

ORDINANCE NO. 1948

AN ORDINANCE to amend and reordain the definition of MOTOR VEHICLE, Section 22-1, Article I; Section 22-40, Division 4, Article II; subsections (e) and (j), Section 22-66; subsections (4) and (6), subsection (a), subsubsection (2) of subsection (b) of Section 22-69, all of Division 2, Article III; Section 22-89, Division 3, Article III; subsections (d) and (n) of Section 22-93.1, the introductory paragraph of Section 22-93.3, all of Division 4, Article III; Section 22-116, Division 2, Article IV; Section 22-202, subsection (a) of Section 22-204, and Section 22-205, all of Article VIII; Section 22-221, Article IX, and to further amend Section 22-66, Division 2, Article III by adding thereto a new subsection lettered (m), and to further amend Division 3, Article III by adding thereto a new section numbered 22-90.1, all of Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended; which Chapter 22 relates to MOTOR VEHICLES AND TRAFFIC, which Article I relates to GENERAL PROVISIONS, which Section 22-1 relates to DEFINITIONS, which definition relates to MOTOR VEHICLE, which Article II relates to POWERS OF LOCAL AUTHORITIES; SIGNS, SIGNALS AND MARKERS GENERALLY; TRAFFIC- CONTROL DEVICES, which Division 4 relates to MISCELLANEOUS PROVISIONS, which Section 22-40 relates to TRAFFIC-CONTROL SIGNAL LEGEND, which Article III relates to OPERATION OF VEHICLES, which Division 2 relates to RECKLESS DRIVING, SPEEDING, ETC., which Section 22-66 relates to RECKLESS DRIVING, SPECIFIC INSTANCES, which subsection (e) relates to FAIL TO STOP FOR SCHOOL BUS, which subsection (j) relates to DRIVING ON PROPERTY OPEN TO PUBLIC, which new subsection (m) relates to DRIVING IN SAME LANE AS ANOTHER VEHICLE, which Section 22-69 relates to SPEED LIMITS AND RELATED REGULATIONS, which subsection (a) relates to MAXIMUM SPEED LIMITS, which subsubsection (4) relates to SPEED LIMIT FOR SCHOOL BUS, which subsubsection (6) relates to SPEED LIMIT BETWEEN SIGNS DESIGNATING SCHOOL ZONES, which subsection (b) relates to MINIMUM SPEED LIMITS, which subsubsection (2) relates to TRAFFIC AND PARKING BOARD ESTABLISHING MINIMUM SPEED LIMIT, which Division III relates to RULES OF THE ROAD, which Section 22-89 relates to RIGHT OF WAY-- VEHICLES TURNING TO LEFT, which new Section 22-90.1 relates to STOP SIGNS--YIELD RIGHT OF WAY, which Division IV relates to DRIVING AUTOMOBILE, ENGINE, ETC., WHILE UNDER INFLUENCE OF INTOXICANTS OR NARCOTICS, which Section 22-93.1 relates to USE OF CHEMICAL TEST TO DETERMINE ALCOHOL IN BLOOD; PROCEDURE; QUALIFICATIONS AND LIABILITY OF PERSON WITHDRAWING BLOOD; COSTS, EVIDENCE; SUSPENSION OF LICENSE FOR REFUSAL TO SUBMIT TO TEST, which subsection (d) relates to PROCEDURE FOR TAKING BLOOD SAMPLE, which subsection (n) relates to COURT SUSPENSION OF LICENSE UPON FINDING OF GUILTY FOR FIRST AND SUBSEQUENT OFFENSES, which Section 22-93.3 relates to PRESUMPTIONS FROM ALCOHOLIC CONTENT OF BLOOD, which introductory paragraph relates to ANALYSIS OF ALCOHOL IN ACCUSED'S BLOOD, which Article IV relates to STOPPING, STANDING AND PARKING GENERALLY, which Division 2 relates to DISPOSITION OF ILLEGALLY PARKED VEHICLES, which Section 22-116 relates to ILLEGALLY PARKED VEHICLES TO BE REMOVED, which Article VIII relates to BRAKES, HORNS AND OTHER MECHANICAL EQUIPMENT, which Section 22-202 relates to CLEATS, ETC., ON TIRES; CHAINS; TIRES WITH STUDS, which Section 22-204 relates to WHEN SIGNAL DEVICE REQUIRED, which subsection (a) relates to CONSTRUCTION OF MOTOR VEHICLE, TRAILER OR SEMITRAILER SO AS TO PREVENT HAND OR ARM SIGNALS FROM BEING GIVEN OR SEEN FROM FRONT AND REAR, which Section 22-205 relates to REQUIREMENTS AS TO SIGNAL DEVICES, which Article IX relates to MAXIMUM SIZE AND WEIGHT; COMBINATIONS OF VEHICLES, and which Section 22-221 relates to CROSSING BRIDGE OR CULVERT BY VEHICLE HEAVIER THAN ALLOWED THEREON.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the definition of motor vehicle in Section 22-1, Article I, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

