



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

February 18, 2025

7:00 PM

PRESIDING: Alonzo L. Jones, Mayor

**CITY COUNCIL
MEMBERS:** James B. Buckner, Vice Mayor
L.G. "Larry" Campbell, Jr.
Bryant Hood
Barry P. Mayo

Dr. Gary P. Miller
Sherman M. Saunders
J. Lee Vogler, Jr.,
Madison J. Whittle

STAFF: Ken F. Larking, City Manager
Earl B. Reynolds, Jr., Deputy City Manager

W. Clarke Whitfield, Jr., City Attorney
Susan M. DeMasi, City Clerk

The City Council is the City of Danville's legislative body and is composed of nine Council members. Council members are elected to serve a four year term of office and elects one of its own to serve as Mayor and presiding officer for a two year term.

Time and Place of Meeting

The public is invited and encouraged to attend and participate in the City Council meetings. The City Council meets in the City Hall, Fourth Floor, Council Chambers at 7:00 p.m. on the first and third Tuesday of each month. All meetings of the Council are open to the public.

Communications from Visitors

Communication from Visitors is an opportunity for citizens, who have signed up to speak at www.danvilleva.gov/council or by contacting the Office of the City Clerk, to address Council on matters not on the agenda. Citizens who desire to speak on agenda items will be heard when the agenda item is considered. Each speaker shall clearly state his or her name and address, and shall have three uninterrupted minutes. A representative of a group may have up to five uninterrupted minutes to make a presentation. The representative shall identify the group and a group may have no more than one spokesperson. Time will be kept using the electronic timer on the podium.

Guidelines for Public Hearings

For Public Hearings the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The presiding officer may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - SHERMAN M. SAUNDERS

PLEDGE OF ALLEGIANCE TO THE FLAG

MEETING MINUTES

- A. Consideration of Approval of Minutes for Regular Council Meeting held on January 21, 2025.
Council Letter Number CL - 1891.

Consideration of Approval of Minutes for Regular Council Meeting held on January 21, 2025.

NEW BUSINESS

- A. Review of General Fund Financials as of January 31, 2025.
Council Letter Number CL - 1803.
Review of General Fund Financials as of January 31, 2025. Financial Statements are Included.
- B. Consideration of an Ordinance Repealing and Reordaining Chapter 35, entitled "Streets and Sidewalks" of the Code of the City of Danville, 1986, as amended.
Council Letter Number CL - 1870.
1. Public Hearing
 2. 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.
- C. Consideration of Accepting Parcel #60451 on Park Avenue from the Industrial Development Authority for Street Improvements.
Council Letter Number CL - 1660.
A Resolution Approving and Authorizing the Acceptance of Real Property Identified as Parcel #60451 Located on Park Avenue from the Industrial Development Authority to Facilitate Infrastructure Improvements.
- D. Consideration of Amending Chapter 37 of the Danville City Code.
Council Letter Number CL - 1879.
An Ordinance Amending and Reordaining Chapter 37, Entitled "Taxation" Article XI, Entitled "Partial Exemption of Real Estate Taxes for Certain Real Estate," to add a New Section 37-169.1 Entitled, "Multifamily/Commercial Structures", to the Code of the City of Danville, Virginia, 1986, As Amended.
- E. Consideration of a Request to the Virginia Department of Transportation to Adjust Danville's Lane Mile Inventory.
Council Letter Number CL - 1863.
A Resolution Authorizing and Approving a Request by the City of Danville to the Virginia Department of Transportation to Adjust Danville's Lane Milage Inventory.
- F. Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for the

Recreation Enrichment Program.
Council Letter Number CL - 1829.

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide for Funds in the Amount of \$67,738 for a Recreation Enrichment Program and the Local In-Kind Share of \$260,240 for a Total Appropriation of \$327,978 and Appropriation of Same.

FIRST READING

- G. Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for the Danville Sheriff's Office Jail-Based Substance Use Disorder Treatment Program.
Council Letter Number CL - 1860.

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance by Increasing Revenue from Virginia Department of Criminal Justice Services – Jail Based Substance Use Disorder Treatment Grant Program in the Amount of \$150,000.00 for a Total Appropriation of \$150,000 and Appropriating the Same.

FIRST READING

- H. Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for Virginia Department of Transportation Project Appropriations.
Council Letter Number CL - 1864.

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance for Capital Improvement Projects to be Undertaken Within the City of Danville and to be Financed Anticipating Revenues from Virginia Department of Transportation in the Amount of \$4,483,772.

FIRST READING

COMMUNICATIONS FROM VISITORS

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COMMUNICATIONS

- A. City Manager
- B. Deputy City Manager
- C. City Attorney
- D. City Clerk
- E. Roll Call

ADJOURNMENT

Council Letter
City of Danville, Virginia



CL - 1891

MEETING MINUTES A.

City Council REGULAR MEETING

Meeting Date: February 18, 2025

Subject: Approval of Meeting Minutes.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Consideration of Approval of Minutes for Regular Council Meeting held on January 21, 2025.

Attachments

1. Meeting Minutes
-

January 21, 2025

The Second January meeting of the Danville City Council was held on January 21, 2025, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Vice Mayor James B. Buckner, L.G. "Larry" Campbell, Jr., Bryant Hood, Mayor Alonzo L. Jones, Barry P. Mayo, Dr. Gary P. Miller, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Sherman M. Saunders was absent (1).

Staff Members present were: City Manager Ken F. Larking, Deputy City Manager Earl B. Reynolds, Jr., City Attorney W. Clarke Whitfield, Jr., and City Clerk Susan M. DeMasi.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member J. Lee Vogler, Jr. gave the Invocation followed by the Pledge of Allegiance.

MEETING MINUTES

Upon Motion by Vice Mayor Buckner and second by Council Member Mayo, the Minutes from the Regular Council Meeting held on December 17, 2024, were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

NEW BUSINESS

REVIEW OF GENERAL FUND FINANCIALS AS OF DECEMBER 31, 2024

Chief Financial Officer Michael Adkins gave a presentation of the General Fund Financials as of December 31, 2024, which was 50% of the Fiscal Year 2025 complete. General Fund Revenues at this time were \$70.9M, which was 43% of the current year budget; last year at this time, the City was at 44%. The current year's budget does include additional revenues so it was seeing an increase over last year of about \$4.7M. With the first half of the year's billing cycle completed, Real Estate tax collections came in at 51% of budget; they had anticipated at least 50%. Personal Property Tax was at 48.5%; the City never quite hits 50% because the State portion of Personal Property was not received equally throughout the year. The City received about 44% of the State funded amount for the first half of the year, but it was right where it should be, so there were no concerns. In Real Estate Taxes, they were seeing a \$1M increase over last year, and some of that was coming from new construction. There was over \$22M of new construction added to the tax roll this year; that provided about \$200,000 of that increase, and the rest came from the increased assessed values. There was about a \$700,000 increase in Personal Property taxes, most of that, about 80% of that increase, came from the Equipment and Tangible Business Property at the temporary casino. Another line-item was Interest and Investment Earnings for this year; the City received about \$1.8M by the end of December and that was nearly identical to last year at this time. However, staff did budget interest rate reductions for this year knowing that the Federal Reserve was planning to cut rates routinely for several months. They did ease up on that, so the return rates were a little higher than anticipated and currently that line item was at 64% of budget. If that continues, the City can expect their Interest and Investment Earnings to outperform budget this year.

Local consumer taxes were up this year by \$1.4M over the prior year and those items were exceeding budget, it was an increase of about \$770,000 over last year. Meals Tax received was \$6.3M at this time, that was 52% of budget, an increase of about \$300,000 over last year and Lodging Taxes were \$1.8M received, representing 51% of budget, an increase of \$71,000 over

last year. The City collected about \$1M for Business Licenses so far this year, an increase of \$140,000. Business Licenses typically were not paid until March, but some companies pay quarterly and if the City issues a new Business License, that payment was due immediately. The City has seen a small uptick, an increase of about 36 Business Licenses for the first six months, up from 278 last December to 314 this December.

On the Expenditure Side, as a whole, the City was just under 50% of budget which was very good. Departmental Spending was at 46% of budget; the Non-Departmental Spending, which was primarily Debt Service and Group Health Insurance, was also under 50% at 48% of budget. The last category was Transfers; this was transfers to the Schools for their operating needs and also transfers to other funds such as Capital Projects, that was at 56% of budget. That line item ebbs and flows and was always a little bit ahead of 50% in December. In total, the City was right where they should be, consumer taxes at the midpoint of the year looked positive and Mr. Adkins noted he did not have any concerns.

PRESENTATION OF THE FISCAL YEAR 2024 AUDIT REPORT

Mr. Adkins noted they have Matthew Heatwole with Brown, Edwards, the firm that does the independent audit of the City's financials every year. He was there to share the audit results. Mr. Heatwole thanked Council for the opportunity to work with the City of Danville, and thanked Mr. Adkins and the finance team here at the City and the Schools.

