicted on the "Danville Urbanized Area Boundary, 1980 Census" map.~~~~
- ~~(g) The provisions of this section shall not apply to or in any way affect the placing, hanging or swinging of Christmas decorations, flags or, subject to the prior approval of the City Manager, other appropriate materials across or along the streets of the City by the Downtown Danville Associates or by any department of the City.~~

~~(Code 1962, § 28-21; Ord. No. 84-6.5, 6-5-84; Ord. No. 92-8.11, 8-4-92)~~

~~Gross reference(s)—Affixing advertisements to bridges, § 3-5.~~

~~Sec. 35-17.1 Local Legends Banner Display Program.~~

- ~~(a) *Establishment, designation.* The intent of the "Local Legends Banner Display Program" is to provide an opportunity for businesses, individuals, organizations, community groups, churches, or other interested parties to recognize and honor Danville natives who deserve recognition because of their national or international positive and notable achievements by sponsoring a permanently mounted banner on designated street light poles in designated medians.~~
- ~~(b) *Program Terms and Guidelines.*
 - ~~(1) Applications to sponsor local legend banner displays must be submitted to the City Clerk in writing.~~
 - ~~(2) Only persons recommended by the Local Legends Banner Committee and approved by City Council will be available to receive sponsored banners. The Local Legends Banner Committee will be appointed~~~~

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- pursuant to this section. The committee will develop guidelines and make recommendations to City Council.
- (3) Banners will be attached to designated streetlight poles in the center medians on Riverside Drive and South Boston Road. Additional locations may be designated by the Local Legends Banners Committee.
 - (4) Brackets will be designed and purchased by the City of Danville. Banners will be designed (with input from the sponsor) and purchased by the City of Danville.
 - (5) Public Works will install brackets and banners on designated poles.
 - (6) The cost of the banners and brackets and installation will be the sole responsibility of the applicant or sponsoring organization. A cost estimate will be provided by Public Works to the applicant or sponsoring organization upon application submittal. Routine maintenance of the banner display will be done by the Public Works Department, however should the banner become frayed, torn, defaced, or excessively faded the replacement cost will be the applicant or sponsoring organization's sole responsibility.
 - (7) Banners will remain in the center median for a period of five (5) years, after which time applicants or sponsoring organizations may replace said banner under the rules designated by this code section. A five-year standard Right-Of-Way Use Agreement will be required.
- (c) *Definition.* As used in this article and elsewhere in this Code, the phrase "Local Legend" shall be a person born in the City of Danville and known or recognized on a national or international basis for their positive and notable achievements.
- (d) *Composition, appointment, and qualifications of members of the Local Legends Banner Committee.*
- (1) The Local Legends Banner Committee shall consist of five (5) members.
 - (2) The Mayor shall appoint one (1) sitting Council member and one (1) citizen at large, the City Manager shall appoint two (2) sitting Department Directors. The City Manager or his designee will sit on the committee as a permanent member.

(Ord. No. 2020-09.08, 9-1-20)

Sec. 35-18. Cellar doors and other openings in sidewalks.

- (a) Every cellar door opening upon a sidewalk shall be covered with iron doors so constructed that when shut they shall be on a level with the pavement of the sidewalk. No opening shall extend more than three and one-half (3½) feet into the sidewalk from the wall of the building nor shall such opening be more than five (5) feet in length. All hinges, bolts and locks shall be on the underside of the doors. When the doors are raised, the opening shall be guarded by an iron rod or otherwise. The pattern of the doors and the construction of the same shall be subject to the approval of the Director of Public Works. All existing cellar doors which, in the opinion of the Director, are in proper and safe condition may remain as now constructed.
- (b) When the owner or occupant of any premises upon which is situated a cellar, hole, area or vault under the sidewalk is notified by the Director of Public Works or Police Division that the covering of the same is insecure or dangerous, it shall be his duty to repair the same within five (5) days after such notice. Upon failure on the part of such owner or occupant to make such repairs, it shall be the duty of the Director of Public Works to have such covering repaired and placed in safe condition and collect the costs from the owner or occupant.

(Code 1962, §§ 28-24, 28-25; Ord. No. 92-8.11, 8-4-92)

Sec. 35-19. Gate or door opening across sidewalk.

It shall be unlawful for any person to allow any gate or door to stand open over or across any sidewalk in the City, except temporarily while someone is passing through the gate or door.

(Code 1962, § 28-34)

Sec. 35-20. Drainage across sidewalks.

- (a) No water from any lot, gutter, pipe or spout shall be permitted to flow across the sidewalk of any street, except in a covered drain, the cover of which shall not be above the surface of such sidewalk. Such drain shall be of sufficient capacity to convey the water to be discharged by it, and shall be built, kept open and in good repair by the owner or occupier of the premises whence it proceeds.
- (b) All houses which are built on the line of a street, or the eaves of which project over the sidewalk, shall be so provided with gutters that there shall be no drip from the eaves upon the sidewalk, and all gutters, the water from which may be emptied upon a street, shall be so constructed as to discharge such water only at or below the surface of the ground.

(Code 1962, §§ 28-29, 28-30)

Sec. 35-21. Duty of owners of adjacent lots to keep gutters and drains open.

Every owner of a lot shall, as far as such lot extends, cause the paved gutter or drain of the street or public alley adjacent thereto to be kept open and free from obstruction at all times. For purposes of this section, "owner" shall mean every person holding title to land in the City; every lessee, tenant and principal occupant of such land; every agent of an owner having the care, custody, control and management of such land; every fiduciary holding title to or having the care, custody or management of such land for others; every architect, builder and contractor, and every subdivider or developer of such land; and every other person who takes part in or assists in any violation of this section.

(Code 1962, § 28-7; Ord. No. 90-9.12, 9-18-90)

Sec. 35-22. Removal of ice or snow from sidewalks.

- (a) It shall be the duty of every occupant of a building or lot which abuts upon a sidewalk to have all snow removed from such sidewalk within twenty-four (24) hours after the snow shall have ceased falling. The same requirements shall exist with respect to ice or sleet on sidewalks, except that, when same cannot be removed without injury to the sidewalk, it shall be covered within the period of time above specified with sand, ashes or some other substance, which will render such sidewalk safe for travel.
- (b) Whenever any building or lot is unoccupied, it shall be the duty of the owner thereof, or his agent, to have the snow or ice removed from the sidewalk or covered with sand, ashes or other substances as required above of occupants.

(Code 1962, § 28-31; Ord. No. 87-8.5, 8-4-87)

Sec. 35-23. Fishing from bridges.

It shall be unlawful for any person to fish from the bridges of the City, or the streets or approaches leading to the same.

(Code 1962, § 17-19)

Sec. 35-24. Horses, ponies and similar animals of the family equidae on City sidewalks.

It shall be unlawful for any person to ride a horse, pony or similar animal of the family Equidae upon any improved sidewalk within the city or to permit any such animal to walk or run upon any improved City sidewalk.

(Ord. No. 88-3.8, 3-15-88)

Cross reference(s)—Animals and fowl, Ch. 5.

Sec. 35-25. Right of entry to enforce chapter.

Upon a citizen complaint, a citizen report or reasonable suspicion, the Director of Public Works or his designee, after reasonable notice for occupied property, may enter between the hours of 9:00 a.m. and 5:00 p.m., upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter or regulations adopted pursuant thereto.

(Ord. No. 2011-07.13, 7-19-11)

Chapter 35 - STREETS AND TRAFFIC

ARTICLE I – STREETS AND SIDEWALKS

Sec. 35-1. - Purpose.

Pursuant to the authority granted to the City by the Code of Virginia, the City Charter, and its general police powers, the City does hereby adopt the following Chapter in order to provide for the public health, safety, and general welfare in the City, to ensure the free and safe passage of pedestrians and vehicles on the public rights-of-way and the use of other public property for their intended purposes, to ensure free and safe access to public areas, to prevent identifiable dangers to persons and property, to prevent delays, to avoid interference with the flow of traffic, to standardize the process for receiving and processing requests for certain uses of public property, and to ensure the safe and unimpaired use and enjoyment of public rights-of-way and otherwise to regulate and control the time, place, and manner of activities that would otherwise threaten or impair the public health, safety, and general welfare in the City while also encouraging the exercise of the rights to free speech and assembly in the City, and the safety of persons exercising such rights. The application of the provisions of this Chapter, and any rules adopted pursuant to these provisions, shall be without regard to the content of the beliefs or viewpoints expressed or anticipated to be expressed during any lawful occupancy or use of public property.

Sec. 35-2. - Definitions.

All definitions of words and phrases contained in any State law adopted by this Chapter shall apply to such words and phrases when used in this Chapter, unless clearly indicated to the contrary.

Sec. 35-3. - Administration.

- (a) *Director.* Unless otherwise provided herein, the Director of Public Works (hereinafter referred to as the Director) shall be responsible for carrying out the provisions of the Article, subject to the approval of the City Manager.
- (b) *Rules and policies.* The Director may develop and promulgate rules and policies consistent with this Article to assist in the administration and enforcement thereof, subject to the approval of the City Manager.
- (c) *Right of entry.* Upon a citizen complaint, a citizen report, or reasonable suspicion, the Director, after reasonable notice to an occupied property, may enter upon any private or public property during regular business hours for the purpose of inspecting and investigating conditions relating to the enforcement of this Article or regulations adopted pursuant thereto, consistent with law.
- (d) *Violations.* Unless otherwise provided herein, a violation of any provision of this Article shall constitute a Class 4 misdemeanor.
- (e) *Immediate removal of traffic obstructions.* Whenever a motor vehicle, trailer, or semitrailer involved in an accident is found upon a City street and is so located as to impede the orderly flow of traffic, the police or a person specifically authorized by the Chief of Police, at no cost to the owner or operator, remove such motor vehicle, trailer, or semitrailer from the street to some point in the vicinity where such motor vehicle, trailer, or semitrailer will not impede the flow of traffic, or if necessary to have the vehicle removed to a storage area for safekeeping. If a vehicle is removed to a storage area under this section, the owner of the vehicle and the Police Chief shall be notified of the removal as promptly as possible and the owner shall be responsible for paying the parties entitled thereto all costs incidental to its removal and storage.

Sec. 35-4. – Construction and design of streets and sidewalks.

- (a) *Obtaining rights-of-way.* The Director shall obtain and secure all public rights-of-way on behalf of the City.

(b) Design standards. The Director shall ensure that all streets, alleys, and sidewalks are designed, constructed, and maintained safely and in conformance with any applicable law. The width of sidewalks and standard specifications for sidewalk construction shall be determined by the Director, with the approval of the City Manager. Every City street with a raised curb shall be designed and maintained with adequate ramps per lineal block to accommodate persons with mobility impairments in compliance with any applicable law. The Director shall report to the City Manager such grades as, in the opinion of the City Engineer, should be established on new streets, with such profiles of the same as may be necessary, and the City Manager, with the consent of Council, may direct such grades to be established.

(c) Scenic and recreational waysides. To promote the safety, convenience, and enjoyment of travel on, and protection of the public investment in City streets and trails and for the restoration, preservation, and enhancement of scenic beauty and local history within and adjoining such streets and trails, it is hereby declared to be in the public interest to acquire, establish, and maintain recreational waysides and areas of scenic beauty adjoining the City streets and trails. The Director, whenever in his opinion it is in the best interest of the City, and with the approval of the City Manager, may obtain, establish, construct, maintain, and operate appropriate recreational waysides and areas of scenic beauty adjoining City streets and trails.

Sec. 35-5. – New street and sidewalk requests.

(a) New public streets. No public street shall be opened upon the private property of any person, by the owner of such property or any other person, without the permission of the Council, and the Council shall prescribe the terms for the opening of such street.

(b) New public sidewalks. Any owner of real property in the City who desires a sidewalk or curb and gutter to be laid adjacent to his property, to be used by the general public, shall make application therefor to the City Engineer on a form provided thereby. Such form shall include the name of the applicant, the location of the requested sidewalk or curb and gutter, the square feet of sidewalk or dimensions of curb and gutter requested, and such other information as may be required by the City Engineer. All such applications shall contain a signed agreement by the applicant pledging to pay to the City the entire cost of the sidewalk. The City shall bear all costs of the curb and gutter.

Secs. 35-6 – 35-30. - Reserved.

Sec. 35-31. - Right-of-Way Use Agreements.

(a) Right-of-Way Use Agreements. Permission to use any unopened right-of-way or any right-of-way not being utilized for traffic lanes or sidewalk space may be obtained from the City Manager upon recommendation by the Director, by written agreement subject to the following terms:

(1) Any improvements or encroachments shall be at the applicant's expense and conform to all Code requirements;

(2) Any improvements or encroachments shall be removed at the applicant's expense should the right-of-way later be needed;

(3) The applicant is not vested with any property right to the right-of-way;

(4) The use of the right-of-way is to be at the applicant's risk and the applicant shall hold the City harmless for such use; and

(5) Other conditions particular to specific uses may be included in the written agreement.

(b) Fees. A Right-of-Way Use Agreement shall be signed by the applicant and shall be accompanied by a fee as determined by the Council.

(c) Appeals. Denial of a Right-of-Way Use Agreement by the City Manager may be appealed to the Council by written notice given to the City Clerk within ten (10) days of such denial.

Sec. 35-32. - Vacating right-of-way.

- (a) Application. Unneeded City rights-of-way, or portions thereof, may be altered or vacated by the Council upon application therefor by any adjacent lot owner. Such application shall be filed in writing with the City Engineer, shall be signed by the applicant, and shall be accompanied by a fee as determined by the Council.
- (b) Review. Such application shall first be submitted to the Director, who shall determine if such alteration or vacation will detrimentally affect public safety or the usability of needed rights-of-way.
- (c) Public notice. Prior to altering or vacating unneeded right-of-way, the Council shall conduct a public hearing after notice of its intention to do so has been published at least twice, with at least six days elapsing between the first and second publication, in a newspaper having general circulation in the City. The notice shall specify the time and place of a hearing. Written notice of the hearing shall be mailed to all land owners affected by such application at least seven (7) days prior to the hearing.
- (d) Conditional vacation. When an applicant requests a vacation to accommodate expansion or development of an existing or proposed business, the Council may condition the vacation upon commencement of the expansion or development within a specified period of time. Failing to commence within such time may render the vacation, at the option of the Council, void.
- (e) Fractional vacation. The Director may require the fractional portion of its public right-of-way to be purchased by the applicant if such right-of-way abuts the real property of the applicant. The conditional requirement to purchase a fractional portion of right-of-way may be appealed to the Council by written notice given to the City Clerk within ten (10) days of such requirement.
- (f) Recordation. A certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the name of the City. A conditional vacation shall not be recorded until the condition has been met.
- (g) Appeals. Any appeal of a decision by Council made pursuant to this Section shall be filed with the Danville Circuit Court within sixty (60) days of adoption or rejection of the ordinance in accordance with law.

Sec. 35-33. - Permits for excavation in rights-of-way.