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

Section 2. That Section 22-40, Division 4, Article II, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-40. Traffic--control signal legend.

Signals by lights or semaphores shall be as follows:

Red indicates that traffic then moving shall stop and remain stopped as long as a constant red signal is shown, except in the direction indicated by a lighted green arrow; provided however that traffic may make a legal right turn on a red signal after coming to a full stop, provided that a sign indicating that such right turn is permissible is placed at the intersection. Such turning traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic using the intersection.

Green indicates the traffic shall then move in the direction of the signal and remain in motion as long as the green signal is given, except that such traffic shall yield to other vehicles and pedestrians lawfully within the intersection.

Amber indicates that a change is about to be made in the direction of the moving of traffic. When the amber signal is shown, traffic which has not already entered the intersection, including the crosswalks, shall stop if it is not reasonably safe to continue, but that which has already entered the intersection shall continue to move until the intersection has been entirely cleared. The amber signal is a warning that the red signal is imminent.

The use of a flashing red indicates that traffic shall stop before entering an intersection and the use of a flashing amber indicates that traffic may proceed through the intersection or past such signal with reasonable care under the circumstances.

Section 3. That subsections (e) and (j) of Section 22-66, Division 2, Article III, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby are amended and reordained to read as follows:

(e) Fail to stop, when approaching from any direction, a school bus, whether publicly or privately owned, which is stopped on any highway or school driveway for the purpose of taking on or discharging children, and to remain stopped until all children are clear of the highway or school driveway and the bus is put in motion, except the driver of a vehicle upon a dual highway, when the roadways are separated by a physical barrier or barriers or an unpaved area, need not stop upon approaching a school bus which is on a roadway so separated from the one on which he is driving or an adjoining service road so separated. This subsection shall apply to school buses which are equipped with warning devices prescribed in Section 46.1-287, Code of Virginia (1950) as amended, and are painted yellow with the words "School Bus, Stop, State Law" in black letters at least six inches high on the front and rear thereof. If space is limited on the front, the words "School Bus" may be in letters at least four inches high. This subsection shall also apply to school buses which are equipped

with warning devices as prescribed in Section 46.1-287, Code of Virginia, (1950), as amended, and which are painted yellow with the words "School Bus" in black letters at least eight inches high on the front and rear thereof. Only school buses as defined in Section 46.1-1(37), Code of Virginia (1950) as amended, which are painted yellow and equipped with the required lettering and warning devices shall be identified as school buses.

(j) Drive or operate any automobile or other motor vehicle upon any driveway or premises of a church, or school, or of any recreational facilities, or of any business property open to the public, or on the premises of any industrial establishment providing parking space for customers, patrons or employees, or upon any highway under construction or not yet open to the public, recklessly or at a speed or in a manner so as to endanger the life, limb or property of any person.

Section 4. That Section 22-66, Division 2, Article III, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new subsection lettered (m) to read as follows:

(m) Drive any motor vehicle, including any motorcycle, so as to be in and parallel to another vehicle in a lane designed for one vehicle, or drive any motor vehicle, including any motorcycle, so as to travel parallel to any other vehicle travelling in a lane designed for one vehicle; provided, however, this subsection shall not apply to any validly authorized parade, motorcade or motorcycle escort.