Mr. Heatwole noted the Annual Comprehensive Financial Report goes above and beyond just the basic financial statements of the City and Schools. It includes both a Letter of Transmittal and also a lengthy statistical section giving some details of the City throughout the fiscal year. The City also files with the Government Finance Officers Association and receives the annual Excellence of Financial Achievement Award each year. He was happy to report the City received that award for 2023 and applied again this past December for the 2024 report. In the Financial Report itself was the Audit Opinion, and noted to Council that they were issuing an Unmodified, Clean Audit Opinion on the City's Financial Statements. That means, based on their audit, they believe the amounts presented in the Financial Statements, as well as the Disclosures to the Financial Statements, were in accordance with generally accepted accounting principles. There were also two other reports in the Financial Report, one was the Yellow Book Audit Opinion; they issued a single audit opinion specifically over the Federal Expenditures the City incurs and pays during the fiscal year. That too, was a clean, unmodified audit opinion. Two other letters they always present were Comments on Internal Controls, which was given to management as a tool to suggest any best practices, and they were also required to give the Annual Letter to those Charged with Governance. It included a discussion on how the auditors got to a clean, unmodified audit opinion, and some discussions on significant estimates. Attached to that was a Representation Letter from Management at the end of the audit; it was one of the final pieces of audit evidence that was included. Mr. Heatwole thanked Mr. Adkins and Council.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Mr. R. Jay Lee, 310 Clarkson Drive, who addressed Council regarding the house he grew up in on 128 Flint Street stating it was at risk of being demolished. Mr. Lee noted he has tried to maintain the property even though he has had health issues. If allowed, he would like someone to buy the property and bring it up to code. He did not want the house destroyed and asked that the City take it off the demolition list even if it was for a short time.

COMMUNICATIONS

There were no communications from the City Manager, Deputy City Manager, City Attorney or City Clerk.

Council Member Hood noted his congratulations for a great job done by the Wendell Scott Foundation, as a partner this past week, with Geico and Shoes that Fit initiative, giving away 536 pairs of tennis shoes to every student at Schoolfield Elementary School. The work they did with that was phenomenal. Mr. Hood recognized his daughter Maya for making the Dean's List at Longwood University.

Council Member Mayo thanked Mr. Lee for coming in and sharing his concerns with Council, and for all the citizens that were there tonight. Mr. Mayo noted they celebrated MLK Day; his fraternity, Omega Psi Phi Fraternity, has a scholarship breakfast every year. It was a great success, Dr. Miller and Mr. Reynolds attended, and they had a great celebration. Kariss Luck-Brimmer was their speaker and she spoke about the Movement, and Mr. Saunder's participation.

Council Member Vogler invited citizens to Bonner Middle School tomorrow, there will be a basketball game, Bonner against Westwood. They will also be doing a special ceremony honoring the life of J'Kavien Fallen, the young man who lost his life recently, and will be retiring the jersey numbers he wore. The girls' game will be at 5:30 p.m. and the boys' game at 7:00 p.m. Youth basketball was underway, and youth baseball season will be starting soon as well; he was looking forward to coaching youth baseball this year.

Council Member Whittle recognized Mr. Ferrell's church doing the warming center; it was full and he needed help if anyone could help to reach out to him.

Vice Mayor Buckner noted he would like to follow up with what Mr. Whittle said, it was going to be very cold this week and encouraged citizens to check on their neighbors, and the elderly. Mr. Buckner noted several years ago the City of Danville adopted an anti-tethering law, it could be a Class 4 Misdemeanor if someone tethers their pet outside in extreme temperatures.

Mayor Jones recognized Pastor John Campbell, and thanked him for his prayers for Council, and thanked Mr. Lee for coming before Council. Mayor Jones noted last week was Principal Appreciation Week and encouraged citizens to reach out to the principals in the school system to say thank you for the hard work they do. Council saluted and appreciated them.

The meeting was adjourned at 7:24 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter
City of Danville, Virginia



CL - 1803

NEW BUSINESS A.

City Council REGULAR MEETING

Meeting Date: February 18, 2025

Subject: Review of General Fund Financials as of January 31, 2025.

From: Michael Adkins, Chief Financial Officer

COUNCIL ACTION

Review of General Fund Financials as of January 31, 2025. Financial Statements are Included.

Attachments

1. Financial Statements
-



CITY OF DANVILLE

Department of Finance

To: Ken F. Larking, City Manager

From: Michael L. Adkins, Chief Financial Officer

Date: February 10, 2025

Subject: Summary of Preliminary General Fund Financial Results for January 31, 2025

After completing the first seven months of the fiscal year, revenues are tracking well with budget and are ahead of the previous year. As of January 31, General Fund revenues were \$84,464,561, which represents 52% of our FY 2025 budget. Last year at this time, the General Fund had collected \$77,650,142 or 55% of budget. The increase in realized revenue over the prior year is primarily from growth in local taxes.

The first installment of property tax bills was due December 5. Collections of current real estate taxes through January were \$11,117,947, or 53% of budget. This is an increase of \$1.1 million over the prior year. We continue to see steady performance in the collection of delinquent real estate taxes with \$704,174 realized in the first seven months of this fiscal year. This accounts for 62% of the current year budget.

Local taxes collected through January 31, were \$24,025,327, or 49% of budget. This exceeds FY 2024 collections by nearly \$2 million. Almost half, or \$863,368, of this increase is related to sales tax payments. The remaining increase is found in other sources of local taxes. Sales tax collections through January amounted to \$8,269,362, or 64% of budget. Meals taxes collected for the first seven months of the fiscal year amounted to \$7,466,341 or 62% of budget, an increase of \$404,577 from last year. Business Licenses realized at the end of January were \$1,806,035, an increase of \$279,986 from the prior year. Lodging taxes received as of January 31, were \$2,095,263 or 59% of budget, an increase of \$192,386 from the prior year. All other revenue categories are tracking well with budget at this point.

Expenditures through January 31 were \$94,934,087 or 54% of budget. This is an overall increase of \$20.1 million when compared to January 31, 2024. Departmental spending for the first seven months of the fiscal year amounted to \$54.1 million or 53% of budget, an increase of \$5.1 million over the prior year. The increase in departmental spending is primarily attributed to an increase in salaries and benefits over the prior year along with the debt service for the police headquarters. This increase in departmental spending is coupled with an increase in transfers to Danville Public Schools of \$12.5 million primarily to cash advances made for capital related grants.

DANVILLE, VA

Fund expenditures exceeded revenues by \$10,469,526, which is an improvement over the prior month, December 2024, by \$3.9 million. This is typical for much of the fiscal year in the General Fund due to the timing of revenue recognition not being matched to expenditures. At this point, the General Fund is performing well compared to the current budget.

CITY OF DANVILLE, VIRGINIA

GENERAL FUND REPORT

58% OF YEAR LAPSED AS OF JANUARY 31, 2025

PRE-CLOSING FIGURES - SUBJECT TO CHANGE - UNAUDITED

	Budgets & Appropriations For Current Year	Actual Revenues & Expenditures For Year-to-Date	Percent Realized/Expended This Year	Encumbrances	Balance to be Realized/Expended	Actual Revenues & Expenditures At This Date Last Year
REVENUES:						
Property Taxes	\$ 43,200,280	\$ 21,603,511	50.01%		\$ 21,596,769	\$ 19,667,734
Other Local Taxes	48,927,800	24,025,327	49.10%		24,902,473	22,038,189
License Permits & Privilege Fees	571,060	296,293	51.88%		274,767	406,581
Fines & Forfeitures	213,000	112,889	53.00%		100,111	101,027
Revenue From Use Money & Property	3,255,050	2,553,521	78.45%		701,529	2,323,035
Charges For Services	3,478,715	2,272,393	65.32%		1,206,322	1,631,547
Miscellaneous Revenue	25,100	154,610	615.97%		(129,510)	184,624
Recovered Cost	9,944,227	5,338,791	53.69%		4,605,436	5,041,848
Intergovernmental	38,552,205	19,014,226	49.32%		19,537,979	17,162,556
Transfers From Utilities	15,588,000	9,093,000	58.33%		6,495,000	9,093,000
TOTAL REVENUES	\$ 163,755,437	\$ 84,464,561	51.58%		\$ 79,290,876	\$ 77,650,142
EXPENDITURES:						
General Government Administration	\$ 16,335,556	\$ 9,565,782	58.56%	\$ 345,993	\$ 6,423,781	\$ 9,055,745
Judicial Administration	10,080,508	5,375,491	53.33%	17,626	4,687,392	4,948,558
Public Safety	45,168,793	24,412,503	54.05%	658,231	20,098,060	22,392,334
Public Works	6,109,775	3,153,705	51.62%	188,900	2,767,169	2,757,606
Health and Welfare	11,234,911	5,301,078	47.18%	48,190	5,885,642	4,350,685
Parks, Recreation & Cultural	7,593,750	3,640,587	47.94%	76,830	3,876,333	3,333,108
Community Development	4,806,825	2,693,723	56.04%	221,625	1,891,476	2,185,709
Non-Departmental	16,171,254	9,026,315	55.82%	-	7,144,939	9,724,758
Education	32,703,490	25,440,478	77.79%	-	7,263,012	12,965,821
Transfer to Capital Projects	24,434,753	5,997,498	24.54%	-	18,437,255	1,624,033
Transfer to Other Funds	2,204,050	326,928	14.83%	-	1,877,122	1,488,551
TOTAL EXPENDITURES	\$ 176,843,664	\$ 94,934,087	53.68%	\$ 1,557,394	\$ 80,352,182	\$ 74,826,906
Revenue over(under) Expenditures		\$ (10,469,526)				\$ 2,823,236
FUND BALANCE:						
Beginning Fund Balance 07/01/2024		\$ 63,543,749				\$ 55,069,404
Revenue over(under) Expenditures		(10,469,526)				2,823,236
Ending Fund Balance 1/31/25		\$ 53,074,222				\$ 57,892,640
Composition of Fund Balance:						
Reserved for Encumbrances/Designated Funds		\$ 9,629,051				\$ 16,501,108
Unassigned		43,445,171				41,391,533
TOTAL FUND BALANCE 1/31/25		\$ 53,074,222				\$ 57,892,640