- (a) Excavation permit. Any person other than an authorized City employee or agent shall, prior to cutting, digging into, or excavating within any public right-of-way of the City, obtain a permit to do so from the Director. Application for such permit shall be filed with the City Engineer in writing on a form provided by the City, and shall be accompanied by a permit fee as determined by the Council, as well as an insurance certificate and a Performance Bond or an equivalent assurance in a form and amount approved by the City Attorney.
- (b) Excavation costs. Such applicant or the person for whose benefit the excavation is being performed shall bear the costs of repairing such right-of-way and restoring the same to its previous condition. The City shall bill such applicant or person for the actual cost to the City of such repairs.
- (c) Excavation work. The Department of Public Works shall perform all work required to repair the right-of-way, unless the Director agrees to an alternative arrangement; provided, however, that the costs of any such work shall be borne by the person causing such excavation.
- (d) Rules and policies. The Director, with the agreement of the City Manager, shall establish rules, standards, and procedures for such cutting, excavation, digging, restoration, the timing of such actions, and the issuance of permits therefor.

Sec. 35-34. - Permits for curb cuts or the installation, repair, or removal of driveways.

- (a) *Curb cut permits.* It shall be a Class 1 misdemeanor for any person to make any curb cut or install, remove, alter, or repair any driveway entrance that intersects a City street, alley, or sidewalk until a permit so to do has been granted by the Director. Application for such permit shall be filed with the City Engineer in writing on a form provided by the City, and shall be accompanied by a permit fee as determined by the Council.
- (b) *Costs of curb cut.* Such applicant or the person for whose benefit the permit is being obtained shall bear the costs of installation, connection, and maintenance of the permitted driveway entrance; however, the City shall be responsible for maintaining all public sidewalks which intersect or cross driveway entrances.
- (c) *Standards.* The Director, with the agreement of the City Manager, shall establish procedures and standards for driveway curb cuts on public rights-of-way which are consistent with law, current best practices, and such other considerations as determined necessary by the City Engineer.
- (d) *Posting of permit.* A permit issued pursuant to this Section shall be posted in a conspicuous place near the curb which is being cut or the driveway which is being installed, removed, altered, or repaired.
- (e) *Permit duration.* Any permit issued shall become invalid if the authorized work is not commenced within six (6) months of the issuance date of such permit; however, upon written request from the permittee, the Director may, in his discretion, grant an extension of time not to exceed three (3) months. Where such permit becomes invalid for lack of work, the permit fee shall be forfeited to the City.

Sec. 35-35. - Permits for street and sidewalk encroachments.

- (a) *Encroachment permit.* Except as otherwise provided in this Code, in every case of an encroachment upon or over a City street, sidewalk, or alley by a building, fence, wall, steps, pavement, fire escape, awning, shutters, other appendages to buildings, furniture, or other thing or object, unless there has been a special permit granted by the Council in reference thereto, the City Manager may require the owner of such encroachment to remove the same, at his own expense.
- (b) *Permit application.* Application for such permit shall be filed in writing with the City Engineer, shall be signed by the applicant, and shall be accompanied by a permit fee as determined by the Council.
- (c) *Review.* Such application shall first be submitted to the Director, who shall determine if such encroachment will detrimentally affect public safety or the usability of needed rights-of-way.
- (d) *Public notice.* Prior to permitting the encroachment, the Council shall conduct a public hearing after notice of its intention to do so has been published at least twice, with at least six (6) days elapsing between the first and second publication, in a newspaper having general circulation in the City. The notice shall specify the time and place of a hearing. Written notice of the hearing shall be mailed to all land owners affected by such application at least seven (7) days prior to the hearing.
- (e) *Recordation.* A certified copy of the ordinance permitting the encroachment shall be recorded as deeds are recorded and indexed in the name of the City.
- (f) *Appeals.* Any appeal of a decision by Council made pursuant to this section shall be filed with the Danville Circuit Court within sixty (60) days of adoption or rejection of the ordinance.

Sec. 35-36. - Requirements for Mailboxes.

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- (a) Individual mailboxes. Mailboxes serving individual residences may be placed or installed upon private property within or along the public right-of-way without the approval of the City, provided that the location does not interfere with safety, maintenance, or use of the right-of-way, and are designed with a breakaway structure as the support post.
- (b) Mailbox clusters. Mailbox clusters serving multiple residences may be placed or installed upon private property within or along the public right-of-way as part of a subdivision plan or other site plan subject to approval by the Zoning Administrator, provided that the location does not interfere with safety, maintenance, or use of the right-of-way, and are designed in accordance with the requirements of the Zoning Administrator.
- (c) Postal drop boxes. The Director shall coordinate with the United States Postal Service (USPS) and the Commonwealth on the location and maintenance of USPS or Commonwealth drop boxes designed to accept mail which are located upon the public right-of-way. Such drop boxes shall be located in a manner that does not interfere with safety, maintenance, or use of the right-of-way. The Director shall inform the USPS or Commonwealth of any identified maintenance issues with or defacement as defined in Chapter 9 of this Code upon such drop box.
- (d) Unapproved mail boxes prohibited in the right-of-way. It shall be a Class 4 misdemeanor for any person to place or install any mailbox or mailbox cluster in violation of this Section.
- (e) Rules and policies. The Director, with the approval of the City Manager, may establish rules and policies regarding size, distance from the roadway, and other safety concerns to govern the placement, installation, maintenance, and removal of roadside mailboxes installed or placed within or along the public right-of-way, consistent with this Section.
- (f) Removal by City. The Director may remove or cause to be removed any mailbox or mailbox cluster placed or installed upon private property within or along the public right-of-way if:
- (1) Hazardous boxes. The mailbox, due to its location, design, or condition or due to unique or site-specific conditions of the surrounding land or public right-of-way, is causing or contributing to identified hazards to the safe use of and travel upon the public right-of-way;
 - (2) Road widening. The box is located upon unimproved public right-of-way intended to be used by the City as an improved street or sidewalk; or
 - (3) Abandoned mailboxes. The mailbox is for a residence or street address that no longer exists.
- (g) Notice and appeal. At least fifteen (15) days prior to removal by the City, the City shall notify the owner in writing of its intent to remove a mailbox pursuant to this Subsection on or after a certain date. Any such person may remove the box himself prior to such date or may appeal the decision in accordance with the process established in Subsection 35-31(C) of this Article.

Secs. 35-37 – 35-60. - Reserved.

Sec. 35-61. - Banners and decorative materials encroaching across streets.

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- (a) Materials overhanging the street. It shall be unlawful for any person to place across or overhanging any City street, alley, or sidewalk any banner, or any decorative or other materials.
- (b) Holiday decorations. The provisions of this Section shall not apply to or in any way affect the placing or hanging by the City of holiday decorations, flags, or, subject to the prior approval of the City Manager, other appropriate banners or materials across or overhanging City streets, alleys, or sidewalks of the City.
- (c) Local Legends Banner Display Program. The provisions of this Section shall not apply to or in any way affect the permitted placing or hanging of banners authorized by the "Local Legends Banner Display Program" created herein. Such program shall provide an opportunity for persons to recognize and honor Danville residents who have achieved recognition on a national or international basis for their positive and notable achievements. The Programs shall be conducted in the following manner:
- (1) Banner applications. Applications to sponsor a local legend banner displays must be submitted in writing to the City Clerk. Upon receipt of such application, the City Clerk shall provide a copy to the Local Legends Banner Committee.
 - (2) Banner Committee. The Local Legends Banner Committee shall consist of five (5) members. The Committee shall include one (1) sitting Council member and one (1) citizen at large, each appointed by the Mayor. The Committee shall also include the City Manager and two (2) sitting Department Directors appointed thereby.
 - (3) Committee responsibilities. The Committee shall develop program guidelines and review applications properly submitted to the City Clerk. Only persons recommended by the Committee and approved by City Council will be eligible to be featured on sponsored banners.
 - (4) Banner locations. Approved banners will be permitted to be attached with brackets to designated City-owned poles in the center medians on Riverside Drive and South Boston Road, as well as in other locations that may be designated by the Committee. Brackets shall be designed and installed by the City. Approved banners shall be designed by the City, with input provided by the sponsor.
 - (5) Program costs. The costs of the banners, brackets, and installation shall be the sole responsibility of the applicant or sponsor. A cost estimate shall be provided by the City to the applicant or sponsor prior to the approval of the application. Routine maintenance of the brackets and banner display shall be performed by the City; however should the banner become frayed, torn, defaced, or excessively faded the replacement cost shall be the sole responsibility of the applicant or sponsor.
 - (6) Program duration. Approved banners may remain on display for a period of five (5) years, after which time the applicant or sponsor may provide for the replacement thereof pursuant to this section. A standard five (5) year Right-Of-Way Use Agreement shall be required prior to any installation.

Sec. 35-62. - Obstructing safe travel upon or across a public right-of-way.

- (a) Public nuisance declared. The City Council finds that the creation, maintenance, or permitting of obstructions, hazards, or other harmful conditions that interfere with the safe and convenient travel by the public upon or across the public rights-of-way in the City is injurious to the public health, safety, and general welfare. Accordingly, it is hereby unlawful and declared a public nuisance for any person:
- (1) Creating trip hazards. To place or discard any object or other thing upon any publicly accessible floor, stairwell, stage, or other walking surface in or on any City building or property in such a manner as to create a trip hazard.

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- ~~(2) *Throwing lit cigarettes from buildings.* To throw, or cause to be thrown, lighted cigars, cigarettes, or any other article of any kind from any building or structure, causing the same to fall upon any person or object, or upon any public right-of-way.~~
 - ~~(3) *Throwing dangerous objects from buildings.* To intentionally throw from a balcony, roof top, or other place more than one (1) story above ground level any object capable of causing injury to another upon any public right-of-way of the City, provided such person lacked the intent to cause injury to another.~~
 - ~~(4) *Discarding objects.* To throw any stone, brick, or other missile in or into any public right-of-way of the City.~~
 - ~~(5) *Discarding hazardous objects.* To throw, deposit, or abandon or cause to be thrown, deposited, or abandoned, upon any public right-of-way in the City, any glass, nail, tack, wire, can, or any other object or substance likely to endanger or injure any person or animal, or damage any vehicle traveling upon such public right-of-way, nor shall any person throw or deposit or cause to be deposited upon any street, alley, or sidewalk any soil, sand, mud, gravel, or other substance so as to create a hazard to the traveling public. This provision shall not apply to the use, by a police officer while in the discharge of his official duties, of any caltrop or device designed to deflate tires.~~
 - ~~(6) *Placing traps.* To set a trap upon any public right-of-way or along any such right-of-way in such a location or manner as to present a likely risk to the safety of travelers thereon.~~
 - ~~(7) *Abandoning vehicles.* To discard, abandon, or cause to be discarded or abandoned, upon any public right-of-way in the City, any tire, shopping cart, bicycle, motorized scooter or skateboard, moped, electronic personal delivery device, or motor vehicle, trailer, or semi-trailer.~~
 - ~~(8) *Installing barricades.* To, without permission from the City, construct, install, place, or maintain any bump, fence, gate, chain, bar, pipe, barrier, motor vehicle, or any other type of obstruction upon or across any public right-of-way in the City that interferes with the safe travel thereon.~~
 - ~~(9) *Gates.* To fail to maintain or secure on his property any gate or door opening over or across a public right-of-way in the City in accordance with Subsection 35-63(a) of this Chapter.~~
 - ~~(10) *Cellar doors.* To fail to maintain or secure on his property any cellar door opening upon a City sidewalk in accordance with Subsection 35-63(b) of this Chapter.~~
 - ~~(11) *Drainage.* To permit water from his lot, gutter, pipe, or spout to flow across a City sidewalk in violation of Subsection 35-63(c) of this Chapter.~~
 - ~~(12) *Unsafe walls and fences.* To maintain or permit upon his property adjacent to any public right-of-way of the City, any unsafe wall or structure in violation of this Code.~~
 - ~~(13) *Excavations.* To cut, dig into, or excavate any pit or hole upon, within, or adjacent to a public right-of-way in the City without first securing an excavation permit in accordance with Sec. 35-33 of this Chapter, or in violation of such permit, or in such a manner as to interfere with the safe travel upon such public right-of-way.~~
 - ~~(14) *Unsafe grades.* To maintain upon his property adjacent to any public right-of-way of the City, any grade determined by the City Engineer to be unsafe to travelers along such public right-of-way.~~
 - ~~(15) *Snow and ice accumulation.* To fail to remove from any public sidewalk adjacent to his property snow, or to fail to cover upon such sidewalk any ice or sleet, in accordance with Subsection (b) herein.~~
 - ~~(16) *Vegetation.* To permit or suffer his trees or other vegetation to have any limbs overhang above a public right-of-way in the City lower than twelve (12) feet above such right-of-way.~~

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- (17) Obstructions to visibility. To construct, install, maintain, plant, or permit upon his property any sign, banner, fence, wall, hedge, planting, news rack, or other obstruction to vision, that extends from a height of two and one-half (2½) feet to ten (10) feet above the established street grade within the area formed by the intersection of right-of-way lines at corner lots and a straight line joining the right-of-way lines at points which are twenty-five (25) feet in distance from the intersection of the right-of-way lines at the corner of the lot. This provision shall not apply to mailboxes, police and fire alarm boxes, public utility poles, street name markers, official traffic control devices, fire hydrants, trees with no visual obstruction other than their trunk up to the height of ten (10) feet above the established street grade, or when an engineering and traffic investigation conducted by the City Engineer reveals that no safety hazard exists from the potential obstruction.
- (18) Animals. To sell, exchange, trade, barter, lease, or display for commercial purpose any dog or cat on or in any City street, sidewalk, traffic media, or other public right-of-way
- (19) Shooting. To knowingly or recklessly discharge a firearm, crossbow, slingbow, arrowgun, or bow and arrow in or across any public right-of-way in the City, unless such discharge is pursuant to lawful self-defense or defense of others.
- (20) Other obstructions. Except as otherwise provided in this Code, it shall be a Class 1 misdemeanor for any person to, in any manner, intentionally obstruct any City street, alley, or sidewalk.
- (b) Duties of persons. All persons in the City shall have the following duties:
- (1) Duty to not cause obstructions. Any person shall have the duty to protect the public right-of-way from obstructions, conditions hazardous to safe use and travel, or other interference in accordance with this Section.
- (2) Duty to keep property free from nuisances. The owner and occupant of any parcel within the City shall have the further duty to keep his property free from any nuisance condition permitting such obstruction, safety hazard, or interference, at his sole expense in accordance with this Chapter.
- (3) Duty to keep adjacent drains open. It shall be the duty of every owner or occupant of a lot which abuts upon a paved gutter or drain on the street or public alley to, as far as such lot extends, keep such gutter or drain open and free from obstructions at all times.
- (4) Duty to keep adjacent sidewalks clear of snow. It shall be the duty of every owner or occupant of a lot which abuts upon a sidewalk to have all snow removed from such sidewalk within twenty-four (24) hours after the snow shall have ceased falling. The same requirements shall exist with respect to ice or sleet on sidewalks, except that, when same cannot be removed without injury to the sidewalk, it shall be covered within the period of time above specified with sand, ashes, or some other substance, which will render such sidewalk safe for travel.
- (5) Duty to obtain and obey permit. Any person required to obtain a permit pursuant to this Article shall have the duty to obtain such permit and follow the terms thereof.
- (6) Duty to remove hazardous material. Any person who drops, or permits to be dropped or thrown, upon any public right-of-way any destructive, hazardous, or injurious material or obstruction shall have the duty to immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a public right-of-way shall remove any glass or other injurious object or substance dropped upon the right-of-way from such vehicle.
- (c) Notice of Violation. Whenever it is observed that any person is in violation of Subsection (a)(9) - (a)(17) above, the Director shall serve the violator notice to cause such violations to be abated or removed within seven (7) days from the date of such notice.
- (d) Service. Service of the notice provided for in Subsection (c) shall be by first class mail, personal delivery, or posting in a conspicuous place upon the parcel; provided, however, that if the parcel is

unoccupied and the owner or his agent cannot be found by the exercise of due diligence or are unknown, such notice shall be sufficient against the owner if given by first class mail to the owner's last known mailing address and posted in a conspicuous place upon the land or premises. The Director is hereby authorized to deliver or post such notices.