Section 5. That subsections (4) and (6) of subsection (a) and subsection (2) of subsection (b), Section 22-69, Division 2, Article III, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby are amended and reordained to read as follows:

(a) Maximum speed limits.

(4) Thirty-five miles per hour or the minimum speed allowable, whichever is greater, on any highway, other than an interstate highway, if the vehicle is being used as a school bus carrying children, and forty-five miles per hour on interstate highways; provided, however, that for any such vehicle which neither takes on nor discharges children between its point of origin and point of destination, the speed limit shall be forty-five miles per hour.

(6) Twenty-five miles per hour between fixed blinking signs placed in or along any street bearing the word or words "school" or "school crossing." Such word or words shall indicate that school children are present in the vicinity. All such signs as are described above shall be placed not more than six hundred feet from the limits of the school property or crossings in the vicinity of the school which is used by children going to and from school; provided that "school crossing" signs may be placed in any location where an engineering and traffic investigation establishes a need therefor and the city council approves the said crossing for such signs. Such signs shall be placed in or along the streets in a position plainly visible to vehicular traffic approaching from either direction but shall not be placed so as to obstruct the roadway. Such blinking signals shall be turned on for thirty minutes preceding regular school hours and for thirty minutes thereafter and during such other times as the presence of children on such school property or going to and from school reasonably requires a special warning to motorists. Provided, however, that city council may increase or decrease the speed limit provided in this subsection only after justification for such increase or decrease has been shown by an engineering and traffic investigation, and provided further that no such increase or decrease in speed limit shall be effective unless such increased or decreased speed limit is conspicuously posted on the fixed blinking signs required by this subsection.

(b) Minimum speed limits.

(2) Whenever the traffic and parking board determine on the basis of a traffic engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the traffic and parking board may determine and declare a minimum speed limit to be set forth on signs posted on such highway, below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

Section 6. That Section 22-89, Division 3, Article III, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-89. Same--Vehicles turning to left.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is so close as to constitute a hazard, provided, that where there is an automatic signal device governing the flow of traffic at any intersection and allowing turns to the left while all other vehicular traffic is required to stop, any vehicle making such turn shall have the right of way over all other vehicles approaching the intersection.

Section 7. That Division 3, Article III, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new section numbered 22-90.1 to read as follows:

Sec. 22-90.1. Stop sign--yield right of way.

The driver of a vehicle approaching an intersection on a street controlled by a stop sign shall, immediately before entering such intersection, stop, and before proceeding shall yield the right of way to the driver of a vehicle approaching on such other street from either direction.

Section 8. That subsections (d) and (n) of Section 22-93.1, Division 4, Article III, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby are amended and reordained to read as follows:

(d) Only a physician, registered professional nurse, graduate laboratory technician or a technical or nurse designated by order of a circuit court acting upon the recommendation of a licensed physician, using soap and water to cleanse the part of the body from which the blood is taken and using instruments sterilized by the accepted steam sterilizer or some other sterilizer which will not affect the accuracy of the test, or using chemically clean sterile disposable syringes, shall withdraw blood for the purpose of determining the alcoholic content thereof. No civil liability shall attach to any person authorized to withdraw blood as provided herein as a result of the act of withdrawing blood from any person submitting thereto, provided the blood was withdrawn according to recognized medical procedures; and provided further that the foregoing shall not relieve any such person from liability for negligence in the withdrawing of any blood sample.

(n) If the court shall find the defendant guilty as charged in the warrant, the court shall suspend the defendant's license for a period of 90 days for a first offense and for six months for a second or subsequent offense or refusal within one year of the first or other such refusals; the time shall be computed as follows: The date of the first offense and the date of the second or subsequent offense; provided that if the defendant shall plead guilty to a violation of section 22-93, the court may dismiss the warrant.