**CITY OF DANVILLE, VIRGINIA
GENERAL FUND
COMPOSITION OF FUND BALANCE
PRELIMINARY - AS OF DECEMBER 31, 2024**

Beginning Total Fund Balance, July 1, 2024	63,543,748.50
Add: General Fund Revenues	84,464,560.98
Deduct: General Fund Expenditures	<u>(94,934,087.39)</u>
Ending Total Fund Balance, June 30, 2025	<u><u>53,074,222.09</u></u>

Composition of Fund Balance:

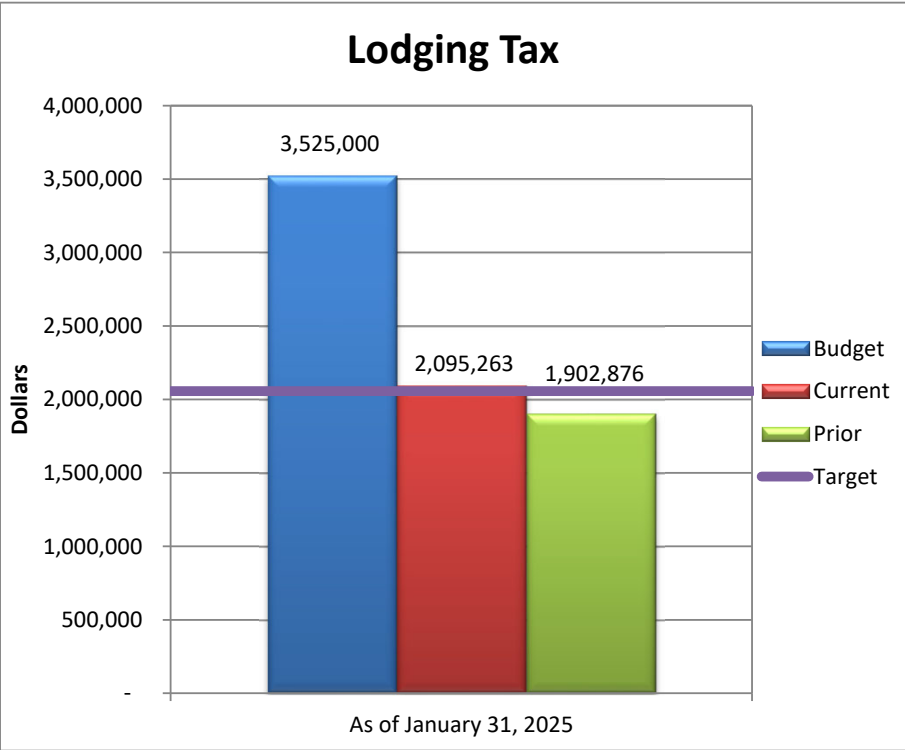
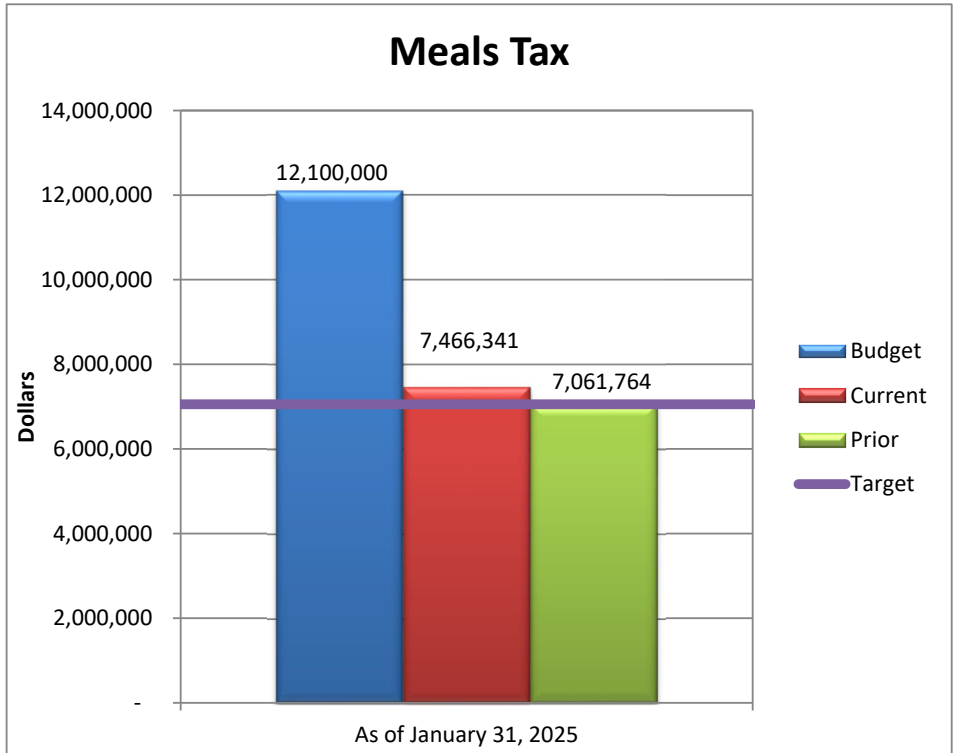
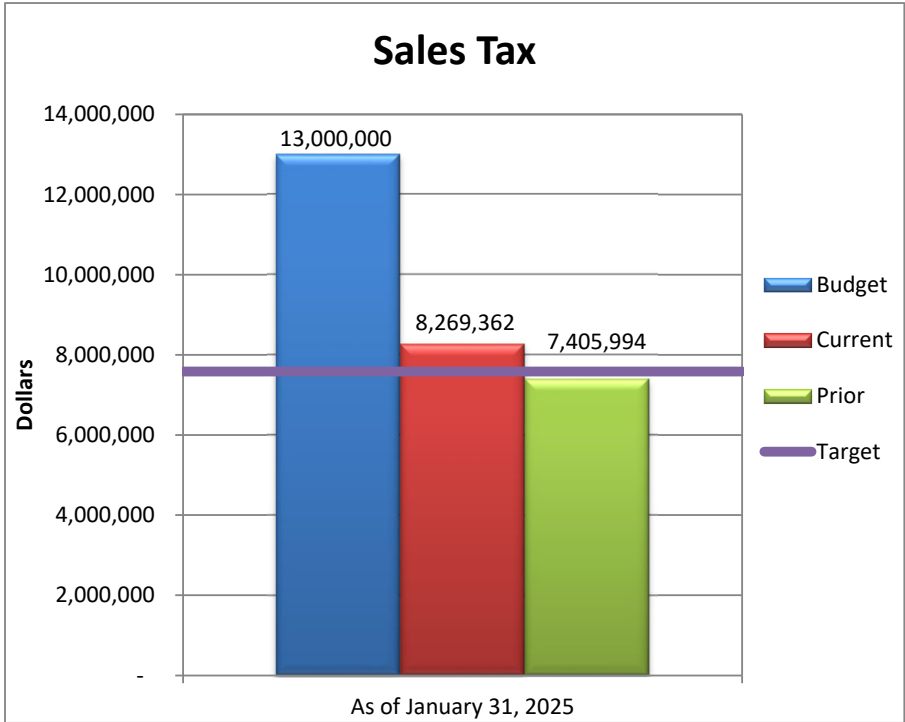
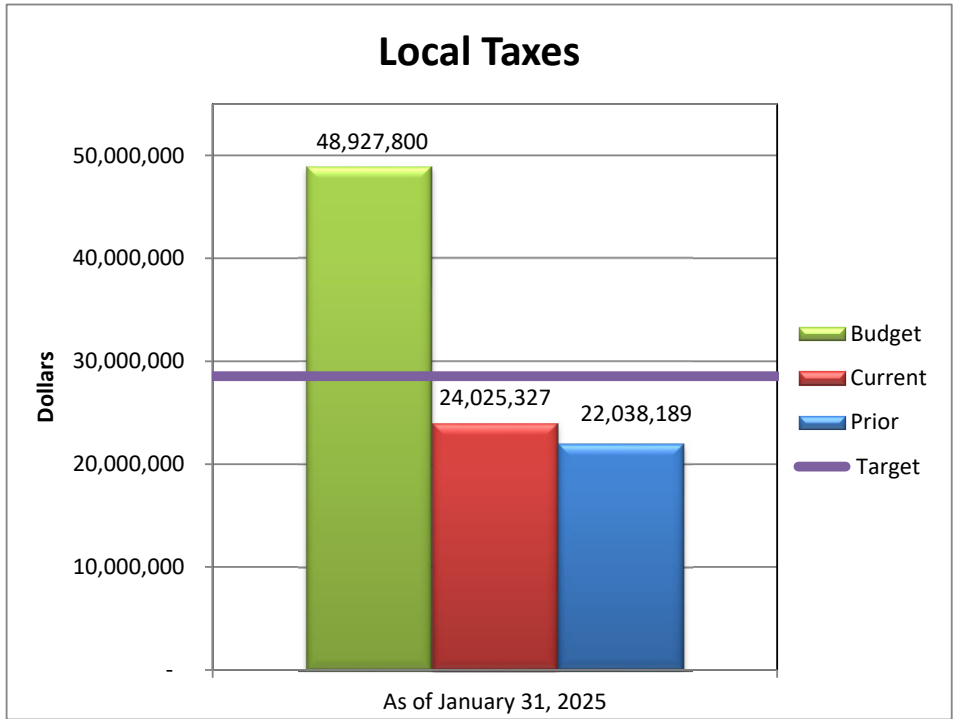
Restricted for Commonwealth Attorney	115,900.54
Restricted for Police Department	97,908.76
Restricted for Fire Department	175,992.41
Committed for Sheriff's Department	13,081.70
Committed to Schools	-
Committed to Budget Stabilization	3,000,000.00
Assigned to Sheriff's Department	15,575.55
Assigned to Community Development	179,183.34
Assigned for Encumbrances	1,557,394.32
Assigned Casino Revenue	4,000,000.00
Nonspendable (Inventory and Prepaids)	474,014.04
UNASSIGNED	<u>43,445,171.43</u>
Total Fund Balance, June 30, 2025	<u><u>53,074,222.09</u></u>