- (e) Legal remedies. Failure to comply with the terms of a notice issued and served as provided in this Section within the time prescribed in such notice shall constitute a Class 3 misdemeanor, and each day thereafter that the violation continues shall constitute a separate offense. In addition to any penalties imposed hereunder, the City may institute legal action to enjoin the continuing violation of this Section and may alternatively abate or contract for the abatement of such violation pursuant to Subsection (f) below, in which event the cost and expenses thereof, including administrative fees as prescribed by the Council, shall be chargeable to, billed to, and paid by the owner or occupant of the parcel. Any such charge which is not paid within sixty (60) days of the date on which it is billed to the owner of such land or premises shall constitute a lien upon the property and shall be recorded with the Clerk of the Circuit Court, and may be collected in any manner provided by law for the collection of taxes, or in the same manner provided by law for liens of judgments; provided, however, that no such lien shall be valid against any owner of a parcel who was not served with the notice prescribed in this Section.
- (f) Abatement. If the owner or occupant fails to abate the public nuisance as required, the Director may use City forces to abate the nuisance or, at his option, may contract for this abatement on behalf of the City with a private contractor which abatement expenses shall be paid by the owner or occupant and subject to collection. Any owner or occupant may abate the violation himself without liability to the City, provided that he does so prior to commencement of abatement by City personnel or contractors. Abatement shall include but not be limited to the repair or removal of any wall, fence, gate, cellar door, gutter or drainage system, or other structure obstructing any public right-of-way of the City, the securing of any such gate or door, the collection, removal, impoundment, and disposition of any animal, snow, object, or other physical obstruction located upon City property, any public right-of-way, and any property directly adjacent to such a right-of-way, the trimming of any obstructive vegetation, the covering of any hazardous ice or sleet, the filling of any hole, pit, or excavation, or any dangerous change in elevation to an appropriate grade, the securing of any dangerous change in elevation from access by persons or animals or from landslides, erosion, and other harmful deposition onto a public right-of-way, and the elimination of any other obstruction or safety hazard upon or along a public right-of-way.
- (g) Appeals. The owner or occupant may appeal such violation notice to the City Manager, by filing such appeal, in writing, with the City Clerk within seven (7) days of the date of such notice. The City Manager may uphold, overturn, or modify such determination.

Sec. 35-63. – Gates, cellars doors, and drainage encroaching upon sidewalk.

- (a) Gates opening over right-of-way. Every gate or door opening over or across a public right-of-way shall be maintained in good repair and shall be kept closed and secured at all times, except temporarily while someone is passing through such gate or door.
- (b) Cellars opening over right-of-way. Every cellar door opening upon a sidewalk shall be covered with doors so constructed that when shut they shall be on a level with the pavement of the sidewalk. No opening shall extend more than three and one-half (3½) feet into the sidewalk from the wall of the building nor shall such opening be more than five (5) feet in length. All hinges, bolts, and locks shall be on the underside of the doors. When the doors are raised, the opening shall be guarded by a rod or otherwise. The pattern of the doors and the construction of the same shall be subject to the approval of the Director. All existing cellar doors which, in the opinion of the Property Maintenance Official designated in Chapter 9 of this Code, are in proper and safe condition may remain as now constructed.
- (c) Gutters draining over right-of-way. No water from any lot, gutter, pipe, or spout shall be permitted to flow across the sidewalk of any street, except in a covered drain, the cover of which shall not be above the surface of such sidewalk. Such drain shall be of sufficient capacity to convey the water

to be discharged thereby, and shall be kept open and maintained in good repair. All houses which are built on the line of a street, or the eaves of which project over the sidewalk, shall be so provided with gutters that prevents dripping from the eaves upon the sidewalk, and all gutters, the water from which may be emptied upon a street, shall be so constructed as to discharge such water only at or below the surface of the ground.

Secs. 35-64 – 35-100. - Reserved.

ARTICLE II. - TRAFFIC GENERALLY

Sec. 35-101. - Adoption of State law.

- (a) General State law. Pursuant to the authority of Va. Code §46.2-1313, all of the provisions and requirements of the laws of the Commonwealth contained in Title 46.2 of the Virginia Code, except those provisions and requirements the violations of which constitute a felony and except those provisions and requirements which, by their nature, can have no application to or within the City, and except those provisions which by law may not be adopted or incorporated, are hereby adopted and incorporated *mutatis mutandis* in this Chapter by reference and made applicable within the City. References to "highways of the State" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways, and other public ways within the City. Such provisions and requirements are hereby adopted and made a part of this Chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the City to violate, or fail, neglect or refuse to comply with, any such provision or requirement; provided that, in no event shall the penalty imposed for the violation of any such provision or a requirement exceed the penalty imposed for a similar offense under Title 46.2 of the Virginia Code.
- (b) Minor offenses. Pursuant to the authority of Va. Code §46.2-1313, all of the provisions of Article 9 of Chapter 11 of Title 16.1 of the Virginia Code, are hereby adopted and incorporated *mutatis mutandis* in this Chapter by reference and made applicable within the City as if each were fully set forth herein.
- (c) State traffic fines. The provisions of Part Three B, entitled "Traffic Infractions and Uniform Fine Schedule," of the Rules of the Supreme Court of Virginia, shall be applicable to all affected violations of this Chapter.
- (d) State DWI law. Pursuant to the authority granted by Va. Code §46.2-1313 and §18.2-268.12, Va. Code §18.2-266, which relates to driving while intoxicated, is hereby adopted and incorporated *mutatis mutandis* in this Chapter by reference and made applicable within the City as if each were fully set forth herein.
- (e) State underage drinking and driving law. Pursuant to the authority granted by Va. Code §46.2-1313, Va. Code §18.2-266.1, which relates to persons under the age of twenty-one (21) driving after illegally consuming alcohol, is hereby adopted and incorporated *mutatis mutandis* in this Chapter by reference and made applicable within the City as if each were fully set forth herein.

Sec. 35-102. - Definitions.

As used in this Article, the following words and terms shall be defined as set forth below, unless the context in which they are used clearly requires a different meaning:

Center median means any area in the middle of any street, designed to provide a barrier to keep traffic on one (1) side of the street from going to the other side of the street. A center median may be a raised concrete strip or a grass strip, whether traversable or non-traversable.

Hazardous center median means any of the following:

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- (1) Narrow area. Any portion of a center median with an unobstructed clearance width of six (6) feet or less, excluding the curb;
 - (2) Steep grade. Any portion of an unpaved center median with an internal grade of ten (10) degrees or greater;
 - (3) Reduced visibility. Any portion of a center median located within fifteen (15) feet of a bridge or tunnel;
 - (4) Drainage area. Any portion of a center median upon which storm drainage facilities or other improvements are located;
 - (5) High-speed traffic. Any center median located between roads upon which motor vehicle traffic is permitted to travel at thirty-five (35) miles per hour or greater; and
 - (6) Investigation. Any center median determined by the City Manager to be unsafe for pedestrians to loiter or otherwise remain upon, based on the results of a traffic investigation conducted by the City Engineer in which actual evidence of hazards is documented; provided such center median is identified as such with appropriate signage.

Hazardous right-of-way means any of the following:

- (1) Narrow area with curb. Any unpaved right-of-way adjacent to a street and separated by a curb where the unobstructed right-of-way is less than six (6) feet in width excluding the curb
- (2) Narrow area without curb. Any unpaved right-of-way adjacent to a street and not separated by a curb with an unobstructed clearance width of ten (10) feet or less.
- (3) Steep grade. Any unpaved right-of-way adjacent to a street with a grade of ten (10) degrees or greater;
- (4) Reduced visibility. Any unpaved right-of-way adjacent to a street when such right-of-way is alongside a curve in such street or near the crest of a grade in such street;
- (5) High speed traffic. Any unpaved right-of-way adjacent to a street located alongside roads upon which motor vehicle traffic is permitted to travel at thirty-five (35) miles per hour or greater;
- (6) Guardrails. Any unpaved right-of-way adjacent to a street and protected by a guardrail; and
- (7) Investigation. Any right-of-way adjacent to a street determined by the City Manager to be unsafe for pedestrians to loiter or otherwise remain upon, based on the results of a traffic investigation conducted by the City Engineer in which actual evidence of hazards is documented; provided such center median is identified as such with appropriate signage.

Loiter means stand around, sit or lie in or upon, occupy, or otherwise remain on, or to park or remain parked in a motor vehicle upon, or to collect, gather, congregate, or be a member of a group or a crowd of people, while in a public place and while also simultaneously engaging in any conduct prohibited by this Chapter or other law, whether individually or collectively.

Public place means a place where a governmental entity has title, to which the public or a substantial group of persons has access, including but not limited to any street, sidewalk, parking lot, plaza, transportation facility, public building or grounds appurtenant thereto, school, schoolyard, park, or playground.

Right-of-way adjacent to a street means the right-of-way of any public street and shall include any sidewalk or other walkway thereon, whether paved or unpaved.

Solicit means asking or requesting from another any thing, regardless of if such thing has value or not, whether in exchange for a product or service or otherwise, and regardless of is such request is for something immediate or otherwise. Soliciting shall include any medium of communication. Any thing shall include but not be limited to contributions, signatures, and rides.

Street means the entire width of a road or street that is improved, designed, or ordinarily used for motor vehicle travel, including the shoulder thereof.

Traffic control point means any point within an area in which cruising is prohibited as established by the City for the purpose of monitoring cruising.

Sec. 35-103. - Administration.

(a) Reserved.

(b) Violations. It shall be unlawful for any person to refuse, fail, or neglect to comply with any of the provisions of this Chapter or any rule made pursuant thereto. Unless otherwise provided herein, a violation of any provision of Articles IV or V of this Chapter or any rule made pursuant thereto shall constitute a traffic infraction punishable in accordance with the laws of the Commonwealth and a violation of any provision of Article III of this Chapter or any rule made pursuant thereto shall be punished by a civil penalty of twenty-five dollars (\$25.00) per violation.

Sec. 35-104. - General powers of City Manager relative to traffic.

(a) General powers. To promote the public health, safety, and general welfare of the residents of the City, the City Manager, except as otherwise provided law, shall have power and he is hereby authorized to regulate the operation and parking of vehicles within the territorial limits of the City by the installation or placing of proper traffic control devices indicating restricted speed areas, through or arterial streets, stop intersections, yield right-of-way intersections, prohibited U-turn intersections, school zones, hospital zones, loading zones, work zones, fire lanes, and similar areas, prohibited, limited, tandem, or angle parking, and other traffic control devices indicating the place and manner of operating or parking vehicles within the territorial limits of the City.

(b) Additional powers. The City Manager shall have power and he is hereby authorized as follows:

(1) Pedestrians. To regulate the movement of pedestrians and animals upon the streets, sidewalks, and other public rights-of-way of the City by the installation or placement of proper traffic control devices indicating the flow of pedestrian traffic;

(2) Shared-use paths. To designate sidewalks, crosswalks, trails, and other shared-use paths upon which bicycles, electric power-assisted bicycles, electric personal assistive mobility devices, motorized skateboards or scooters, mopeds, and personal delivery devices are prohibited or restricted;

(3) Direction. To mark off traffic lanes on streets and parts of streets indicating and directing the operation and flow of traffic;

(4) Right on red. To designate, by proper traffic control devices, the street intersections at which right turns are not permitted on a red traffic signal light;

(5) Parking. To regulate the parking of vehicles of various sizes and weights;

(6) Bus Stops. To designate bus stops and to install traffic control devices prohibiting the parking of vehicles other than City buses and trolleys at such stops;

(7) Pickup and docking areas. To designate pickup and docking areas for bicycles, electric power-assisted bicycles, motorized scooters and skateboards, electric personal assistive mobility devices, transportation network company (TNC) vehicles, shuttles, and taxicabs,

and to install traffic control devices prohibiting the parking of unapproved vehicles at such locations;

(8) *Loading zones.* To designate loading zones for the temporary parking of delivery vehicles for the purpose of loading and unloading of cargo, to establish the times that such zones are to be in effect, and to install traffic control devices prohibiting the parking of unapproved vehicles at such locations during prohibited times;

(9) *Parking lots and facilities.* To regulate the flow and parking of vehicles on or in the parking lots and parking facilities of the City, any political subdivision created or chartered by the City, and any parking lot which is open to the public and designed to accommodate fifty (50) or more vehicles.

(c) *Speed limits.* The City Manager is hereby authorized to increase or decrease the speed limits for vehicular traffic on City streets and other public rights-of-way as follows:

(1) *Generally.* Upon any City street or public right-of-way, based upon the results of an engineering or traffic investigation;

(2) *Dangerous areas.* Along congested areas, curves, right angle turns, or other dangerous areas or points, based upon the results of an engineering or traffic investigation;

(3) *Residential and commercial areas.* Within any residential or commercial zoning district, provided such change is a decrease of the speed limit below twenty-five (25) miles per hour but above fifteen (15) miles per hour;

(4) *Work zones.* For no more than sixty (60) days upon any portion of any City street or other public right-of-way upon which work is being done or where the street is under construction or repair;

All speed limit adjustments shall be clearly indicated by traffic control devices installed or placed and maintained on the streets or portions thereof where such limits are in effect.

(d) *One-way streets.* The City Manager is hereby authorized to designate certain City streets or public rights-of-way, or portions thereof as one-way streets upon which the flow of traffic is limited to a single direction. The designation of any one-way street shall be based on an engineering or traffic investigation. One-way streets shall be clearly indicated by traffic control devices installed or placed and maintained on the streets or portions thereof where such limits are in effect.

(e) *Restricted-use streets.* Reserved.

(f) *Detour routes.* The City Manager is hereby authorized to, whenever necessary, designate, lay out, maintain, and keep in as good repair as possible suitable detour routes, by the most practical route, while the City streets and other public rights-of-way are hazardous or are being repaired, improved, or constructed, including but not limited to the placement of explicit directions to the traveling public directing them to and along such detour routes.

(g) *Evacuation routes.* The City Manager is hereby authorized to, in consultation with the Director of Emergency Management and other appropriate City staff, designate, develop, and maintain a map of primary evacuation routes through and out of the City in the event of an emergency. Such map shall be made available on the City' public website.