Section 9. That the introductory paragraph of Section 22-93.3, Division 4, Article III, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

In any prosecution for a violation of section 22-93, the amount of alcohol in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of a sample of the accused's blood or breath to determine the alcoholic content of his blood in accordance with the provisions of section 22-93.1 shall give rise to the following presumptions:

Section 10. That Section 22-116, Division 2, Article IV, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-116. Illegally parked vehicles to be removed.

Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten days upon any public property or privately-owned property other than the property of the owner of such motor vehicle, trailer or semitrailer or is abandoned upon such public property or privately-owned property without the permission of the owner, lessee, or occupant thereof, any such motor vehicle, trailer, or semitrailer may be removed for safekeeping by or under the direction of a police officer to the city vehicle impounding yard; provided, however, that no such vehicle shall be removed from privately-owned premises without the written request of the owner, lessee, or occupant thereof. It shall be presumed that any such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if (1) it lacks either a current license plate, or a current city tag or a valid state inspection certificate or sticker and (2) it has been in a specific location for ten days without being moved.

Section 11. That Section 22-202, Article VIII, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-202. Cleats, etc., on tires; chains; tires with studs.

No tire on a vehicle moved on a street shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire; except, that it shall be permissible to use farm machinery having protuberances which will not injure the street and to use tire chains of reasonable proportions when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid. It shall also be permissible to use upon any vehicle, whose gross weight does not exceed ten thousand pounds, tires with studs which project not more than one sixteenth of an inch beyond the tread of the traction surface of the tire when compressed and which cover not more than three percent of the traction surface of the tire. The use of such studded tires shall be permissible from October 15, 1974 to April 15, 1975, and from October 15, 1975 to April 15, 1976.

Section 12. That subsection (a) of Section 22-204, Article VIII, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

(a) Any motor vehicle, trailer or semitrailer which is so constructed or carries a load in such a manner as to prevent a hand and arm signal, required in section 22-84 of this Code, from being visible both to the front and rear of such motor vehicle, trailer or semitrailer or any vehicle the driver of which is incapable of giving the required hand and arm signals, shall be equipped with a mechanical or electrical signal device of a type that has been approved by the superintendent of the department of state police; provided, that a tractor truck need not be

equipped with mechanical or electrical signal devices on the rear if it is equipped with double faced signal lamps mounted on the front fenders or on the sides near the front of the vehicle clearly visible to the rear.

Section 13. That Section 22-205, Article VIII, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Every device intended and used to give a signal of intention to turn a vehicle shall be so constructed and so installed as to give a signal plainly visible under normal atmospheric and traffic conditions from a distance of at least one hundred feet to the rear and one hundred feet to the front of the vehicle; and provided that no front signal shall be required on vehicles manufactured or assembled before January 1, 1943. Nothing contained herein shall prohibit the requiring of an electrical or mechanical signal device on any vehicle, the driver of which is prevented by any reason from giving the required hand and arm signal required in section 22-84 of this Code.

Section 14. That Section 22-221, Article IX, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 22-221. Crossing bridge or culvert by vehicle heavier than allowed thereon; where weight signs to be erected.

No vehicle shall cross any bridge or culvert within the city if the gross weight of such vehicle is greater than the amount posted for the bridge or culvert as its carrying capacity.

Signs stating the carrying capacity shall be erected and maintained near each end of the bridge or culvert on the approaches to such bridge or culvert. Whenever the weight capacity of any structure on the interstate or primary system is reduced below the weight limit permitted on the road of which it is a part, a sign indicating that there is a restricted structure must be placed in advance of the last alternate route on the road upon which there is a restricted structure. Whenever the weight capacity of any structure is reduced below the weight limit permitted on the road of which it is a part, a sign indicating that there is a restricted structure must be placed in advance of the last alternate route on the road upon which there is a restricted structure.

Section 15. That the title of and an informal memorandum explaining this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The city clerk shall have the full text of this ordinance printed in sufficient numbers to supply copies to meet request. The city clerk shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.  
Mayor

FINAL PASSAGE: JUNE 22, 1974.