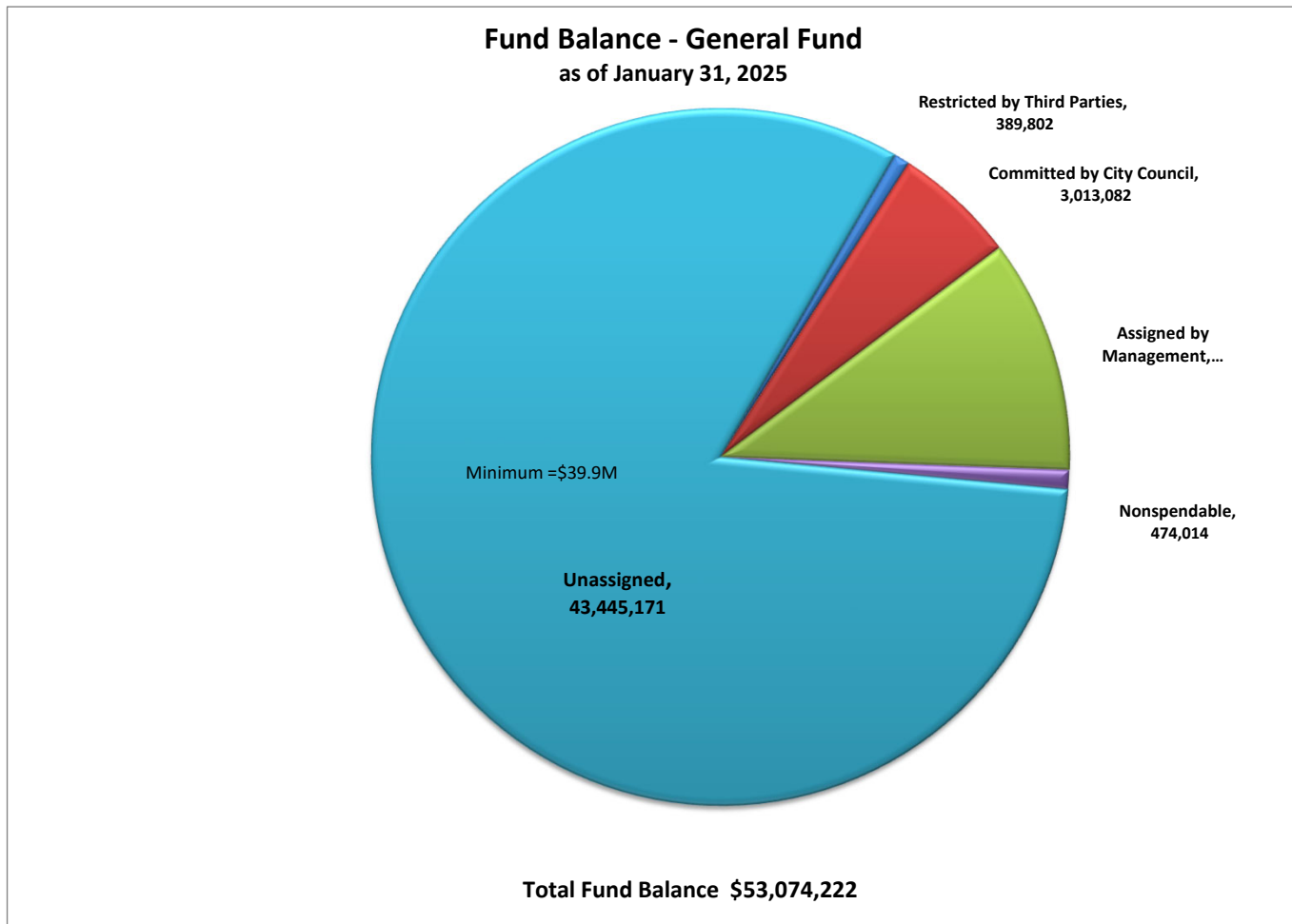
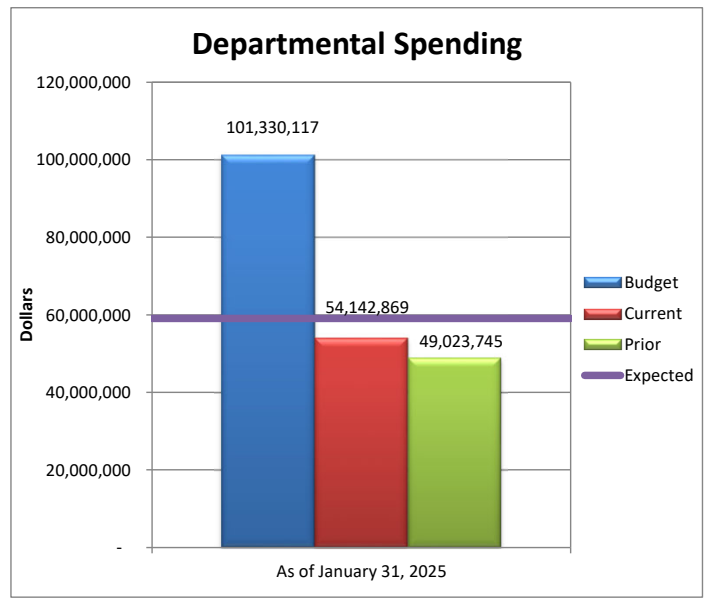
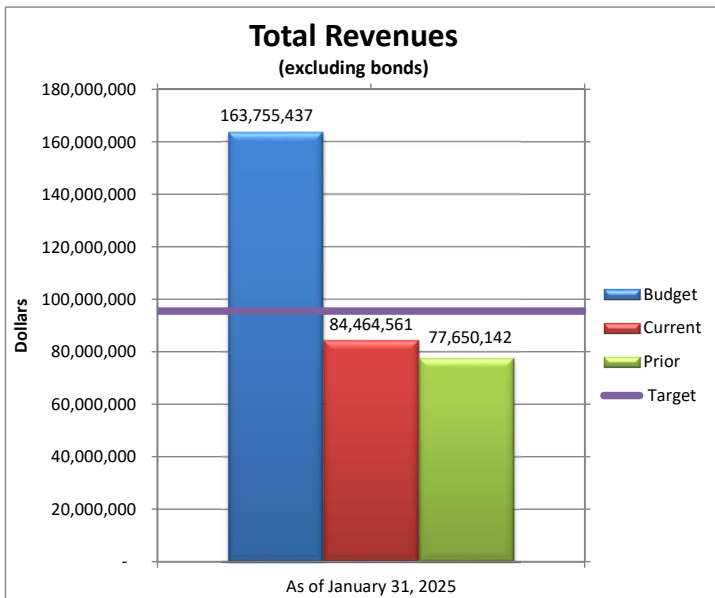
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Unassigned fund balance from above	43,445,171.43
Unassigned Minimum per policy (25% of General Fund Operating Revenues) based on FY 2025 budget	<u>40,938,859.15</u>
Current surplus (deficit) over (under) minimum	2,506,312.28

City of Danville, Virginia
Summary of Other Local Tax Revenues - PRE-CLOSING - UNAUDITED
For the period ending January 31, 2025

Description	Current Budget	Revenue Realized	Percentage Realized	Prior Year Budget	Prior Year Realized	Percentage Prior Year
Sales Tax	\$ 13,000,000	\$ 8,269,362	63.61%	\$ 11,900,000	\$ 7,405,994	62.24%
Business Licenses	7,642,000	1,806,035	23.63%	6,800,000	1,526,050	22.44%
Meals Tax	12,100,000	7,466,341	61.71%	11,367,220	7,061,764	62.12%
Utility Taxes	930,000	546,720	58.79%	930,000	526,914	56.66%
Vehicle License Fees	1,025,000	278,182	27.14%	1,000,000	269,058	26.91%
Bank Stock Tax	1,100,000	-	0.00%	1,000,000	-	0.00%
Recordation Tax	370,000	201,007	54.33%	270,000	210,445	77.94%
Hotel Motel Tax	3,525,000	2,095,263	59.44%	2,467,230	1,902,876	77.13%
Daily Property Rental Tax	20,800	40,520	194.81%	15,980	16,495	103.22%
Motor Vehicle Tax	240,000	109,881	45.78%	200,000	144,621	72.31%
DMV Fees	275,000	115,794	42.11%	280,000	117,326	41.90%
Ceasars Min Fee	8,700,000	3,096,222	35.59%	5,000,000	2,856,646	57.13%
TOTAL	\$ 48,927,800	\$ 24,025,327	49.10%	\$ 41,230,430	\$ 22,038,189	53.45%





Council Letter City of Danville, Virginia



CL - 1870

NEW BUSINESS B.