(h) *Operation and parking during hazardous weather conditions.* In the event of snow, sleet, hail, freezing rain, ice, flood, high wind, storm, or the threat thereof, the City Manager is hereby authorized to temporarily designate certain City streets or public rights-of-way, or portions thereof:

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- (1) Closed roads. As streets upon which vehicles shall be prohibited from being operated, parked, or abandoned;
 - (2) Snow routes. As snow routes upon which only vehicles operated while equipped with snow tires or chains is permitted;
 - (3) Snowmobiles. As streets upon which snowmobiles may be operated consistent with the directions of the City Manager; and
 - (4) Play areas. As play areas for sledding and similar recreational activities.

Removal of vehicles. The City Manager is further authorized to require the removal and storage of any vehicle that is stalled, stuck, parked, or abandoned in violation of this Subsection, including the imposition of reasonable charges for such removal and storage as determined by the Council. To the extent practical, any street designated pursuant to this Subsection shall be clearly indicated by traffic control devices installed or placed and maintained on the streets or portions thereof where such limits are in effect.

- (i) Posting signs. To secure, install, repair, and maintain all necessary traffic control devices upon or along any City street, public right-of-way, or other location required by law, provided that all such traffic control devices comply with all Commonwealth and United States laws and regulations.

Secs. 35-105 – 35-120. - Reserved.

ARTICLE III. - PEDESTRIANS

Sec. 35-121. – General pedestrian conduct.

- (a) Signs and crossing guards. It shall be unlawful for any pedestrian to disobey any traffic control device installed for the direction and control of travel and traffic or any order from a police officer or other City official engaged in directing travel and traffic on any City street or sidewalk.
- (b) Crossing streets. Unless otherwise prohibited by a traffic control device or a police officer or other City official engaged in directing travel and traffic, pedestrians may cross an intersection diagonally when all traffic entering the intersection has been halted by a traffic control device or by a person lawfully directing traffic.
- (c) Blocking parking spaces. It shall be unlawful for any pedestrian to physically block or occupy a public parking space for the purpose of preventing a motor vehicle from parking in such space or reserving such space for a particular motor vehicle.

Sec. 35-122. – Prohibited solicitation and loitering in public.

- (a) Purpose. Pursuant to the authority granted to the City by the Commonwealth and its general police powers, the City does hereby adopt the following Section to ensure the free and safe passage of pedestrians and vehicles on the public rights-of-way, to ensure free and safe access to public areas, to prevent identifiable dangers to persons and property, to prevent delays, to avoid interference with the flow of traffic, and to regulate the time, place, and manner of activities that could otherwise threaten the public health, safety, and welfare, while also protecting to the greatest extent possible while maintaining safety, the exercise of First Amendment expression. After thorough study, the City Council finds that certain center medians and narrow right-of-way along public streets are only designed to deal with specific traffic flow problems. Any delay or distraction

to motor vehicle traffic may interfere with traffic planning, including delays or distractions from pedestrians communicating with or attempting to communicate with drivers or passengers in vehicles that are passing or that are stopped temporarily due to traffic lights.

(b) Administration.

(1) Enforcement. Enforcement of this Section shall be complaint-driven. Prior to charging any person under this section, such person shall be given a verbal warning to cease such activity and reasonable time to comply with such warning. Unless otherwise stated herein, a violation of this section shall constitute a Class 3 Misdemeanor.

(2) Signs. The City Manager is hereby authorized to install appropriate signage to assist in the enforcement of this section.

(c) Hazardous distractions caused by pedestrians. No person shall occupy a City street upon which motor vehicle traffic is allowed for any of the following purposes:

(1) Solicitation. To solicit any thing of any nature from any driver of a motor vehicle or any passenger therein;

(2) Advertisement. To sell, offer for sale, distribute, or advertise any publication, handbill, leaflet, bulletin, literature, advertisement, product, property, or service to the drivers of motor vehicles or the passengers therein, regardless of the content thereof;

(3) Loitering. To loiter, so as to unreasonably hinder or obstruct the free and normal flow or passage of any pedestrian or vehicle thereon, including but not limited to at any bridge, crosswalk, driveway, curb cut, loading zone, parking space, bus stop, or the entrance to private or public property.

(d) Hazardous center medians. No person shall occupy a hazardous center median except for the following purposes:

(1) Emergencies. To temporarily escape from or deal with a vehicle accident, vehicle breakdown, or other emergency;

(2) Travel. To cross a street, including waiting until it is safe to proceed across such street;

(3) Repairs. To repair, maintain, or survey such center median, or any pipe, cable, or other infrastructure buried thereunder, in accordance with law; or

(4) Law enforcement. To engage in law enforcement activities or emergency response in accordance with law.

(e) Hazardous rights-of-way. No person shall occupy an unpaved right-of-way alongside a City street or any City sidewalk where the pavement is less than five (5) feet in width excluding the curb except for the following purposes:

(1) Emergencies. To temporarily escape from or deal with a vehicle accident, vehicle breakdown, or other emergency;

(2) Travel. To travel along such right-of-way in a safe and expedient manner;

(3) Repairs. To repair, maintain, or survey such right-of-way, or any pipe, cable, or other infrastructure buried thereunder, in accordance with law; or

(4) Law enforcement. To engage in law enforcement activities or emergency response in accordance with law.

(f) Sidewalks. No person shall occupy a public sidewalk for the purpose of soliciting from pedestrians or loitering, if doing so shall unreasonably hinder or obstruct the free and normal flow or passage of pedestrians thereon, including but not limited to at any bridge, crosswalk, driveway, curb cut, loading zone, parking space, bus stop, bicycle rack, or the entrance to private or public property.

(g) Bridges. No person shall loiter on any bridge on which the City Manager has declared that such conduct constitutes a public safety hazard and has posted signs prohibiting such action; nor shall

any person fish upon any bridge except upon a platform, walkway, or other facility attached to the bridge when designated by the City for fishing purposes.

(h) *City property.* No person shall loiter upon or at any City park, building, facility, or property other than a public right-of-way, during any time at which such property is closed to the general public, provided that such hours are adequately posted by appropriate signage near the entrances to such property.

(i) *Private property.* No person shall loiter upon or at any private property, during any time or in any manner that is prohibited to members of the general public, provided that such time or manner is adequately posted by appropriate signage near the entrances to such property.

Secs. 35-123 – 35-129. – Reserved.

Sec. 35-130. - Horses, ponies, and similar animals on City sidewalks.

It shall be unlawful for any person to ride a horse, pony, or similar animal of the family *Equidae* upon any improved sidewalk within the City or to permit any such animal to walk or run upon any improved City sidewalk unless such animal is a service animal actively assisting a disabled person.

ARTICLE IV. – BICYCLES AND OTHER UNLICENSED MOTOR VEHICLES

Sec. 35-131. – Use of seat required; carrying excess passengers.

(a) *Bicycle seating.* A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(b) *Bicycle operation.* No person shall ride a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter on a City street, highway, or alley more than two (2) abreast.

(c) *Lane sharing.* Two (2) persons riding bicycles, electric power-assisted bicycles, or motorized skateboards or scooters separately may ride in the same lane provided such persons:

(1) do not impede the normal and reasonable movement of traffic,

(2) move into a single file formation as quickly as is practicable when being overtaken from the rear by a faster moving vehicle, and,

(3) ride in a single lane on a laned roadway.

(d) *Lane splitting.* No person riding a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter shall travel between two (2) lanes of traffic moving in the same direction, except where one (1) lane is a separate turn lane or a mandatory turn lane.

(e) *Bicycle lanes.* Wherever a usable lane for bicycles has been provided adjacent to a roadway, bicycle riders shall use such lane.

(f) *Riding on permitted shared-use paths.* A person riding or operating a bicycle, electric power-assisted bicycle, electric personal assistive mobility device, motorized skateboard or scooter, or personal delivery device on a sidewalk, crosswalk, trail, or other shared-use path shall yield the right-of-way to and otherwise not unreasonably interfere with any pedestrian. Such person shall otherwise have all the rights and duties of a pedestrian under the same circumstances when traveling upon a shared-use path.

(g) *Riding on prohibited shared-use paths.* It shall be a fifty dollar (\$50.00) civil penalty for any person to ride, operate, or use a bicycle, electric power-assisted bicycle, electric personal assistive mobility device, motorized skateboard or scooter, moped, roller skates, or skateboard upon any sidewalk, crosswalk, trail, pedestrian walkway, or other shared-use path when such riding or use has been prohibited thereon by official traffic control devices.

(h) Parking. No person shall park a bicycle, electric power-assisted bicycle, electric personal assistive mobility device, or motorized skateboard or scooter in a manner that impedes the normal movement of pedestrian or other traffic or where such parking is prohibited by official traffic control devices.

Sec. 35-133. – Speed Limits for certain unlicensed motorized vehicles.

No person shall at any time or at any location operate an electric personal assistive mobility device at a speed faster than twenty-five (25) miles per hour or a motorized skateboard or scooter at a speed faster than twenty (20) miles per hour. No person shall operate a skateboard or scooter that would otherwise meet the definition of a motorized skateboard or scooter but is capable of speeds greater than twenty (20) miles per hour at a speed greater than twenty (20) miles per hour.

Sec. 35-134. – Age restrictions on certain unlicensed motor vehicles.

(a) Helmets. Every operator of a motorized skateboard or scooter, or an electric power-assisted bicycle upon the public streets of the City of Danville who is fourteen (14) years of age or younger shall wear a protective helmet that meets the Consumer Product Safety Commission (CPSC) standard and is marked as such. Any person who violates this provision of this section shall be guilty of a traffic infraction and be subject to a fine of twenty-five dollars (\$25.00).

(b) Minimum age. No person less than fourteen (14) years old shall drive any electric personal assistive mobility device, motorized skateboard or scooter, or class three electric power-assisted bicycle unless under the immediate supervision of a person who is at least eighteen (18) years old.

Secs. 35-135 – 35-140. – Reserved.

Sec. 35-141. – Moped operation.

(a) Wind shielding. Any person operating a moped upon the public streets of the City shall wear a face shield, safety glasses, or goggles or have the moped equipped with safety glass or a windshield at all times while such vehicle is being operated. Such protective equipment shall meet or exceed the standards and specifications of the Snell Memorial Foundation, the American National Standards Institute, Inc. (ANSI), or the United States Department of Transportation (DOT). Any person who violates this provision of this subsection shall be guilty of a traffic infraction and be subject to a fine of fifty dollars (\$50.00).

(b) Helmets. Any person operating a moped upon the public streets of the City and any passengers thereon, if any, shall wear a protective motorcycle helmet of a type that meets or exceeds the standards and specifications of the Snell Memorial Foundation, ANSI, or DOT, and is marked in accordance with such standards. Any person who violates this provision of this subsection shall be guilty of a traffic infraction and be subject to a fine of fifty dollars (\$50.00).

(c) City license. Any person operating a moped upon the public streets of the City shall obtain a license issued by the City for such purpose. Any person who violates this provision of this Subsection shall be guilty of a traffic infraction and be subject to a fine of fifty dollars (\$50.00).

(d) Parades. This Section shall not apply to the operation of a moped as part of a parade authorized pursuant to Chapter 24 of this Code.

Sec. 35-142. – Riding lawnmowers.

It shall be unlawful for any person to operate a riding lawnmower upon or over any City street or sidewalk except for incidental operation when loading or unloading such lawnmower from a separate vehicle or if such operation is pursuant to the performance of landscaping services or the turning around of such lawnmower incidental thereto.

Sec. 35-143. - Golf carts and utility vehicles.

- (a) Golf carts. It shall be unlawful for any person to operate a golf cart or utility vehicle in any park, or on any public or bicycle pathway, or on or over any street or sidewalk in the City except as provided in this Section.
- (b) Allowed roads. A Golf cart may only be operated on the following designated streets:
- (1) Acorn Lane;
 - (2) Clearview Drive;
 - (3) Creekside Drive;
 - (4) Dogwood Drive;
 - (5) Hemlock Lane; and
 - (6) Oakcreek Drive.
- (c) Signs. The City shall be responsible for the posting and maintenance of signs at any entrance any dedicated road approved for golf cart usage.
- (d) License. No person shall operate any golf cart on any designated City street unless he has in his possession a valid driver's license issued to him and his golf cart is displaying a slow-moving vehicle emblem in conformity with Virginia law.
- (e) Daylight hours. No person shall operate any golf cart on any designated City street between sunset and sunrise, unless equipped with lights in conformity with Virginia law for such golf cart.
- (f) Exemptions. The limitations set forth in this Section shall not apply to any golf cart or utility vehicle being safely operated on any City street or sidewalk to the extent necessary by a City employee or contractor in furtherance of a governmental purpose, or by an employee of an institution of higher education if operating on a City street within or adjacent to the property limits of such institution, provided such street within or adjacent to the property does not have a posted speed limit exceeding thirty-five (35) miles per hour. No golf cart or utility vehicle exempt under this Subsection shall be operated faster than thirty-five (35) miles per hour.

Secs. 35-144 –35-150. – Reserved.

ARTICLE V. – OPERATION OF MOTOR VEHICLES

Secs. 35-150 – 35-152. - Reserved.

Sec. 35-153. – Motor vehicle equipment and design standards.