City Council REGULAR MEETING

Meeting Date: February 18, 2025

Subject: Reordaining Chapter 35, entitled "Streets and Sidewalks" of the Code of the City of Danville.

From: Christopher (Ryan) Dodson, Assistant City Attorney

COUNCIL ACTION

1. Public Hearing
2. 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.

SUMMARY

City Staff is seeking approval from City Council to update the existing City Code chapters relating to streets, traffic, and parking to adopt various changes to traffic and parking enforcement and right-of-way management to improve travel within the City.

BACKGROUND

Chapters 7 (Bicycles), 21 (Motor Vehicles and Traffic), 31 (Railroads), and 35 (Streets and Sidewalks) of the City Code has largely not been updated since at least 1962. Since 1962, those portions of the Virginia Code pertaining to local governance over transportation has seen substantial revision. To ensure that the City is in alignment with State law, and is engaging in best practices to both protect public safety and facilitate ease of travel, City staff recommends the Council adopt the attached proposed revision of Chapter 35, as well as repeal the existing Chapters 7, 21, and 31. Those portions of Chapters 7, 21, and 31 which are still in force have been incorporated into the proposed revision of Chapter 35.

The proposed revision was drafted with the goals of aligning City law with current State law, enhancing the readability of the Chapter, maximizing flexibility in traffic and parking administration and enforcement, and facilitating safe and convenient travel for the residents of and visitors to Danville.

Notable substantive changes in the proposed revision include:

Allowing the City to contract for parking enforcement services.

Increasing parking fines.

Clarifying the process for when cars can be immobilized due to parking infractions.

Clarifying how far a car parked in timed parking must move to avoid a parking violation.

Establishing a process for the implementation of permit parking.

Strengthening enforcement against persons illegally parking in handicapped parking spaces.

Simplifying and clarifying the process for obtaining permission to use public rights-of-way for purposes other than traveling.

Declaring various forms of blocking or otherwise endangering the public right-of-way as a public nuisance and establishing a process for enforcement and abatement of such nuisances.

Prohibiting various unsafe practices related to traffic, including the driving of lawnmowers on the street, the permitting of certain children to ride in truck beds or operate motor scooters without a helmet, the failure to secure loads being hauled on City Streets, the hauling of dangerous substances through tunnels, exceeding posted vehicle weight and height limits, and the unsafe opening of car doors into traffic.

Clarifying the City Manager's powers over various traffic matters, including the power to designate one-way streets, shared-use paths, detours, and emergency evacuation routes, as well as the power to set traffic regulations for large parking lots.

Establishing speed limits for motor scooters.

Adding new definitions and clarifying existing definitions to enhance understanding of the Chapter.

RECOMMENDATION

City staff recommends approving the proposed revision of Chapter 35 Streets and Sidewalks and the repeals of Chapter 7 – Bicycles, Chapter 21 – Motor Vehicles and Traffic, and Chapter 31 – Railroads.

Attachments

1. Ordinance
 2. Danville Traffic Code Update (2025)
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2025-_____._____

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 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.

- (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.

- (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.
 - (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.
 - (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:

- (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 if 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's 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:
- (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:
- (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;
- (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;
- (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:

- (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.
 - (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.
- (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, harborages 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.

Council Letter City of Danville, Virginia



CL - 1660

NEW BUSINESS C.

City Council REGULAR MEETING

Meeting Date: February 18, 2025

Subject: Accepting Parcel #60451 on Park Avenue from the IDA.

From: Christopher (Ryan) Dodson, Assistant City Attorney

COUNCIL ACTION

A Resolution Approving and Authorizing the Acceptance of Real Property Identified as Parcel #60451 Located on Park Avenue from the Industrial Development Authority to Facilitate Infrastructure Improvements.

SUMMARY

City Staff is seeking approval to accept the transfer of a vacant lot identified as Parcel #60451 - Park Avenue from the Industrial Development Authority to facilitate development projects.

BACKGROUND

The Industrial Development Authority owns a vacant lot identified as Parcel #60451 on Park Avenue, which has been identified as surplus to the needs of the IDA but that has potential use by the City.

Parcel #60451 is directly adjacent to a planned road expansion along Park Avenue between Memorial Drive and West Main Street. Its transfer to the City is necessary to complete the road expansion plans, as a new road will run completely through the Parcel, requiring City ownership.

Transferring ownership of this Parcel to the City allows the planned road expansion to move forward.

RECOMMENDATION

City staff recommends Council adopt the attached resolution accepting the donation of Parcel #60451 Park Avenue from the Industrial Development Authority.

Attachments

1. Resolution
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE ACCEPTANCE OF REAL PROPERTY IDENTIFIED AS PARCEL #60451 LOCATED ON PARK AVENUE FROM THE INDUSTRIAL DEVELOPMENT AUTHORITY TO FACILITATE INFRASTRUCTURE IMPROVEMENTS.

WHEREAS, there exists within the City of Danville a parcel of undeveloped land owned by the Industrial Development Authority (the "IDA"), and identified as Parcel #60451 on Park Avenue (the "Property"); and

WHEREAS, the Property has been identified by the IDA as surplus to its needs, but as having value to the City of Danville to facilitate future road and development projects;

NOW THEREFORE, BE IT RESOLVED, by the City Council of Danville, Virginia that the donation of Parcel #60451 from the Industrial Development Authority is hereby accepted by the City of Danville, Virginia.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute any documents in furtherance of this resolution

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter City of Danville, Virginia



CL - 1879

NEW BUSINESS D.

City Council REGULAR MEETING

Meeting Date: February 18, 2025

Subject: Amending Chapter 37 of Danville City Code.

From: Ken Larking, City Manager

COUNCIL ACTION

An Ordinance Amending and Reordaining Chapter 37, Entitled "Taxation" Article XI, Entitled "Partial Exemption of Real Estate Taxes for Certain Real Estate," to add a New Section 37-169.1 Entitled, "Multifamily/Commercial Structures", to the Code of the City of Danville, Virginia, 1986, As Amended.

SUMMARY

On June 20, 2023, Danville City Council Amended Danville City Code Chapter 37, "Taxation, Article XI, entitled "Partial Exemption of Real Estate Taxes for Certain Real Estate," to add a new section 37-69.1, entitled "Multifamily/Commercial Structures." On December 17, 2024, the Council further revised Chapter 37 of the City Code, which included modifications to tax abatement programs for hotel, commercial, and industrial property to encourage redevelopment of those properties. A further clarification is needed for the "Multifamily/Commercial Structures" section to allow for this program to apply to commercial properties converted to 100% residential. It also extends the number of years for the abatement from 7 to 10, which will enable projects to qualify for certain Virginia Housing programs.

BACKGROUND

As Danville continues to put a priority on encouraging safe, energy efficient, and affordable housing for all income levels, further adjustments are recommended to this Chapter to encourage renovation of historic properties of all kinds throughout the City. In August 2022, the City received the Danville Housing Strategies Report. The report included recommendations on how to increase the availability of housing throughout the City. One strategy is to encourage people to make repairs to existing homes and structures; this will help to reduce future blight. This amendment will allow for 100% residential projects and 10 years of partial tax abatement in the "Multifamily/Commercial Structures" section.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance amending Article XI, entitled Partial Exemption of Real Estate Taxes for Certain Real Estate.

Attachments

1. Ordinance
 2. Code Changes
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2025 – ____.

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 37, ENTITLED "TAXATION" ARTICLE XI, ENTITLED "PARTIAL EXEMPTION OF REAL ESTATE TAXES FOR CERTAIN REAL ESTATE," TO ADD A NEW SECTION 37-169.1 ENTITLED, "MULTIFAMILY/COMMERCIAL STRUCTURES", TO THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that Chapter 37, entitled "Taxation," Article XI, entitled "Partial Exemption of Real Estate Taxes For Certain Real Estate," of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, amended and reordained to revise sections of the City's various real estate tax abatement program; and

BE IT FURTHER ORDAINED, that all other provisions and Sections of said Article, Chapter and Code be, and the same are hereby, continued in full force and effect unless and until the same are hereafter amended or repealed.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

**ARTICLE XI. PARTIAL EXEMPTION OF REAL ESTATE TAXES FOR CERTAIN
REHABILITATED OR RENOVATED REAL ESTATE¹**

Sec. 37-169. Existing residential structures.

- (a) A partial exemption from taxation of real estate on which any existing residential structure has undergone substantial rehabilitation or renovation for residential use shall be granted, subject to the following conditions:
 - (1) The existing structure or other improvement must be no less than 50 years old. The applicant will have the responsibility of providing the Real Estate Assessor with evidence sufficient for the Real Estate Assessor to make an appropriate determination of the age of the structure.
 - (2) The structure or other improvement must have been substantially rehabilitated sufficiently to increase the base value by twenty-five (25) percent. The base value shall be the fair market value, as determined and assessed by the Real Estate Assessor, prior to any rehabilitation.
 - (3) The qualifying rehabilitation to the structure shall not increase the overall original square footage by more than fifteen (15) percent. The original square footage shall be used to determine the base value of the real property.
 - (4) Residential structures, after rehabilitation is completed, shall remain as such for the remainder of the exemption period to continue to qualify for the exemption.
- (b) Existing multifamily residential units, which have been substantially rehabilitated for multifamily use shall be granted a partial exemption under the terms and conditions set forth in subsection (a) and the other subsections herein. Legal nonconforming uses are not eligible for tax abatement.
- (c) The partial exemption granted by this section shall be an amount equal to 100% of the increase in assessed value resulting from the rehabilitation or renovation of the structure as determined by the Real Estate Assessor. The exemption shall commence on July 1 of the tax year following completion of the rehabilitation or renovation and shall run with the real estate for a period of no longer than fifteen (15) years.
- (d) There shall not be listed upon the land book any reduced value due to the exemption provided in subsection (c).
- (e) No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the Real Estate Assessor has verified that the rehabilitation, renovation or replacement indicated on the application has been completed.
- (f) A fee of fifty dollars (\$50.00) shall be paid to the City for the processing of each application for exemption. The fee in the form of cash, check or money order shall be due upon submission of the application. All checks and money orders should be made payable to the City of Danville, Virginia. Such fees shall be nonrefundable.

¹Editor's note(s)—Ord. No. 2011-08.06, adopted Aug. 16, 2011, amended Art. XI in its entirety to read as set out herein. Former Art. XI, §§ 37-169—37-171, pertained to similar subject matter and derived from Ord. No. 95-7.4, adopted Aug. 6, 1995; Ord. No. 2004-05.08, adopted May 6, 2004; Ord. No. 2006-06.06, §§ 1—6, adopted June 6, 2006; Ord. No. 2008-04.09, adopted April 1, 2008.

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- (g) The qualifying rehabilitation or renovation must occur within two (2) years of the application for exemption or the exemption will not be granted. No extension of this time period will be granted.
 - (h) No applicant may qualify for a partial exemption from real estate taxation if the applicant receives any other local Economic Development incentives from the City or any Authority of the City, with the exception of the Local Enterprise Zone incentives. No applicant may qualify for a partial exemption from real estate taxation if the project is in a Community Development Authority District.
 - (i) Applicant must be current on all local taxes, utilities, and performance agreement obligations to qualify for a partial exemption from real estate taxation.

(Ord. No. 2011-08.6, 8-16-11; Ord. No. 2019-05.06, 5-7-19)

Sec. 37-169.1. Multifamily/Commercial structures.

- (a) A partial exemption from taxation of real estate on which any existing non-residential structure has undergone substantial rehabilitation or renovation for ~~residential or~~ a mixed use of commercial and residential structures shall be granted, subject to the following conditions:
 - (1) The existing structure or other improvement must be no less than fifty (50) years old and located within the Downtown, Tobacco Warehouse, North Danville, Old West End, Schoolfield, other Virginia Department of Historic Resources-approved historic district, or any building listed on the Virginia Landmarks Register or National Register of Historic Places. The applicant will have the responsibility of providing the Real Estate Assessor with evidence sufficient for the Real Estate Assessor to make an appropriate determination of the age of the structure.
 - (2) The structure or other improvement must have been substantially rehabilitated sufficiently to increase the base value by twenty-five (25) percent. The base value shall be the fair market value, as determined and assessed by the Real Estate Assessor, prior to any rehabilitation.
 - (3) The qualifying rehabilitation to the structure shall not increase the overall original square footage by more than fifteen (15) percent. The original square footage shall be used to determine the base value of the real property.
 - (4) Multifamily/commercial structures, after rehabilitation is completed, shall remain as such for the remainder of the exemption period to continue to qualify for the exemption.
 - (5) This partial exemption only applies to rehabilitation resulting in a use that is no more than thirty (30) percent commercial; no less than seventy (70) percent residential in the square footage referenced in [subsection] (3).
- (b) The partial exemption granted by this section shall be an amount equal to the increase in assessed value resulting from the rehabilitation or renovation of the structure as determined by the Real Estate Assessor. The exemption shall commence on July 1 of the tax year following completion of the rehabilitation or renovation and shall run with the real estate for a period of no longer than ~~seven-ten~~ (710) years at an abatement rate over the seven-year term as follows:
 - Year 1: 100 percent
 - Year 2: 90%
 - Year 3: 80%
 - Year 4: 70%
 - Year 5: 60%

Year 6: 50%

Year 7: 40%

Year 8: 30%

Year 9: 20%

Year 10: 10%

- (c) There shall not be listed upon the land book any reduced value due to the exemption provided in subsection (b).
- (d) No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the Real Estate Assessor has verified that the rehabilitation, renovation or replacement indicated on the application has been completed.
- (e) A fee of one hundred dollars (\$100.00) shall be paid to the City for the processing of each application for exemption. The fee in the form of cash, check or money order shall be due upon submission of the application. All checks and money orders should be made payable to the City of Danville, Virginia. Such fees shall be nonrefundable.
- (f) The qualifying rehabilitation or renovation must occur within two (2) years of the application for exemption or the exemption will not be granted. No extension of this time period will be granted.
- (g) No applicant may qualify for a partial exemption from real estate taxation if the applicant receives any other local Economic Development from the City or any Authority of the City, with the exception of the Local Enterprise Zone incentives. No applicant may qualify for a partial exemption from real estate taxation if the project is in a Community Development Authority District.
- (h) Applicant must be current on all local taxes, utilities, and Performance Agreement obligations to qualify for a partial exemption from real estate taxation.

(Ord. No. 2023-06.12, att. 6-20-23)

State law reference(s)—Code of Virginia, § 58.1-3219.4; Code of Virginia, § 58.1-3220

Sec. 37-170. Hotel or motel structures.

- (a) A partial exemption from taxation of real estate on which any hotel or motel has undergone substantial rehabilitation or renovation for residential, commercial, industrial, or a mixed use of the preceding uses shall be granted, subject to the following conditions:
 - (1) The existing structure or other improvement must be no less than fifty (50) years old. The applicant will have the responsibility of providing the Real Estate Assessor with evidence sufficient for Real Estate Assessor to make an appropriate determination of the age of the structure.
 - (2) The structure must have been substantially rehabilitated sufficiently to increase the base value by twenty-five (25) percent. The base value shall be the fair market value, as determined and assessed by the Real Estate Assessor, prior to any rehabilitation.
 - (3) The qualifying rehabilitation to the structure shall not increase the overall original square footage by more than fifteen (15) percent. The original square footage shall be used to determine the base value of the real property.
 - (4) The use of such structures after rehabilitation is completed shall remain such for the remainder of the exemption period to continue to qualify for the exemption.

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(Supp. No. 37)

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- (b) The partial exemption granted by this section shall be an amount equal to the increase in assessed value resulting from the rehabilitation or renovation of the structure as determined by the Real Estate Assessor. The exemption shall commence on July 1 of the tax year following completion of the rehabilitation or renovation and shall run with the real estate for a period of no longer than five (5) years at a descending abatement rate over the five-year term as follows:
- Year 1: 100%
- Year 2: 80%
- Year 3: 60%
- Year 4: 40%
- Year 5: 20%
- Year 6: 0%
- (c) There shall not be listed upon the land book any reduced value due to the exemption provided in subsection (b).
- (d) No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the Real Estate Assessor has verified that the rehabilitation, renovation or replacement indicated on the application has been completed.
- (e) A fee of one hundred dollars (\$100.00) shall be paid to the City for the processing of each application for exemption. The fee in the form of cash, check or money order shall be due upon submission of the application. All checks and money orders should be made payable to the City of Danville, Virginia. Such fees shall be nonrefundable.
- (f) The qualifying rehabilitation or renovation must occur within two (2) years of the application for exemption or the exemption will not be granted. No extension of this time period will be granted.
- (g) No applicant may qualify for a partial exemption from real estate taxation if the applicant receives any other local Economic Development incentives from the City or any Authority of the City, with the exception of the Local Enterprise Zone incentives. No applicant may qualify for a partial exemption from real estate taxation if the project is in a Community Development Authority District.
- (h) Applicant must be current on all local taxes, utilities, and Performance Agreement obligations to qualify for a partial exemption from real estate taxation.
- (Ord. No. 2011-08.6, 8-16-11)

Sec. 37-171. Commercial or industrial structures.