- (a) Equipment standards. It shall be unlawful for any person to operate any motor vehicle upon or across a City street or other public right-of-way if such vehicle does not comply with the minimum equipment standards adopted herein. Such standards include:

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- ~~(1) *Seats.* All motor vehicles shall be equipped with a securely affixed seat for the driver. The seat shall be so located as to permit the driver to adequately control the steering and braking mechanisms and other instruments necessary for the safe operation of the motor vehicle.~~
 - ~~(2) *Seat belts.* The Council hereby adopts and incorporates by reference Article 12, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1091 et seq.), mutatis mutandis, as if fully set out herein;~~
 - ~~(3) *Child restraints.* The Council hereby adopts and incorporates by reference Article 13, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1091 et seq.), mutatis mutandis, as if fully set out herein;~~
 - ~~(4) *Steering and suspension systems.* The Council hereby adopts and incorporates by reference Article 8, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1063 et seq.), mutatis mutandis, as if fully set out herein;~~
 - ~~(5) *Brakes.* The Council hereby adopts and incorporates by reference Article 9, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1066 et seq.), mutatis mutandis, as if fully set out herein;~~
 - ~~(6) *Speedometers.* All motor vehicles shall be equipped with a speedometer which is in good working order;~~
 - ~~(7) *Odometers.* All motor vehicles shall be equipped with an odometer which is in good working order. It shall be unlawful for any person in the City to knowingly cause, either personally or through an agent, the changing, tampering with, disconnection, or non-connection of any odometer or similar device designed to show by numbers or words the distance which a motor vehicle has traveled or the use it has sustained, unless in accordance with Va. Code §§46.2-112;~~
 - ~~(8) *Lights and turn signals.* The Council hereby adopts and incorporates by reference Article 3, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1010 et seq.), mutatis mutandis, as if fully set out herein;~~
 - ~~(9) *Horns, sirens, and whistles.* The Council hereby adopts and incorporates by reference Article 7, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1059 et seq.), mutatis mutandis, as if fully set out herein;~~
 - ~~(10) *Mirrors.* All motor vehicles shall be equipped with one (1) or more mirrors which collectively reflect to the driver an unobstructed view of the street for a distance of not less than two hundred (200) feet to the rear of such vehicle;~~
 - ~~(11) *Windshields and windows.* The Council hereby adopts and incorporates by reference Article 6, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1052 et seq.), mutatis mutandis, as if fully set out herein;~~
 - ~~(12) *Tires.* The Council hereby adopts and incorporates by reference Article 4, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1041 et seq.), mutatis mutandis, as if fully set out herein;~~

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- (13) Exhaust systems. The Council hereby adopts and incorporates by reference Article 5, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1047 et seq.), mutatis mutandis, as if fully set out herein;
- (14) Hood scoops. No hood scoop shall exceed thirty-eight (38) inches wide at its widest point, two and one-quarter (2 1/4) inches high at its highest point measured from the junction of the dashboard and the windshield, and fifty-two and one-quarter (52 1/4) inches long at its longest point for vehicles manufactured prior to 1991 and thirty-eight (38) inches wide at its widest point, one and one-eighth (1 1/8) inches high at its highest point measured from the junction of the dashboard and the windshield, and fifty and one-half (50 1/2) inches long at its longest point for vehicles manufactured after 1990;
- (15) Special equipment for converted electric vehicles. The Council hereby adopts and incorporates by reference Virginia Code §§46.2-1001.1, mutatis mutandis, as if fully set out herein;
- (16) Rear fenders. Any motor vehicle or combination of vehicles having a licensed gross weight in excess of 40,000 pounds shall be equipped with rear fenders, flaps, or guards of sufficient size to substantially prevent the projection of rocks, dirt, water, or other substances to the rear;
- (17) Reflectors. Any utility trailer that does not require State inspection shall be equipped with two (2) or more reflectors of a type and installation approved by the Commonwealth;
- (18) Slow-moving vehicle emblems. Any farm tractor, self-propelled unit of farm equipment or implement of husbandry, or any other vehicle designed for operation at speeds not in excess of twenty-five (25) miles per hour or normally operated at speeds not in excess of twenty-five (25) miles per hour, other than bicycles, electric power-assisted bicycles, mopeds, or motorized skateboards or scooters, shall display a triangular slow-moving vehicle emblem on the rear of the vehicle;
- (19) School buses. The Council hereby adopts and incorporates by reference Article 11, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1091 et seq.), mutatis mutandis, as if fully set out herein; and
- (20) Serial numbers and weight ratings. Serial numbers and weight ratings shall be required in accordance with the following:
- (A) Motors. Any motor vehicle shall have stamped on or cut into its motor its motor number and shall bear a permanent serial or other identification number assigned by the manufacturer or by the Commonwealth;
- (B) Trailers. Any trailer or semi-trailer shall bear a permanent serial or other identification number assigned by the manufacturer or by the Commonwealth; and
- (C) Weight ratings. Any number, plate, bracket, sticker, decal, indication, or other device indicating the manufacturer's gross vehicle weight rating of any vehicle which has a manufacturer's gross vehicle weight rating of 15,000 pounds or less shall not have been removed, altered, defaced, or tampered with.

(b) Size limitations. It shall be unlawful for any person to operate any motor vehicle upon or across a City street or other public right-of-way if such vehicle does not comply with the size limitations adopted herein.

(1) Maximum heights and widths. The Council hereby adopts and incorporates by reference Article 15, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1091 et seq.), mutatis mutandis, as if fully set out herein, subject to and as modified by any other provision of this Chapter. It shall be unlawful for any person to operate any motor vehicle upon or across a City street or other public right-of-way in violation of the height and width limits established herein.

(2) Maximum lengths. The Council hereby adopts and incorporates by reference Article 16, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1091 et seq.), mutatis mutandis, as if fully set out herein, subject to and as modified by any other provision of this Chapter. It shall be unlawful for any person to operate any motor vehicle upon or across a City street or other public right-of-way in violation of the length limits established herein.

(3) Maximum weights. The Council hereby adopts and incorporates by reference Article 17, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1091 et seq.), mutatis mutandis, as if fully set out herein, subject to and as modified by any other provision of this Chapter. It shall be unlawful for any person to operate any motor vehicle upon or across a City street or other public right-of-way in violation of the weight limits established herein.

(4) Bridges and tunnels. The following rules shall apply to motor vehicles traveling upon, over, beneath, or through any bridge, tunnel, or curb

(A) Posted weight limits. It shall be unlawful for any person to operate a motor vehicle other than an emergency vehicle responding to an emergency upon any bridge in the City if the gross weight of the vehicle is greater than the amount posted for the bridge as its carrying capacity. No person shall be prosecuted under this provision unless traffic control devices displaying the carrying capacity are located near each end of the bridge on the approach thereto.

(B) Posted height limits. It shall be unlawful for any person to cross beneath any bridge or tunnel in the City if the height of the vehicle, or the contents thereof, is greater than the limit posted for the tunnel as its maximum allowable height. No person shall be prosecuted under this provision unless traffic control devices displaying the maximum allowable height of the tunnel are located near each end of the tunnel on the approach thereto.

(C) Crossing curb. It shall be unlawful for any person to cross any curb and gutter in the City with any motor vehicle or with anything that will damage such curb and gutter, except at established driveways, unless with the written approval of the Director.

(D) Liability for repairs. Any person violating the provisions of this Section shall be held liable for the costs of any damage to the public tight-of-way.

(5) Length exception permits for buses and motor homes. Passenger buses and motor homes longer than thirty-five (35) feet, but not longer than forty-five (45) feet excluding the length caused by the projection of a front or rear safety bumper or both, provided that such safety bumper shall not cause the length of the bus to exceed the maximum legal limit by more than one (1) foot in the front and one (1) foot in the rear, may be operated upon or across City streets when a permit is obtained in advance from the Director. Application for such permit shall be on written forms provided by the City and shall be accompanied by a filing fee as determined by the Council. If granted, the applicant and operator shall comply with

all requirements contained therein. The applicant may file an appeal of the denial of a permit or a requirement contained in a permit to the City Manager, by filing a written appeal with the City Clerk within ten (10) days of the date of the decision being appealed. The City Manager may uphold, overturn, or modify the decision.

(6) *Multiple trailer connection permits.* A motor vehicle that is drawing or has attached thereto more than one (1) other vehicle, trailer, or semitrailer may be operated upon or across City streets when a permit is obtained in advance from the Director. Application for such permit shall be on written forms provided by the City and shall be accompanied by a filing fee as determined by the Council. If granted, the applicant and operator shall comply with all requirements contained therein. The applicant may file an appeal of the denial of a permit or a requirement contained in a permit to the City Manager, by filing a written appeal with the City Clerk within ten (10) days of the date of the decision being appealed. The City Manager may uphold, overturn, or modify the decision.

(7) *Size exceptions for tow vehicles.* The Council hereby adopts and incorporates by reference Article 19, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1091 et seq.), mutatis mutandis, as if fully set out herein, subject to and as modified by any other provision of this Chapter.

(c) *Safety inspections.* The Council hereby adopts and incorporates by reference Article 21, of Chapter 10, of Title 46.2 of the Virginia Code (Va. Code §§46.2-1091 et seq.), mutatis mutandis, as if fully set out herein, subject to and as modified by any other provision of this Chapter. It shall be unlawful for any person to operate any motor vehicle upon or across a City street or other public right-of-way in violation of the safety inspection requirements established herein.

Sec. 35-154. – Passengers.

(a) *Improper entry to or exit from a vehicle.* It shall be unlawful for any person to board or alight from any vehicle on a City street while such vehicle is in motion.

(b) *Improper riding in a vehicle.* It shall be unlawful for any person to ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

(c) *Children riding in pickup truck beds.* It shall be unlawful for any person younger than sixteen (16) years of age to be transported in the rear cargo area of any pickup truck. This provision shall not apply to pickup trucks participating in a permitted parade pursuant to Chapter 24 of this Code.

Sec. 35-155. – Cargo.

(a) *Securing cargo generally.* It shall be unlawful for any person to operate or move a vehicle upon any City street unless it is so constructed, maintained, and loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping. This Subsection shall not apply to motor vehicles transporting forestry products, poultry, or livestock, or to agricultural vehicles exempted from licensing under Virginia law.

(b) *Securing truck or trailer cargo.* It shall be unlawful for any person to operate or move a truck, trailer, or semi-trailer carrying gravel, sand, coal, or other non-agricultural and non-forestry products upon or across any City street or public right-of-way unless such load is secured to the vehicle or covered such that any cargo shall remain contained within the vehicle regardless of speed and weather

conditions. This Subsection shall not apply to pickup trucks and emergency snow removal equipment engaged in snow removal operations.

- (c) *Securing cargo prone to shifting.* It shall be unlawful for any person to operate or move a vehicle which is designed or used for the purpose of hauling logs, poles, lumber, barrels, hogsheads, or other materials or containers which by their nature may shift or roll, shall be operated or moved on any City street or public right-of-way unless its load is securely fastened by adequate log chains, metal cables, nylon webbing, steel straps, or other restraining devices so as to prevent the load from shifting or falling from the vehicle. Tobacco hogsheads may, however, be secured by manila or hemp rope, at least five-eighths (5/8) inch in diameter, of sufficient strength securely to fasten the hogshead against shifting, falling, or rolling.
- (d) *Hauling dangerous cargo through tunnels.* It shall be a Class 1 misdemeanor for any person operating a motor vehicle to haul any explosive, flammable, or other hazardous cargo as prohibited by the Virginia Department of Transportation through any tunnel along any City street or public right-of-way in violation of a lawfully posted traffic control device prohibiting the same.

Sec. 35-161. – General traffic rules.

- (a) *Driving on the right.* Except as otherwise provided by law, on all City streets of sufficient width, including when crossing traditional intersections and passing through circular intersections, the driver of a vehicle shall drive on the right half of the street and to the right of any center median, unless it is impracticable to travel on such side of the street and except when turning or overtaking and passing another vehicle in accordance with this Chapter.
- (b) *Marked traffic lanes.* Whenever any roadway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following:
- (1) *Driving in single lane.* A vehicle shall be driven as nearly as is practicable entirely within a single lane and shall not be moved from that lane until the driver has ascertained that such movement can be made safely;
 - (2) *Driving in opposite traffic lane.* No person driving a vehicle upon a City street where traffic travels in opposite directions shall drive the vehicle to the left side of the center line of the street except where permitted by a lawfully-posted traffic control device.
 - (3) *Driving in right lane.* Any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions existing, shall be driven in the lane nearest the right edge or right curb of the street when such lane is available for travel except when overtaking and passing another vehicle, in preparation for a left turn, where right lanes are reserved for slow-moving traffic by a lawfully-posted traffic control signal, when allowing traffic to safely merge onto the street via the right lane, or as otherwise required by law;
 - (4) *Driving in center lane.* No vehicle shall be driven in the center lane of any City street which is divided into three (3) lanes, except when overtaking and passing another vehicle, in preparation for a left turn, when such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding, or as otherwise required by a lawfully-posted traffic control device or permitted by law;
 - (5) *Driving in passing or turning lanes.* Wherever a street is marked with double traffic lines consisting of a solid line immediately adjacent to a broken line, no vehicle shall be driven to the left of such line if the solid line is on the right of the broken line, except when turning left for the purpose of entering or leaving a public, private, or commercial road or entrance or in order to pass a pedestrian, bicycle, scooter, skateboard, or roller skates, provided

such movement can be made safely. Where the middle lane of a street is marked on both sides with a solid line immediately adjacent to a broken line, such middle lane shall be considered a turning lane and it shall be lawful to drive to the left of such line if the solid line is on the right of the broken line for the purpose of turning left into any road or entrance, provided that the vehicle may not travel in such lane further than one hundred fifty (150) feet;

(6) *Driving over solid double lines.* Wherever a street is marked with double traffic lines consisting of two (2) immediately adjacent solid yellow lines, no vehicle shall be driven to the left of such lines, except when turning left for the purpose of entering or leaving a public, private, or commercial road or entrance or in order to pass a pedestrian, bicycle, scooter, skateboard, or roller skates, provided such movement can be made safely. Whenever a street is marked with double traffic lines consisting of two (2) immediately adjacent solid white lines, no vehicle shall cross such lines;

(7) *Driving in bicycle lane.* No person driving a motor vehicle upon a City street shall cross a solid line designating a bicycle lane except as directed by a law-enforcement officer or crossing guard, where the street is otherwise impassable due to weather conditions, hazardous obstructions, or an emergency situation, or where otherwise permitted by lawfully-posted traffic control device.

(8) *Driving in safety zone.* No person driving a motor vehicle upon a City street shall drive through a marked safety zone.

(c) *Driving on shoulder.* No person driving a motor vehicle upon a City street shall drive upon the shoulder of the street or off the pavement or main traveled portion of the roadway, except in an emergency or where otherwise permitted by lawfully-posted traffic control device.

(d) *Driving through crossovers.* No motor vehicle may use or attempt to use any crossover between a center median on a City street when a lawfully-posted traffic control device prohibits such use, other than law-enforcement vehicles, emergency vehicles, towing and recovery vehicles operating under the direction of the City, construction or maintenance vehicles operating in accordance with law, vehicles performing traffic incident management services, and other vehicles operating in medical emergency situations.

(e) *Right-of-way.* Art. 2 of Chapter 8 of Title 46.2 of the Virginia Code is hereby adopted by reference, mutatis mutandis, and incorporated herein as if entirely set out. No person driving a vehicle upon a City street shall fail to make an appropriate signal as required by this Subsection.

(f) *Signaling.* Art. 6 of Chapter 8 of Title 46.2 of the Virginia Code is hereby adopted by reference, mutatis mutandis, and incorporated herein as if entirely set out. No person driving a vehicle upon a City street shall fail to make an appropriate signal as required by this Subsection.

(g) *Passing.* The following rules shall apply to vehicles passing other vehicles upon City streets:

(1) *Passing on left.* The driver of any vehicle on a City street overtaking another vehicle proceeding in the same direction shall pass at least two (2) feet to the left of the overtaken vehicle and shall not again drive to the right side of the street until safely clear of such overtaken vehicle, except as otherwise provided in this Chapter.

(2) *Passing on the right.* The driver of a vehicle may overtake and pass to the right of another vehicle only under conditions permitting such passing to occur safely when the overtaken

vehicle is making or about to make a left turn and its driver has given the required signal or upon a City street designed for two (2) or more lanes of moving vehicles to proceed in the same direction.

(3) Passing bicycles and other small vehicles. Any driver of any motor vehicle overtaking an animal or animal-drawn vehicle, bicycle, electric power-assisted bicycle, electric personal assistive mobility device, motorized scooter or skateboard, or moped proceeding in the same direction shall pass at a reasonable speed at least three (3) feet to the left of the overtaken animal or vehicle and shall not again proceed to the right side of the street until safely clear of such overtaken animal or vehicle. If the lane of travel is not wide enough to allow the overtaking motor vehicle to pass in the manner required in this Subsection while in the same lane as the overtaken vehicle, the overtaking vehicle shall change lanes prior to passing.

(4) Trucks passing. No person operating a truck or combination of vehicles shall pass or attempt to pass any truck or combination of vehicles going in the same direction on an upgrade if such passing will impede the passage of following traffic.

(5) Giving way to overtaking vehicle. It shall be a traffic infraction for any person driving a motor vehicle to the left and abreast of another motor vehicle on a City street to fail to give way to overtaking traffic when being passed. The driver of the overtaken vehicle shall move to the right to allow the overtaking vehicle to pass as soon as the overtaken vehicle can safely do so and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(h) Turning. The following rules shall apply to vehicles making turns upon City streets:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right curb or edge of the roadway.

(2) Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made from the right half of the roadway and as close as possible to the roadway's center line, passing to the right of the center line where it enters the intersection. After entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable, the left turn shall be made to the left of the center of the intersection.

(3) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one (1) direction on either of the roadways, and at any crossover from one (1) roadway of a divided street to another roadway thereof on which traffic moves in the opposite direction, the driver intending to turn left at any such intersection or crossover shall approach in the extreme left lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection or crossover the left turn shall be made so as to leave the intersection or crossover, as nearly as practicable, in the left lane lawfully available to traffic moving in such direction upon the roadway being entered.

(4) Left turns by bicycles and other small vehicles. Notwithstanding any other provision of this Section, a person riding a bicycle, electric power-assisted bicycle, electric personal assistive mobility device, motorized scooter or skateboard, or moped and intending to turn left may approach the turn as close as practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway, the rider shall comply with traffic signs

or signals and continue his turn as close as practicable to the right curb or edge of the roadway being entered.

(5) *Posted directional signs.* Notwithstanding any other provision of this Section, when a traffic control device is lawfully placed at an intersection, no driver shall turn a vehicle other than as directed by such device.

(6) *U-turns.* No driver on a City street shall turn his vehicle so as to proceed in the opposite direction in any of the following ways:

(A) *Generally.* At any point in the street other than an intersection or designated turning lane;

(B) *Prohibited by sign.* At any intersection or turning lane where U-turns are prohibited by a valid traffic control device; or

(C) *Area of reduced visibility.* On any curve or on the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from any direction within five hundred (500) feet.

(i) *Maximum speeds.* No person shall drive a motor vehicle on a City street or public right-of-way at any speed in excess of the posted maximum speed limit or as otherwise prohibited by law.

(j) *Minimum speeds.* No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic or below any posted minimum speed limit except when reduced speed is necessary for safe operation or in compliance with law.

(k) *Driving while intoxicated.* Art. 2 of Ch. 7 of Title 18.2 of the Virginia Code is hereby adopted by reference and incorporated into this Chapter as if entirely set out herein, mutatis mutandis. It shall be unlawful for any person to violate any provision adopted hereby and such provisions shall be enforced in accordance with the requirements and procedures adopted hereby.

Sec. 35-162. - Reckless and unsafe driving.

(a) *Reckless driving.* It shall be a Class 1 misdemeanor for any person to drive a vehicle upon or across any City street or public right-of-way in a reckless manner in violation of this Section. The following shall be considered to be reckless driving:

(1) *Generally.* Irrespective of the maximum speeds permitted by law, to drive a vehicle recklessly or at a speed or in a manner so as to endanger the life, limb, or property of any person;

(2) *Failure to maintain control.* To drive a vehicle which is not under proper control or which has inadequate or improperly adjusted brakes;

(3) *Passing on crest or curve.* To, while driving a vehicle, overtake and pass another vehicle proceeding in the same direction, on or approaching the crest of a grade or on or approaching a curve in the street, where the driver's view along the street is obstructed.

except where the overtaking vehicle is being operated on a street having two (2) or more designated lanes of roadway for each direction of travel or on a designated one-way street;

- (4) *Passing multiple vehicles driving abreast.* To pass or attempt to pass two (2) other vehicles abreast, moving in the same direction, except on streets having separate roadways of three (3) or more lanes for each direction of travel, or on designated one-way streets. This Subsection shall not apply, however, to a motor vehicle passing two (2) other vehicles when one (1) or both of such other vehicles is a bicycle, electric power-assisted bicycle, electric personal assistive mobility device, or moped; nor shall this Subsection apply to a bicycle, electric power-assisted bicycle, electric personal assistive mobility device, or moped passing two (2) other vehicles;
- (5) *Passing at railroad crossing.* To overtake or pass any other vehicle proceeding in the same direction at any railroad grade crossing;
- (6) *Passing at certain intersections.* To overtake or pass any other vehicle proceeding in the same direction at any intersection of streets unless the street being traveled upon has two (2) or more designated lanes of roadway for each direction of travel or unless such intersection is designated and marked as a passing zone;
- (7) *Passing on one-way streets.* To overtake or pass any other vehicle proceeding in the same direction on a designated one-way street;
- (8) *Passing around pedestrians.* To overtake or pass any other vehicle proceeding in the same direction while pedestrians are passing or about to pass in front of either of such vehicles, unless otherwise permitted to do so by a traffic light or law-enforcement officer;
- (9) *Passing school bus.* To, while driving a motor vehicle, fail to stop when approaching, from any direction, any school bus which is stopped on any City street, private road, or school driveway for the purpose of taking on or discharging passengers, or to fail to remain stopped until all the passengers are clear of the street, road, or driveway and the bus is put in motion, unless otherwise permitted to do so by a duly authorized crossing guard or law-enforcement officer;
- (10) *Driving abreast.* To drive any motor vehicle so as to be abreast of another vehicle in a lane designed for one (1) vehicle, or to drive any motor vehicle so as to travel abreast of any other vehicle traveling in a lane designed for one (1) vehicle. Nothing in this Section shall be construed to prohibit two (2) two-wheeled motorcycles from traveling abreast while traveling in a lane designated for one (1) vehicle. This Section shall not apply to any validly authorized parade, motorcade, or motorcycle escort; to a motor vehicle traveling in the same lane of traffic as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped; nor to any vehicle when lawfully overtaking and passing one (1) or more vehicles traveling in the same direction in a separate lane;
- (11) *Obstructed driving.* To drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle;
- (12) *Failure to signal.* To fail to give adequate and timely signals of intention to turn, partly turn, slow down, or stop, as required by this Chapter;

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- (13) Unreasonable speeding. To exceed a reasonable speed under the circumstances and traffic conditions existing at the time, regardless of any posted speed limit;
- (14) Reckless speeding. To drive a motor vehicle on a City street at a speed of twenty (20) miles per hour or more in excess of the applicable maximum speed limit or in excess of eighty-five (85) miles per hour regardless of the applicable maximum speed limit;
- (15) Failure to yield to oncoming traffic. To fail to bring his vehicle to a stop immediately before entering a street from a side road and yield the right-of-way to any vehicle approaching within five hundred (500) feet upon such street from either direction, or as otherwise required by lawfully posted traffic control signals;
- (16) Failure to yield to stationary emergency vehicles. To, while driving a motor vehicle upon approaching a stationary vehicle that is displaying a flashing, blinking, or alternating blue, red, or amber light, fail to proceed with caution and, if reasonable and with due regard for safety and traffic conditions, fail to yield the right-of-way by making a lane change into a lane not adjacent to the stationary vehicle and proceed with due caution and maintain a safe speed under the circumstances;
- (17) Racing. To engage in a race between two (2) or more motor vehicles on any City street or on any driveway or premises of a church, school, recreational facility, or business or governmental property open to the public, unless authorized by the owner of the property or his agent.
- (18) Ignoring railroad crossing signals. To, while driving a vehicle, disobey a clearly visible or audible crossing signal which gives warning of the immediate approach of a train at a railroad grade crossing, or to drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed;
- (19) Careless driving. To operate a motor vehicle on a City street or public right-of-way in a careless or distracted manner such that the careless or distracted operation is the proximate cause of serious bodily injury to or the death of a pedestrian or the rider, operator of, or passenger on an animal or animal-drawn vehicle, wheelchair, skateboard, roller skates, bicycle, electric power-assisted bicycle, electric personal assistive mobility device, or motorized skateboard or scooter, who is lawfully present on such street or right-of-way at the time of injury or death.
- (20) Reckless driving on parking lots and closed roads. To operate any motor vehicle at a speed or in a manner so as to endanger the life, limb, or property of any person on any driveway or premises of a church, school, recreational facility, business or governmental property open to the public, industrial establishment providing parking space for customers, patrons, or employees, or upon any street under construction or not yet open to the public.
- (b) Improper driving. It shall be a traffic infraction for any person where the degree of culpability is slight to violate any provision of Subsection (a) of this Section, provided that no person shall be convicted of violating both this Subsection and Subsection (a) above for the same set of operative facts;
- (c) Aggressive driving. It shall be a Class 2 misdemeanor for any person to, while possessing the intent to harass, intimidate, or obstruct another person, and a Class 1 misdemeanor for any person to, while possessing the intent to injure another person, while committing any of the following offenses:

(1) Driving on wrong side of the road.

(2) Improper use of lanes.

(3) Following too closely.

(4) Failure to yield.

(5) Ignoring a traffic control device.

(6) Improper passing.

(7) Speeding; or

(8) Improper stopping.

(d) Following too closely. It shall be a traffic infraction for the driver of a motor vehicle upon any City street to follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of both vehicles and the traffic on, and conditions of, the street at the time.

(e) Eluding or evading police. It shall be a Class 2 misdemeanor for any person who, having received a visible or audible signal from any law-enforcement officer to bring his motor vehicle to a stop, to drive such motor vehicle in a willful and wanton disregard of such signal or to attempt to escape or elude such law-enforcement officer whether on foot, in the vehicle, or by any other means; provided however that it shall be an affirmative defense to a charge of a violation of this Subsection if the defendant shows he reasonably believed he was being pursued by a person other than a law-enforcement officer.

(f) Blocking traffic. It shall be a Class 1 misdemeanor for any person to intentionally and willfully:

(1) Blocking streets. Stop the vehicle of another for the sole purpose of impeding its progress on a City street, except in the case of an emergency or mechanical breakdown;

(2) Blocking access to private property. Block or obstruct access to or egress from the driveway, parking lot, or other travel way or connection to a public right-of-way located on the premises of any government property or any residence, church, business, or other private property without the consent of the owner or custodian thereof; or

(3) Harming vehicles or occupants. Damage any vehicle engaged in lawful travel upon or across any City street or public right-of-way, or threaten, assault, or otherwise harm the person of any operator or passenger of a motor vehicle engaged in lawful travel thereon.

Exceptions. The provisions of this Subsection shall not apply to any law-enforcement officer, crossing guard, firefighter, or emergency medical services personnel engaged in the performance of his duties nor to any vehicle engaged in construction or maintenance activities otherwise in accordance with law.

(g) Holding cellphones while driving. It shall be a traffic infraction for any person to hold a handheld personal communications device while driving a moving motor vehicle upon or across any City street. The provisions of this Subsection shall not apply to:

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- (1) The operator of any emergency vehicle while he is engaged in the performance of his official duties;
 - (2) An operator who is lawfully parked or at a complete stop;
 - (3) Any operator who is reporting an emergency;
 - (4) The use of an amateur or citizens band radio; or
 - (5) The performance of traffic incident management services.
- (h) Driving in flooded areas. It shall be a Class 4 misdemeanor for any person to operate a motor vehicle or watercraft on any flooded public or private street, alley, or parking lot in such a manner as to increase the level of floodwaters to a level that causes or could reasonably be expected to cause damage to any real or personal property. The provisions of this Subsection shall not apply to any law-enforcement officer, firefighter, or emergency medical services personnel engaged in the performance of his duties nor to any vehicle engaged in construction or maintenance activities otherwise in accordance with law.
- (i) Driving in snowy areas. It shall be a traffic violation for any person to operate a motor vehicle in violation of any temporary regulation or restriction declared by the City Manager pursuant to Sec. 35-104 of this Chapter.
- (j) Aiding illegal racing. It shall be a Class 1 misdemeanor for any person not otherwise engaged in illegal racing to aid or abet in the conducting of an illegal race.

Sec. 35-164. – Traffic accidents.

- (a) Applicability. The provisions of this Section shall apply to traffic accidents occurring on both private property and public property.
- (b) Penalties for failing to stop at or report accidents. Unless otherwise specified herein, it shall be a Class 1 misdemeanor for any person to fail to stop at a traffic accident or make a required report under this Section if the accident results in damage of \$1000.00 or less to property and no death or injury and a Class 4 misdemeanor if the accident results in damage of \$250.00 or less to unattended property and no death or injury.
- (c) Duty of driver to stop at the scene of a traffic accident or mechanical breakdown. Any person driving a vehicle in the City has the duty to stop at the scene of a traffic accident or mechanical breakdown in accordance with this Subsection.
- (1) Accidents involving other persons. The driver of any vehicle involved in an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged shall immediately stop as close to the scene of the accident as possible without obstructing traffic and shall remain at the scene until directed to leave by a law enforcement officer unless such person is seeking immediate emergency medical aid for himself or another.
 - (2) Accidents involving unattended property. The driver of any vehicle involved in an accident in which no person is killed or injured, but in which an unattended vehicle or other unattended property is damaged, shall immediately stop as close to the scene of the

accident as possible without obstructing traffic and make a reasonable effort to find the owner or custodian of such property. If the owner or custodian of such damaged vehicle or property cannot be found, the driver may leave the scene after leaving a written report as required in Subsection (d)(2) below.

(3) *Mechanical breakdowns.* The driver of any vehicle suffering from a mechanical breakdown upon a City street shall, if the driver is capable of safely doing so and the vehicle is movable, move the vehicle to the shoulder or otherwise out of the roadway to prevent obstructions to the regular flow of traffic. White flag

(4) *Stopping in a safe manner.* No person shall stop a vehicle pursuant to this Subsection in such manner as to impede or render dangerous the use of the street by others, except in the case of an emergency, a traffic accident, or a mechanical breakdown.

(5) *Hazard lights.* In the event of an emergency, accident, or breakdown, the emergency flashing lights of any vehicle stopped pursuant to this Subsection shall be turned on if the vehicle is equipped with such lights and such lights are in working order.

(6) *Warning devices.* Whenever any commercial motor vehicle is stopped on any City street or on the shoulder thereof pursuant to this Section at night, the operator of such vehicle shall as soon as possible, but in any event within ten (10) minutes of stopping, place or cause to be placed on the roadway or shoulder red reflectorized triangular warning devices or road flares at the scene in accordance with Va. Code §46.2-111.

(7) *Hazardous stopping near scene of an accident or emergency.* No vehicle shall be stopped at or in the vicinity of a fire, vehicle or airplane accident, or other area of emergency, in such a manner as to create a traffic hazard or interfere with law-enforcement officers, fire fighters, rescue workers, or others whose duty it is to deal with such emergencies. If any such vehicle is found unlawfully parked in the vicinity of a fire, accident, or area of emergency, or if an immobilized vehicle creates a traffic hazard or interferes with the necessary emergency procedures in such area, such vehicle may be ordered to be removed by a law-enforcement officer, or, in the absence of a law-enforcement officer, by order of a uniformed fire or rescue officer in charge of the scene. The costs for such removal shall be borne by the vehicle owner and shall not exceed the actual and necessary cost. Vehicles being used by accredited information services, such as press, radio, and television, when being used for the gathering of news, shall be exempt from the provisions of this Subsection, except when actually obstructing the law-enforcement officers, fire fighters, and rescue workers dealing with the emergency.

(d) *Duty of persons to report accidents.* Any person involved in a vehicle accident or mechanical breakdown in the City has the duty to report such accident or mechanical breakdown in accordance with this Subsection.