- (a) A partial exemption from taxation of real estate on which any structure or other improvement has undergone substantial rehabilitation or renovation for commercial or industrial uses shall be granted, subject to the following conditions:
- (1) The existing structure or other improvement must be no less than fifty (50) years old. The applicant will have the responsibility of providing the Real Estate Assessor with evidence sufficient for Real Estate Assessor to make an appropriate determination of the age of the structure.
 - (2) The structure or other improvement must have been substantially rehabilitated sufficiently to increase the base value by twenty-five (25) percent. The base value shall be the fair market value, as determined and assessed by the Real Estate Assessor, prior to any rehabilitation.

-
- (3) The qualifying rehabilitation to the structure shall not increase the overall original square footage by more than fifteen (15) percent. The original square footage shall be used to determine the base value of the real property.
- (4) Commercial, industrial, or mixed use structures, after rehabilitation is completed, shall remain as such for the remainder of the exemption period in order to continue to qualify for the exemption.
- (b) The partial exemption granted by this section shall be an amount equal to the increase in assessed value resulting from the rehabilitation or renovation of the structure as determined by the Real Estate Assessor. The exemption shall commence on July 1 of the tax year following completion of the rehabilitation or renovation and shall run with the real estate for a period of no longer than five (5) years at a descending abatement rate over the five-year term as follows:
- Year 1: 100%
- Year 2: 80%
- Year 3: 60%
- Year 4: 40%
- Year 5: 20%
- Year 6: 0%
- (c) There shall not be listed upon the land book any reduced value due to the exemption provided in subsection (b).
- (d) No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the Real Estate Assessor has verified that the rehabilitation, renovation, or replacement indicated on the application has been completed.
- (e) A fee of one hundred dollars (\$100.00) shall be paid to the City for the processing of each application for exemption. The fee in the form of cash, check or money order shall be due upon submission of the application. All checks and money orders should be made payable to the City of Danville, Virginia. Such fees shall be nonrefundable.
- (f) The qualifying rehabilitation or renovation must occur within two (2) years of the application for exemption or the exemption will not be granted. No extension of this time period will be granted.
- (g) No applicant may qualify for a partial exemption from real estate taxation if the applicant receives any other local Economic Development incentives from the City or any Authority of the City, with the exception of the Local Enterprise Zone incentives. No applicant may qualify for a partial exemption from real estate taxation if the project is in a Community Development Authority District.
- (h) Applicant must be current on all local taxes, utilities, and Performance Agreement obligations to qualify for a partial exemption from real estate taxation.
- (Ord. No. 2011-08.6, 8-16-11; Ord. No. 2019-05.06, 5-7-19)

Council Letter City of Danville, Virginia



CL - 1863

NEW BUSINESS E.

City Council REGULAR MEETING

Meeting Date: February 18, 2025

Subject: A Resolution Approving and Authorizing a Request by the City of Danville to the Virginia Department of Transportation to Adjust Danville's Lane Milage Inventory.

From: Brian Dunevant, Assistant Director of Public Works | City Engineer

COUNCIL ACTION

A Resolution Authorizing and Approving a Request by the City of Danville to the Virginia Department of Transportation to Adjust Danville's Lane Milage Inventory.

SUMMARY

Whenever new streets are added to the City's inventory, it is necessary for City Council to adopt a resolution authorizing staff to submit lane mile inventory changes to the Virginia Department of Transportation (VDOT). Lane mile inventory changes, due to the construction of Community Way Connector and the addition of Browder Avenue to the city right-of-way, are scheduled to be reported to the VDOT so that the City of Danville's lane mile inventory can be updated accordingly.

BACKGROUND

The Commissioner of Highways authorizes payments to localities for maintenance of eligible streets. Payments are based on lane miles within a locality's street inventory. The Community Way Connector construction project, between Community Way and West Main Street, was recently completed by Public Works. Browder Avenue, between West Main Street and Park Avenue, was recently added to the city's right-of-way. Both streets are eligible to be added to Danville's street inventory to increase overall lane miles.

RECOMMENDATION

It is recommended that City Council adopt the accompanying Resolution authorizing submission of Danville's lane mile inventory changes to the Virginia Department of Transportation.

Attachments

1. Resolution
 2. Form U-1
 3. UMIS-BrowderAve
 4. UMIS-CommunityWayConnector
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2025-____.____

A RESOLUTION APPROVING AND AUTHORIZING A REQUEST BY THE CITY OF DANVILLE TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO ADJUST DANVILLE'S LANE MILEAGE INVENTORY.

WHEREAS, the Virginia Department of Transportation allows municipalities receiving highway maintenance payments to adjust their lane mileage inventory annually to reflect additions, deletions, annexations, mergers or incorporations that occur during the year.

NOW THEREFORE, BE IT RESOLVED, that the City Manager, Kenneth F. Larking, be, and he is hereby, authorized and directed to submit to the Virginia Department of Transportation, on the forms and in the manner prescribed by the Department, the City's request for street additions for municipal assistance payments, together with a copy of this resolution and such maps and other documents that may be necessary to make and support a request, that Community Way Connector, between Community Way and West Main Street, and Browder Avenue, between West Main Street and Park Avenue, be functionally classified by the Virginia Department of Transportation and added to the Danville Highway Maintenance System for which the City of Danville is entitled to receive maintenance payments in accordance with provisions of §33.2-319 of the Code of Virginia, 1950, as amended; and

BE FURTHER RESOLVED that said request and submission be, and the same are hereby, approved.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Appendix B
Form U-1 (rev. 7-1-17)

LOCAL ASSISTANCE DIVISION
VDOT
REQUEST FOR STREET ADDITION, DELETIONS AND CONVERSIONS FOR
STREET PAYMENTS SECTION 33.2-319
CODE OF VIRGINIA

MUNICIPALITY Danville

DISTRICT Lynchburg

ACTION REQUIRED (SELECT BELOW)	STREET NAME ROUTE NUMBER	TO TERMINI FROM	R/W (Width) (FEET)	PAVEMENT WIDTH (FEET)	CENTER LANE (MILES)	NUMBER OF LANES	MOVING LANE MILES	Eligibility Code Reference Link	FUNC. CLASS. (T&MPD USE ONLY)
ADD (New Road)	Community Way Connector	W Main Street to Community Way	50	30	0.10	2	0.20	1	
ADD (New Road)	Browder Avenue	W Main Street to Park Avenue	50	30	0.30	2	0.60	1	
SELECT ONE							0.00	Select one	
SELECT ONE							0.00	Select one	
SELECT ONE							0.00	Select one	
SELECT ONE							0.00	Select one	
SELECT ONE							0.00	Select one	
SELECT ONE							0.00	Select one	
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SELECT ONE							0.00	Select one	
SELECT ONE							0.00	Select one	

* Council Resolution and Map Attached

SIGNED _____
MUNICIPAL OFFICIAL DATE

Submit to: District Point of Contact in triplicate

SIGNED _____
AUTHORIZED VDOT OFFICIAL DATE

CLASSIFIED BY _____
T&MPD ENGINEER DATE

Code #

Select one

- 1
- 2
- 3
- 4
- 5
- 6
- 7

Description

Road and Street Criteria-50'R/W and 30' hard surface

40' R/W and silent on pavement on cul-de-sac

16' pavement width of part of secondary system prior to annexation or incorporation which includes anyth

30' R/W,16' pavement width if established prior to 1 July 1950. They don't have to be built but established

SSR requirement if built after1 Jan 1996-varies from 18' to 29' pavement width depending on the type of r

40' R/W,16' pavement width if one way street, loop road and school bus entrances

40' R/W,18' pavement width if 70% or more development land has a natural grade of at least 20%

ing is secondary system that VDOT was maintaining
d on paper.

oadway (curb, gutter, ditches etc.). The requirement can be found in 1996 and 2009 Subdivision

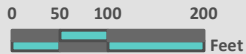
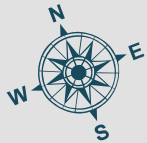
Street Requirements published by VDOT)



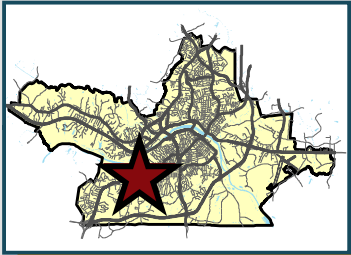
VDOT UMIS: Add
New Road Request

Browder Avenue
From: W Main Street
To: Park Avenue

# Lanes	2
Centerline Miles	0.30
Lane Miles	0.60



Location Map



Map Prepared by the Office of
the City Engineer - Jan. 3, 2025



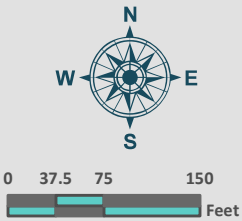


VDOT UMIS: Add
New Road Request

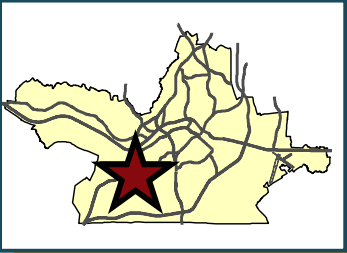
**Community Way
Connector**

From: W Main St
TO: Community Way

# Lanes	2
Centerline Miles	0.10
Lane Miles	0.20



Location Map



Map Prepared by the Office of
the City Engineer - Jan. 3, 2025



Council Letter City of Danville, Virginia



CL - 1829

NEW BUSINESS F.