(1) *Accidents involving other persons.* The driver of any vehicle involved in an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged shall immediately contact emergency services and report his name, contact information, driver's license number, and vehicle registration number forthwith to the Police Department and to the person struck and injured if such person appears to be capable of understanding and retaining the information, or to the driver or some other occupant of the vehicle collided with or to the custodian of other damaged property.

(2) *Accidents involving unattended property.* The driver of any vehicle involved in an accident in which no person is killed or injured, but in which an unattended vehicle or other

unattended property is damaged shall report his name, contact information, driver's license number, and vehicle registration number to the owner or custodian of such damaged vehicle or property at the scene. If the owner or custodian of such damaged vehicle or property cannot be found, the driver shall leave a note or other sufficient information including driver identification and contact information in a conspicuous place at the scene of the accident and shall report the accident in writing within twenty-four (24) hours to the Police Department. The written report shall include the date, time, and place of the accident and the driver's description of the property damage.

(3) *Mechanical breakdowns.* The driver of any vehicle suffering from a mechanical breakdown upon or along a City shall report his location, name, contact information, driver's license number, and vehicle registration number to the Police Department as soon as practicable.

(4) *Passengers.* If the driver of any vehicle involved in an accident described above fails to stop or make a required report, every person sixteen (16) years of age or older in the vehicle with the driver at the time of the accident, who has knowledge of the accident, shall have a duty to ensure that a report is made within twenty-four (24) hours from the time of the accident to Police Department. The report shall include his name, address, and such other information within his knowledge as the driver is required to report.

(5) *Proof of insurance status.* It shall be a Class 2 misdemeanor for the operator of any motor vehicle involved in an accident to fail to provide to the Police Department proof that the vehicle he was operating at the time of such accident was either an insured motor vehicle or a validly registered uninsured vehicle, within thirty (30) days of being requested to provide such information.

(e) *Duty to render aid.* All persons traveling within the City who are involved in a traffic accident have a legal duty to render reasonable assistance to any other person injured in such accident, including summoning an ambulance or taking such injured person to seek medical treatment when necessary or requested.

(f) *Duty to obey police commands.* Any person shall leave the scene of a traffic accident when directed to do so by a law-enforcement officer.

(g) *Delays due to injury.* Where, because of injuries sustained in the accident, the driver or passenger is prevented from performing any act required by this Section, such person shall, as soon as reasonably possible, make a reasonable effort to perform the required act.

Secs. 35-165 – 35-170. - Reserved.

Sec. 35-171. - One-way streets.

(a) *Designated one-way streets.* The following streets are hereby established and designated as one-way streets:

(1) Chambers Street is established as a one-way street for vehicular traffic proceeding in a northerly direction.

(2) Dibrell Alley from Holbrook Street to Broad Street, is established as a one-way street for vehicular traffic proceeding in a southwesterly direction.

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- (3) Lynn Street, from Loyal Street to Patton Street, is established as a one-way street for vehicular traffic proceeding in a northwesterly direction.
 - (4) Main Street, from Bridge Street to Memorial Drive, is established as a one-way street for vehicular traffic proceeding in a southwesterly direction.
 - (5) Market Street, from Patton Street to Spring Street, is established as a one-way street for vehicular traffic proceeding in a north-westerly direction.
 - (6) Patton Street, from Craghead Street to Bridge Street, is established as a one-way street for vehicular traffic proceeding in a northeasterly direction.
 - (7) Union Street, from Main Street to Patton Street, is established as a one-way street for vehicular traffic proceeding in a southeasterly direction.
 - (8) West Green Street, from one hundred (100) feet north of Rison Street to Holbrook Street, is established as a one-way street for vehicular traffic proceeding from Rison Street. No vehicle shall enter West Green Street from Holbrook Avenue.
 - (9) Woodland Drive, from West Main Street to Surry Lane, is established as a one-way street for vehicular traffic proceeding in a northwesterly direction.
 - (b) Signs. The City Manager shall have installed and maintained such traffic control devices on any one-way street as will inform an ordinarily observant person of the direction of lawful traffic.
 - (c) Driving against flow of traffic. It shall be unlawful for any person to drive or move any vehicle on any one-way street in a direction other than that designated by a posted sign.
 - (d) Waivers. When it can be demonstrated to the satisfaction of the City Manager that the strict enforcement of this Section will cause an unreasonable hardship on some particular person relative to the loading or unloading of trucks or other vehicles on a one-way street, the City Manager is authorized to issue a special permit to such person permitting a variance from the provisions of this Section. Any such special permit shall be in writing and shall specify the nature of such variance and the place and time when such variance shall be permitted. Such permit shall only be issued when it can be demonstrated to the satisfaction of the City Manager that the granting of such permit will alleviate a clearly demonstrable hardship, rather than merely being a special privilege or convenience, to the person who seeks such permit. The decision to deny a special permit shall not be appealable.
 - (e) Additional streets. Nothing in this Section shall be interpreted as preventing the City Manager from designating additional City streets as one-way streets pursuant to Sec. 35-104 of this Chapter.

Sec. 35-172. - Truck routes.

- (a) The drivers of motor trucks engaged in the transportation of freight and entering the City from the east or west over U.S. Route No. 58 shall continue through the City over U.S. Route No. 58, which route is known within the limits of the City as Riverside Drive and River Street.
- (b) The drivers of such trucks approaching the City from the north or from the south over U.S. Route No. 29 shall continue around the City over U.S. Route No. 29.
- (c) The drivers of such trucks approaching the City from the north or south on U.S. Route No. 29 and who intend to go east or west over U.S. Route No. 58 shall use U.S. Route No. 29 to the intersection of U.S. Route No. 29 with U.S. Route No. 58, and then proceed over U.S. Route No. 58 through the City.
- (d) The drivers of such trucks entering the City over Virginia State Route No. 360 and intending to go either east or west on U.S. Route No. 58 shall follow North Main Street from its intersection with Virginia State Route No. 360 to the intersection of North Main Street and U.S. Route No. 58.

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- ~~(e) The drivers of trucks originating within the City or the outskirts of the City and engaging in deliveries or pick-ups or proceeding for repairs shall follow the truck routes established in this Section, so far as practical, to their destination.~~
 - ~~(f) The drivers of trucks entering the City over Virginia State Route No. 86 shall follow Route 86 to its intersection with U.S. Routes No. 58 and No. 29 and then follow the proper truck route to their destination through the City.~~
 - ~~(g) This Section shall not apply to trucks receiving or making deliveries in the City or proceeding to a place in the City for the purpose of undergoing repairs.~~

Sec. 35-173. - Cruising.

- ~~(a) *Purpose.* This Section shall regulate or prohibit vehicular traffic on certain privately-owned public parking areas and driveways. The Section shall regulate or prohibit the stopping, standing, parking, or flow of vehicles in parking areas or driveways of shopping centers, other commercial businesses, and apartment complexes. The Section shall be applied to and enforced in a requested center or commercial area upon application in writing by the owner or person in general charge of the operation of such area to the Police Chief.~~
- ~~(b) *Cruising prohibited.* It shall be unlawful for any person to drive or permit a motor vehicle under his care, custody, or control to be driven past a traffic control point three (3) or more times within a two-hour period between 6:00 p.m. to 4:00 a.m., in or around a posted no cruising area so as to contribute to traffic congestion, obstruction of streets, sidewalks, parking lots, or public vehicular areas, the impediment of access to shopping centers or other buildings open to the public, or interfere with the use of property or conduct of business in the area adjacent thereto. This section shall not apply to in-service emergency vehicles or vehicles being used for commercial purposes. No violations shall occur except upon the third passage past the same traffic control point within a two-hour period.~~
- ~~(c) *Signs.* At every point where a public street or alley becomes or provides ingress to a no cruising area there shall be posted a sign which designates no cruising areas and times.~~
- ~~(d) *Adoption.* No area shall be designated or posted as a no cruising area except upon the passage of a resolution by the Council specifically requiring such designation and posting for a particular area.~~
- ~~(e) *Violations.* Where there is a violation of any provision of this section, a police officer shall issue a citation for such violation subjecting the violator to a twenty-five dollar (\$25.00) civil penalty. Any person convicted of a second or subsequent violation of the ordinance shall be subjected to a one hundred dollar (\$100) civil penalty.~~

Secs. 35-174 – 35-180. - Reserved.

ARTICLE VI. - STOPPING, STANDING, AND PARKING

Sec. 35-181. – Parking Citations.

- ~~(a) *Administration.* The administration of this Article, may be carried out by City police officers, other City officers and employees authorized to do so by law, officers or employees of the Sheriff's Office for violations occurring upon or adjacent to property subject to their custody, officers, employees, agents of any railroad company for violations occurring upon or adjacent to property subject to their custody, private security guards or volunteers when authorized pursuant to this Article, and by third-party agents acting on behalf of the City pursuant to a written agreement for parking enforcement. Officers, employees, and agents may use electronic handheld devices and license plate recognition (LPR) technology, in the carrying out of this Article. Each officer, employee, or agent charged with the duty of enforcing the parking laws of the City shall create a record of the~~

make, model, and license tag number of any motor vehicle observed violating this Article, the specific violation, and the date, time, and location of such violation, and shall maintain such record until any required parking fines and fees therefor have been paid or the violation has been otherwise resolved administratively.

- (b) *Parking Citations.* Each such officer, employee, or agent shall attach to such vehicle a written citation to the owner, unless such vehicle absconds prior to the attachment of the citation, in which case such citation may be mailed or delivered to such owner, at his last known address. Vehicle owners may also voluntarily opt to waive written notice in lieu of digital notice. Such notice shall include the information compiled in the report required in Subsection (a) above, as well as information on when and how the citation may be paid or disputed. If the citation is paid in full within ten (10) days of the date thereof or is postmarked within such ten (10) day period, the parking citation shall be deemed fully satisfied. Multiple parking citations may be issued simultaneously for vehicles violating multiple parking restrictions contained within this Article.
- (c) *Parking fines and fees.* The fines and fees for parking violations under this Article are as follows:
- (1) The penalty for illegally parking in violation of Subsection 35-182(a)(1) of this Article shall be a fine of two hundred fifty dollars (\$250.00).
 - (2) The penalty for illegally parking in violation of Subsections 35-182(a)(2) – (a)(4) of this Article shall be a fine of one hundred dollars (\$100.00).
 - (3) The penalty for illegally parking in violation of Subsections 35-182(a)(5) – (a)(12) of this Article shall be a fine of fifty dollars (\$50.00).
 - (4) The penalty for any other parking violation established by this Article shall be a fine of twenty-five dollars (\$25.00) unless otherwise specified herein.
 - (5) The penalties provided in this Subsection shall apply only when the penalty is paid within ten (10) days of the date of the citation. Any owner failing to pay such penalty within the prescribed time and manner shall be required to pay an additional penalty of ten dollars (\$10.00) for each thirty (30) day period the penalty remains unpaid. Any penalty that remains unpaid after ninety (90) days shall, in addition to the thirty (30) day penalty, shall be subject to an additional penalty of twice the original penalty.
- (d) *Legal remedies.* The City may pursue all legal remedies available by law to collect delinquent amounts owed thereto resulting from this Article, including, but not limited, the filing of a warrant in debt to obtain a judgment for the total amount owed.
- (e) *Ownership.* In the issuance of any citation or any other enforcement action charging that a vehicle was parked in violation of any part of this Article or any other law, proof that the vehicle described in the complaint, summons, or warrant was parked in violation of such provision of this division or other law, together with proof that the Defendant was, at the time of such parking, the registered owner of the vehicle, shall constitute a *prima facie* presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.
- (f) *Immobilization of vehicles with outstanding parking citations.* Any motor vehicle found parked upon any City street, parking lot, or other City property against which there are three (3) or more outstanding unpaid or otherwise unsettled parking violations, may be immobilized by booting or some other approved method of immobilization. Any motor vehicle found parked upon any City street, parking lot, or other City property against which there are five (5) or more outstanding unpaid or otherwise unsettled parking violations, may, by towing or otherwise, be removed or transported to a place in the City designated by the Police Chief for the safe and temporary storage of such vehicle. The removal or transportation of such vehicle shall be by or under the direction of the Police Chief or his designee. Notice shall be provided to the owner of such vehicle, informing him of the location of the vehicle and the nature and circumstances of the prior unsettled parking violations which resulted in the removal of such vehicle. The owner of any motor vehicle removed pursuant to this Subsection may reclaim custody of such vehicle by paying any outstanding parking violations as well as any costs incidental to the removal and storage of the vehicle and the efforts to locate

its owner, and any other costs or fees as approved by the Council. Should such owner fail or refuse to pay such fines and costs or should the identity or whereabouts of such owner be unknown and unascertainable, such removed motor vehicle may be sold in accordance with the procedures set forth in §46.2-1213 and §46.2-1217 of the Virginia Code.

Sec. 35-182. - General parking prohibitions.

- (a) It shall be unlawful for any person to park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:
- (1) *Disabled spaces.* Within a marked parking space or adjacent access aisle designated for the use of the disabled in accordance with Sec. 35-191 of this Chapter;
 - (2) *Fire Lanes.* Within any marked fire lane;
 - (3) *Near ambulance stations.* Within fifteen (15) feet of the entrance to a building housing rescue squad equipment or ambulances, provided such buildings are properly identified;
 - (4) *Near fire stations.* Within fifteen (15) feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of the entrance, when properly identified;
 - (5) *Near fire hydrant.* Within fifteen (15) feet of a fire hydrant;
 - (6) *Near safety zone.* Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a lawful traffic-control device;
 - (7) *Near excavation.* Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic or activities related to the excavation;
 - (8) *Near railroad crossing.* Within fifty (50) feet of the nearest rail of a railroad grade crossing;
 - (9) *Bridges or tunnels.* Upon any bridge or other structurally elevated street or highway or within a tunnel;
 - (10) *Obstructing alleys, driveways, curb ramps, or mailboxes.* In front of a public or private alley, driveway, curb ramp, or mailbox so as to render the same impassable, inaccessible, or hazardous to use as intended;
 - (11) *Obstructing pedestrian areas.* Upon or within a City sidewalk, street intersection, marked crosswalk, marked bicycle lane, or center median;
 - (12) *Near intersections.* On the same side of a street as a posted stop sign if within thirty feet (30 ft.) thereof, or within fifteen feet (15 ft.) of the intersection of curb lines, or if none, then within ten feet (10 ft.) of the intersection of property lines at an intersection of the street;
 - (13) *Distance from curb.* On a street if the tires closest to the curb or edge of the street are more than three feet (3 ft.) from such curb or edge;
 - (14) *Perpendicular parking and backing to curb.* Perpendicular or backed to the edge or curb of a street except where marked for such parking;
 - (15) *Direction.* Along the edge or curb of a street while facing the opposite direction of traffic;
 - (16) *Tandem parking.* On the roadway side of any vehicle parked at the edge or curb of a street;
 - (17) *Double parking.* Within more than one (1) marked parking space or not within any marked parking space where provided, unless loading or unloading;
 - (18) *Loading and pickup zones.* Within a marked loading zone, other than for the expeditious unloading and delivery or pickup and loading of commercial goods, during hours when the

provisions applicable to such zones are in effect. The driver of a passenger vehicle may stop temporarily in a space marked as a loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or commercial goods when such stopping does not interfere with any vehicle used for the transportation of commercial goods that is waiting to enter or is about to enter such loading;

- (19) *Bus stops.* Within a marked bus stop, other than a City bus or trolley, or unless actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or trolley waiting to enter or about to enter such bus stop;
 - (20) *Time-restricted parking.* In any public street or space in violation of any time restriction promulgated pursuant to Sec. 35-183 of this Article;
 - (21) *Permit-restricted parking.* In any public street or space subject to permitted parking restrictions in violation of any permit restriction promulgated pursuant to Sec. 35-184 of this Article;
 - (22) *Improper purposes.* For an improper purpose prohibited by Sec. 35-195 of this Article;
 - (23) *Improper vehicles.* By an improper vehicle in violation of Sec. 35-196 of this Article;
 - (24) *Signs.* At any other place and time or in any other manner where official signs, pavement markings, or other visual instructions prohibit or otherwise direct parking; and
 - (25) *Obstructing traffic.* In any other manner that obstructs the flow of traffic
- (b) No person other than a police officer or a City officer or employee commanding at the scene of an active emergency shall move or direct a vehicle into any such prohibited area or away from a curb such distance as is unlawful.

Sec. 35-183. - Time restricted parking.

- (a) *Designation.* The City Manager may designate portions of public streets or public parking spaces as having time restricted parking. Such restrictions may determine the date, day, time, or duration of public parking within such streets and spaces. Adequate signage shall be installed to provide notice of any time restrictions on parking.
- (b) *Stealing from or tampering with a parking meter.* Stealing from a parking meter. It shall be a Class 1 misdemeanor for any person to enter, force, attempt to enter or force an entrance into, tamper with, or insert any part of an instrument into any City parking meter, with intent to steal therefrom.
- (c) *Defrauding a parking meter.* It shall be a Class 3 misdemeanor for any person to operate, cause to be operated, or attempt to operate or cause to be operated any City parking meter in connection with the use or enjoyment of parking privileges by means of a slug, or any false, counterfeit, mutilated, sweated, or foreign coin, or by any means, method, trick, or device whatsoever, not authorized by the City; or to obtain or receive parking privileges from any City parking meter, including but not limited to multi-space meters, or other parking-related device without depositing in or surrendering to such parking meter, the amount required therefor.
- (d) *Delivery vehicles.* Any time limit for parking motor vehicles on the public streets of the City, as provided by this Section, shall not apply to delivery vehicles belonging to and used by merchants doing business on such streets to the extent that such vehicles may be parked during business hours in front of such merchant's place of business if loading and unloading merchandise; provided, however, that no merchant shall permit a vehicle used in his business to be parked in the loading zone of another place of business, without permission from such other business.
- (e) *Four-free hours not in effect in the River District.* Within the River District, any time restriction applicable to parking motor vehicles in accordance with this Section shall be strictly enforced against such vehicle, notwithstanding the fact that such vehicle is displaying a disabled parking license plate or placard. Adequate signage shall be installed to provide notice that the four (4) hours' free parking rule is not in effect within the River District.

(f) Moving vehicle. In order to comply with this Section, any vehicle that parks in a designated timed-restricted parking space upon a City street must move such vehicle a minimum of one (1) block face by the expiration of the allowable time for no less than the time limit established for the parking space so occupied.

Sec. 35-184. - Permit restricted parking.

(a) Permitted parking. The Council may designate portions of public streets or public parking spaces as having permit restricted parking. Such designations shall determine the date, day, time, or duration of public parking within such streets and spaces. The City Manager is hereby authorized to create a resident induction policy for new neighborhoods or street blocks that are located within a designated area.

(b) Designated areas with permit restricted parking. Reserved.

(c) Residential parking permits. The City shall issue annual residential parking permits for any area designated by this Section as requiring parking permits. Upon written application and payment of any required fee, one (1) permit shall be issued to residents for each motor vehicle owned by a person residing on a street within a designated area, up to a maximum of four (4) per residential unit. An applicant for a permit shall present a current driver's license and current motor vehicle registration for each vehicle for which a permit is sought with the application. No permit shall be issued for any motor vehicle if either the license or registration shows an address not within a designated area, unless the applicant demonstrates to the satisfaction of the City that he is, in fact, a resident of such area. Residential permit holders may apply for and obtain temporary guest passes, which shall remain valid for up to seventy-two (72) hours.

(d) Business parking permits. The City shall issue monthly business parking permits for any area designated by this Section as requiring parking permits. Upon written application and payment of any required fee, one (1) permit shall be issued to licensed businesses for each employee required to work at such business during a time when permit restrictions are in effect, up to a maximum number as determined by the ordinance designating the restricted area. An applicant for a permit shall present a current business license. No permit shall be issued for any business if the business license shows an address not within a designated area.

(e) Replacement permits. A replacement permit shall be issued upon proof of loss, theft, or damage of the original permit, and payment of any required replacement fee.

(f) Revocation. Permits are not transferable and may be revoked by the City upon a determination that the owner of the vehicle for which a permit has been issued no longer resides in or works in a designated area in accordance with this Section, or upon the discovery that the permit holder has engaged in conduct prohibited by Subsection (h) below. Upon written notification of such revocation, the permit holder shall surrender such permit to the City. The willful failure to surrender such permit shall be punishable by a civil penalty in the amount of twenty-five dollars (\$25.00). A permit holder may appeal such violation notice to the City Manager, by filing such appeal, in writing, with the City Clerk within ten (10) days of the date of such notice. The City Manager may uphold, overturn, or modify such determination.

(g) Signs. Areas designated as having permit-restricted parking shall be identified by adequate signage to inform persons of the restrictions.

(h) Unlawful counterfeiting, alteration, sale, or fraudulent use of parking permit. It shall be a Class 3 misdemeanor person to create or display a counterfeit or unauthorized replica of a parking permit, or to alter, sell, exchange, fraudulently obtain, or fraudulently use or display a parking permit.

(i) Fees. Fees as determined by the Council may be charged for parking permits, replacement permits, and guest passes issued pursuant to this Section.

35-185 – 35-190. - Reserved.

Sec. 35-191. - Parking in space reserved for disabled persons.

- (a) *Disabled spaces* It shall be a Class 2 misdemeanor for any vehicle to park in any parking space reserved for persons with disabilities or in any striped access aisle adjacent to such space, unless such vehicle is displaying a valid disabled parking license plate or placard or is being operated by a person transporting a person with such disability in the vehicle.
- (b) *Signs.* Spaces reserved for the disabled shall be identified by above-grade signs posted and conform to Virginia Code § 36-99.11.
- (c) *Unlawful counterfeiting, alteration, sale, or fraudulent use of disabled parking plate or placard.* It shall be a Class 2 misdemeanor for any person to create or display a counterfeit or unauthorized replica of a disabled parking license plate or placard, or to alter, sell, exchange, fraudulently obtain, or fraudulently use or display a disabled parking license plate or placard.
- (d) *Unlawful transfer of disabled parking plate or placard.* It shall be a Class 3 misdemeanor person to knowingly provide, without sale or exchange of consideration, any valid, altered, or counterfeit disabled parking license plate or placard.
- (e) *Private security guards.* In privately owned parking areas open to the public, a summons for violation of this Section may be issued by a licensed private security guard who is deputized to issue a citation or summons for the offense by the Police Chief as well as any owner, agent, or employee of the private parking area of a nursing home, provided that such owner has registered in writing on his own behalf or on behalf of his agent or employee with the Police Chief his intention to issue citations or summonses pursuant to this Section.
- (f) *Private parking areas.* A citation or summons for a violation of Subsection (a) above may be issued without the necessity of a warrant being obtained by the owner of any private parking area.
- (g) *Towing and impoundment.* The owner or duly authorized agent of the owner of a parking space properly designated and clearly marked as reserved for use by persons with disabilities that limit or impair their ability to walk may have any vehicle not displaying disabled parking license plates or placards removed from the parking space and privately stored. The owner of a vehicle which has been removed and stored may regain possession of his vehicle on payment to the person who removed and stored the vehicle all reasonable costs incidental to the removal and storage, pursuant to law.
- (h) *Photo Identification.* Any City officer or private security guard acting pursuant to this Section may request to examine the driver's license, state identification card, or other form of photo identification of any person using disabled parking privileges afforded by this Section.
- (i) *Confiscation of certain placards.* Any City officer or private security guard acting pursuant to this Section who issues a summons to or arrests an individual for any violation thereof may confiscate the Defendant's disabled parking placard and shall notify, the Virginia Department of Motor Vehicles of such confiscation and the number of the placard involved. If the Defendant is acquitted for the violation, the confiscated placard shall be returned. Upon the defendant's conviction, the confiscated placard shall be sent to the Virginia Department of Motor Vehicles.

Secs. 35-192 – 35-193. - Reserved.

Sec. 35-194. – Opening door of parked vehicle into traffic.

It shall be a traffic infraction for any person in a motor vehicle parked upon a City street or public right-of-way to open the door of such vehicle on the side adjacent to moving vehicular traffic unless it is reasonably safe to do so.

Sec. 35-195. - Parking for improper purposes.

- (a) Offering to sell or rent. It shall be unlawful for any person to park or place any motor vehicle, trailer, semitrailer, or other vehicle upon or in any City property, parking lot, or public right-of-way for the purpose of selling or offering the same for sale or rent. In any prosecution charging that a vehicle was parked in violation of this Subsection, proof that the vehicle described in the complaint, summons or warrant was parked in the same location for seventy-two (72) hours with an attached sign or lettering indicating that such vehicle is offered for sale or for rent, together with proof that the defendant was, at the time of such parking, the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle intended to violate this Subsection.
- (b) Vehicle maintenance. It shall be unlawful for any person to park or place any motor vehicle, trailer, semitrailer, or other vehicle upon or in any City property, parking lot, or public right-of-way for the purpose of performing mechanical work, changing oil, or greasing such vehicle.
- (c) Criminal activity. It shall be unlawful for any person to park or place any motor vehicle, trailer, semitrailer, or other vehicle upon or in any City property, parking lot, or public right-of-way for the purpose of engaging in or facilitating any crime.

Sec. 35-196. - Parking of improper vehicles.

- (a) Vehicle lacking license plate. It shall be unlawful for any person to park or place any motor vehicle displaying no current State license plate on any street within the City when such motor vehicle is required by law to display such license plate.
- (b) Recreational vehicles, boats, and trailers. It shall be unlawful for any person to park or place any recreational vehicle (RV), boat, personal watercraft, trailer, semi-trailer, or similar vehicle, vessel, or conveyance within the City for longer than two (2) hours on a City street or public right-of-way located within any residential zoning district or within the River District, unless actually loading or unloading.

Secs. 35-197—35-200. - Reserved.

Sec. 35-201. – Outdoor storage of junk vehicles.

- (a) Public nuisance declared. The City Council finds that the harmful accumulation and storage of junk vehicles within the City creates a multitude of hazards and conditions injurious to the public health, safety, and general welfare, including, but not limited to, fire hazards, harborage for harmful insects, rodents, snakes, and other pests and vermin, obstructions and risks to the safe and convenient travel by the public, obstructions to storm water drainage, damage to public property, diminution of property values, and the creation of unsightly blight. Accordingly, it is hereby declared a public nuisance for any person to accumulate, store, or collect any junk vehicle outside of a fully enclosed building or structure upon a parcel which is zoned residential, commercial, or agricultural unless such vehicle is properly screened, no more than two (2) such vehicles are being accumulated, stored, or collected upon such parcel, and each such vehicle is displaying a junk vehicle decal issued by the City.
- (b) Duty of owner or occupant. Any person within the City shall have the duty to refrain from causing any violation of this Section and to abate any nuisance caused by him. The owner and occupant of

any parcel within the City shall have the further duty to keep his property free from any public nuisance created by any junk vehicle, at his sole expense in accordance with this Section.

- (c) Notice of Violation. Upon discovery and determination by the Nuisance Code Official that there exists upon any parcel within the City any nuisance identified in Subsection (a) above, he shall deliver a written Notice of Violation to the owner or occupant thereof, or any other violator identifying the parcel and the nuisance located thereon, and ordering the removal of such nuisance within thirty (30) days from the date of the Notice to abate the violation.
- (d) Service. The Notice shall be delivered to the violator and to the owner or occupant of the property upon which such violation exists by either first class mail, personal delivery, or by posting in a conspicuous place upon the property. The Director of Public Works is hereby authorized to post Notices pursuant to this Subsection.
- (e) Legal remedies. Failure to comply with the terms of a Notice issued and served as provided in this Section within the time prescribed in such notice shall constitute a Class 4 misdemeanor, and each day thereafter that the violation continues shall constitute a separate offense. In addition to any penalties imposed hereunder, the City may institute legal action to enjoin the continuing violation of this Section and may alternatively abate or contract for the abatement of such violation pursuant to Subsection (f) below, in which event the costs and expenses thereof, including administrative fees as prescribed by the Council, shall be chargeable to, billed to, and paid by the owner or occupant of the parcel. Any such charge which is not paid within sixty (60) days of the date on which it is billed to the owner of such land or premises shall constitute a lien upon the property and may be recorded with the Clerk of the Circuit Court and collected in any manner provided by law for the collection of taxes, or in the same manner provided by law for liens of judgments; provided, however, that no such lien shall be valid against any owner of a parcel who was not served with the Notice prescribed in this Section.
- (f) Abatement. If the owner, occupant, or other violator fails to abate the public nuisance as required, the Director of Public Works may use City forces to abate the nuisance or, at his option, may contract for this abatement on behalf of the City with a private contractor which abatement expenses shall be paid. Any owner, occupant, or other violator may abate the public nuisance himself without liability to the City, provided that he does so prior to commencement of abatement by City personnel or contractors.
- (g) Appeals. Any violator may appeal a Notice of Violation to the City Manager, by filing such appeal, in writing, with the City Clerk within fifteen (15) days from the date of the Notice to abate the violation. The City Manager may uphold, overturn, or modify such determination.
- (h) Disposition of junk vehicles. Any junk vehicle removed while abating a violation of this Section shall be stored by the City or an agent thereof prior to final disposition of such vehicle. Written notice shall be issued to any owner and lienholder of such junk vehicle by either personal delivery or first-class mail to the last-known address thereof. Such notice shall include the year, make, model, and any serial or vehicle identification number for such junk vehicle, the storage location of such vehicle, information the right to redeem such vehicle within twenty one (21) days upon the payment of any fees and costs related to the abatement and storage thereof, and notice that the failure to redeem such vehicle within twenty one (21) days shall result in the forfeiture of such vehicle. If after twenty-one (21) days of the date of the notice such vehicle is not redeemed, the City or its agent may dispose of such vehicle by public auction. Any proceeds from such auction shall be used to reimburse the City for any fees or expenses related to the abatement and storage of such vehicle, and any surplus proceeds shall be held for the owners or lienholders for sixty (60) days after which such surplus shall become property of the City.

(i) Definitions. As used in this Section, *junk vehicle* shall mean any motor vehicle which: is not in operating condition; for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or there are displayed neither valid license plates nor a valid inspection decal.