City Council REGULAR MEETING

Meeting Date: February 18, 2025

Subject: Amending the Budget Appropriation Ordinance for the Recreation Enrichment Program.

From: Charlene Presley, Division Director - Special Recreation

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide for Funds in the Amount of \$67,738 for a Recreation Enrichment Program and the Local In-Kind Share of \$260,240 for a Total Appropriation of \$327,978 and Appropriation of Same.

FIRST READING

SUMMARY

The Danville-Pittsylvania Community Services Board will award funds in the amount of \$67,738 to the City's Department of Parks and Recreation for fiscal year 2025, for the Recreation Enrichment Program.

BACKGROUND

The Danville Danville-Pittsylvania Community Services Board will award funds in the amount of \$67,738 to the City's Department of Parks and Recreation. This is a continuation of funding which the City receives each year. With these funds, the Special Recreation Division provides recreation, leisure education, socialization and cultural services for individuals with intellectual impairments. The funds will be matched with in-kind funds of \$260,240 for a total of \$327,978. The in-kind funds are included in the City's Fiscal Year 2025 budget.

RECOMMENDATION

It is recommended that the City Council adopt an ordinance appropriating funds to the City's Department of Parks and Recreation.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2025-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR FUNDS IN THE AMOUNT OF \$67,738 FOR A RECREATION ENRICHMENT PROGRAM AND THE LOCAL IN-KIND SHARE OF \$260,240 FOR A TOTAL APPROPRIATION OF \$327,978 AND APPROPRIATION OF SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2025 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenues for funds from Danville-Pittsylvania Community Services to the Department of Parks and Recreation Enrichment Program, Special Recreation Division, in the amount of \$67,738 and in-kind services in the amount of \$260,240 for the purpose of operating a Recreation Enrichment Program to provide services for the individuals with intellectual impairments, appropriating same within the Special Grants Fund, such appropriations be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid - State		
Danville-Pittsylvania Community Services	60299000-45620	\$ 67,738
Local Share		
In-Kind Services Recreation Enrichment Program	60300000-44890	<u>260,240</u>
	Total	<u>\$ 327,978</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Recreation Enrichment	60299999-50	\$ 67,738
Recreation Enrichment – In Kind		
Salaries & Wages	60300000-59500	\$ 207,583
FICA	60300000-59510	15,636
Retirement	60300000-59520	3,009
Insurance	60300000-59530	8,250
Automotive/Motor Pool Rental	60300000-59615	12,880
Utilities	60300000-59625	11,736
Telephone	60300000-59635	1,146
	Sub-total	<u>\$ 260,240</u>
	Total	<u>\$ 327,978</u>

AND BE IT FURTHER ORDAINED, that all other accounts and provisions of the Fiscal Year 2025 Budget Appropriation Ordinance not hereby amended shall continue in full force and effect unless and until hereafter further amended or repealed: and

BE IT FINALLY ORDAINED, that this appropriation shall be continuing appropriation, and such appropriation shall carry forward from year to year until such funds are expended for the purpose for which they were appropriated.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter City of Danville, Virginia



CL - 1860

NEW BUSINESS G.

City Council REGULAR MEETING

Meeting Date: February 18, 2025

Subject: Danville Sheriff's Office Jail-Based Substance Use Disorder Treatment Program.

From: Aisha Gwynn, Grant Administrator

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance by Increasing Revenue from Virginia Department of Criminal Justice Services – Jail Based Substance Use Disorder Treatment Grant Program in the Amount of \$150,000.00 for a Total Appropriation of \$150,000 and Appropriating the Same.

FIRST READING

SUMMARY

The Danville Sheriff's Office was awarded a \$150,000.00 grant by the Department of Criminal Justice Services for the implementation of a Jail-Based Substance Use Disorder Treatment Program at the Danville City Jail. The resulting program, called Alpha+ (Plus) will operate January 1, 2025-December 31, 2027.

BACKGROUND

The Virginia Department of Criminal Justice Services (DCJS) administers special funds designated to support Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder (SUD) Treatment and Transition programs. The grant program is intended to expand access to substance use disorder treatment and transitional services for individuals incarcerated in local and regional jails in Virginia.

The Danville Sheriff's Office was awarded the maximum award of \$150,000.00 to implement similar programs at the Danville City Jail for a three-year period.

RECOMMENDATION

It is recommended that Council approve the Budget Appropriation for \$150,000.00 awarded to the Danville Sheriff's Office from Virginia Department of Criminal Justice Services for the implementation of a Jail-Based Substance Use Disorder Treatment Program at the Danville City Jail.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2025-_____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM VIRGINIA DEPARTMENT OF CRIMIAL JUSTICE SERVICES – JAIL BASED SUBSTANCE USE DISORDER TREATMENT GRANT PROGRAM IN THE AMOUNT OF \$150,000.00 FOR A TOTAL APPROPRIATION OF \$150,000 AND APPROPRIATING THE SAME.

WHEREAS the Danville Sheriff's Office has been awarded a grant from the Virginia Department of Criminal Justice Services – Jail based Substance Use Disorder Treatment Program of \$150,000;

AND WHEREAS the funding will be used to fund a jail-based substance use disorder treatment program at the Danville City Jail.

NOW THEREFORE BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2025 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenue from the Virginia Department of Criminal Justice of \$150,000, for a total of \$150,000, such revenue and appropriation to be as follows:

ANTICIPATED REVENUE

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Virginia Department of Criminal Justice Jail-Based Substance Use Disorder (SUD) Treatment	61960000-47060	<u>\$ 150,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Virginia Department of Criminal Justice Jail-Based Substance Use Disorder (SUD) Treatment	61960999-50	<u>\$ 150,000</u>

AND BE IT FURTHER ORDAINED that this appropriation shall be a continuing appropriation and shall carry forward from year to year until expended for the purpose for which appropriated; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2025 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter City of Danville, Virginia



CL - 1864

NEW BUSINESS H.

City Council REGULAR MEETING

Meeting Date: February 18, 2025

Subject: Amending the Fiscal Year 2025 Budget Appropriation for Virginia Department of Transportation Project Appropriations.

From: Brian Dunevant, Assistant Director of Public Works | City Engineer

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance for Capital Improvement Projects to be Undertaken Within the City of Danville and to be Financed Anticipating Revenues from Virginia Department of Transportation in the Amount of \$4,483,772.

FIRST READING

SUMMARY

The Commonwealth Transportation Board has approved, and the Virginia Department of Transportation (VDOT) has allocated, Revenue Sharing program funds for two projects in the City of Danville totaling \$4,483,772. These allocations need to be appropriated into the Capital Projects Fund account.

BACKGROUND

VDOT's Revenue Sharing Program provides localities with a funding source for transportation improvement projects. The Revenue Sharing projects that were allocated funds are as follows:

- UPC 121003 – Richmond Boulevard Pedestrian Access - Pedestrian improvements on Richmond Boulevard from Moffett Street to Justin Lane.
- UPC 125454 – Broadnax Street / Betts Street Improvements - Pedestrian improvements on Broadnax Street and Betts Street from Davis Street to Winslow Street.

RECOMMENDATION

It is recommended that City Council approve the Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Appropriate Revenue Sharing Program funds as allocated from the Virginia Department of Transportation.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2025-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE FOR CAPITAL IMPROVEMENT PROJECTS TO BE UNDERTAKEN WITHIN THE CITY OF DANVILLE AND TO BE FINANCED ANTICIPATING REVENUES FROM VIRGINIA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$4,483,772.

WHEREAS the City of Danville requested the Virginia Department of Transportation to allocate program funds from the Revenue Sharing Program for two pedestrian improvement projects in the City of Danville; and

WHEREAS the City of Danville has received notification from the Virginia Department of Transportation that the Commonwealth Transportation Board has approved total allocations in the amount of \$4,483,772; and

WHEREAS, the projects and allocations are listed in the Virginia Department of Transportation Six-Year Improvement Program; and

WHEREAS, these funds will be appropriated for use in Fiscal Year 2025.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2025 Budget Appropriation Ordinance be, and is hereby, amended by using anticipated revenues from the Virginia Department of Transportation in the amount of \$4,483,772, and such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
UPC 121003 – Richmond Boulevard Pedestrian Access	61946000-47465	\$ 2,751,709
UPC 125454 – Broadnax/Betts St. Improvements	61933000-47465	<u>1,732,063</u>
	TOTAL	<u>\$ 4,483,772</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
UPC 121003 – Richmond Boulevard Pedestrian Access	61946999-50	\$ 2,751,709
UPC 125454 – Broadnax/Betts St. Improvements	61933999-50	<u>1,732,063</u>
	TOTAL	<u><u>\$ 4,483,772</u></u>

BE IT FURTHER ORDAINED that a flexible budget is hereby authorized whereby appropriations may be increased to the extent that actual revenues exceed the original revenue budget amount;

AND BE IT FURTHER ORDAINED that this appropriation shall be a continuing appropriation and shall carry forward from year to year until expended for the purpose for which appropriated;

AND BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2025 Budget Appropriation Ordinance as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney