

ORDINANCE NO. 2396

AN ORDINANCE to amend and reordain the definition of street in Section 22-1, Section 22-9, all of Article I; subsection (e), Section 22-66, Division 2, Section 22-76, Division 3, all of Article III; to amend Division 1, Article IV by adding a new section numbered 22-108.1; to amend and reordain Sections 22-235, 22-235.2, 22-236, 22-237, 22-243, 22-244, 22-245, 22-246 and 22-247, all of Article XI, 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 IN GENERAL, which Section 22-1 relates to DEFINITIONS, which Section 22-9 relates to ACCIDENT REPORTS, which Article III relates to OPERATION OF VEHICLES, which Division 2 relates to RECKLESS DRIVING, SPEEDING, ETC., which Section 22-66 relates to SAME--SPECIFIC INSTANCES, which subsection (e) relates to FAILURE TO STOP FOR A SCHOOL BUS, which Division 3 relates to RULES OF THE ROAD, which Section 22-76 relates to DRIVER TO GIVE WAY TO OVERTAKING VEHICLE, which Article IV relates to STOPPING, STANDING AND PARKING GENERALLY, which Division 1 relates to IN GENERAL, which new section numbered 22-108.1 relates to PARKING OF VEHICLES ON PRIVATE PROPERTY, which Article XI relates to LICENSE TAXES ON MOTOR VEHICLES, TRAILERS AND SEMITRAILERS, which Section 22-235 relates to WHEN TAX PAYABLE; APPLICATION; ISSUANCE, which Section 22-235.2 formerly related to USE OF LICENSE PLATES OR WINDSHIELD TAGS BEFORE LICENSE YEAR and now relates to use of LICENSE PLATES, WINDSHIELD TAGS OR DECALS BEFORE LICENSE YEAR, which Section 22-236 relates to PAYMENT OF PERSONAL PROPERTY TAX PRIOR TO ISSUANCE, which Section 22-237 formerly related to DISPLAY OF LICENSE PLATE AND WINDSHIELD TAG and now relates to DISPLAY OF LICENSE PLATE, WINDSHIELD TAG AND DECAL, which Section 22-243 formerly related to TRANSFER OF PLATES AND REPLACEMENT OF WINDSHIELD TAG and now relates to TRANSFER OF PLATES AND REPLACEMENT OF WINDSHIELD TAG OR DECAL, which Section 22-244 formerly related to REPLACEMENT OF LOST PLATES AND TAGS and now relates to REPLACEMENT OF LOST PLATES, TAGS AND DECALS, which Section 22-245 relates to PRORATION OF LICENSE TAX, which Section 22-246 relates to REFUND FOR UNUSED PORTION OF FEE PAID and which Section 22-247 formerly related to OFFENSES RELATING TO CITY LICENSE PLATE AND WINDSHIELD TAG and now relates to OFFENSES RELATING TO CITY LICENSE PLATE, WINDSHIELD TAGS AND DECALS.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the definition of street 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:

Street. The entire width between the boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in the city, including the street, alleys and publicly maintained parking lots and for law enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically designated "highways" by an ordinance adopted by city council.

Section 2. That Section 22-9, 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:

Sec. 22-9. Accident reports.

The driver of any vehicle involved in an accident resulting in injury or death to any person or in property damage to an apparent extent of three hundred fifty dollars (\$350.00), or more shall, within five days after the accident, make a written report of such accident to the police department.

The police department shall make such reports available to any person involved or injured in the accident or his attorney or to any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident.

Section 3. That subsection (e), 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, elderly, mentally or physically handicapped persons, and to remain stopped until all children, elderly, mentally or physically handicapped persons 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 and except that the driver of a vehicle need not stop upon approaching a school bus which is loading or discharging passengers from or onto property immediately adjacent to a school if such driver is directed by a police officer or other duly authorized uniformed school crossing guard to pass such school bus. 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 which 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.

Section 4. That Section 22-76, 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. 22-76. Driver to give way to overtaking vehicle.

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle; provided, however, that any over-width or

slow-moving vehicle as defined by section 46.1-264, Code of Virginia (1950), as amended, shall be removed from the traveled way at the nearest suitable location when necessary to allow traffic to pass.

Section 5. That Division 1, Article IV, Chapter 22 of The Code of the City of Alexandria, Virginia, 1963, as amended, be and same hereby is amended by adding a new section numbered 22-108.1 to read as follows:

Sec. 22-108.1. Parking of vehicles on private property.

It shall be a violation of this section for any person to park a motor vehicle, trailer or semitrailer on private property contrary to the directions of the owner of the property or his agent. Upon a conviction of a violation of this section, he shall be punished by a fine not exceeding fifteen dollars (\$15.00).

Section 6. That Section 22-235, Article XI, 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. 22-235. When tax payable; application; issuance.

The license tax covered by section 22-234 of this Code shall be due and payable not later than May first of each license tax year and not earlier than February fifteenth, and shall be good until May first the following year. Application for the license prescribed by this article shall be made to the director of finance on forms providing for the name and address of the applicant and a description of the vehicle for which the license is to be issued, and the license tax herein provided for shall be paid to the director of finance. At the time of application for the initial city registration of a motor vehicle, trailer or semitrailer, the applicant shall present his state registration or other proof of ownership. Upon payment of the license tax, the director of finance shall issue to the applicant an appropriate license plate or license windshield tag for such vehicle; except that beginning in license year 1980 (May 1, 1980), decals made of reflective, waterproof material shall be issued for motorcycles, trailers and semitrailers. Application and payment shall be made (1) upon registering and licensing any motor vehicle, trailer or semitrailer with the Virginia Division of Motor Vehicles when the registration for such a vehicle shows an address in the city, or (2) upon commencement of operation upon the streets of the city of any motor vehicle, trailer or semitrailer, which vehicle has been in the city for a period of at least thirty (30) days, and which vehicle is either registered and licensed by another state or by the Virginia Division of Motor Vehicles, the address for which is elsewhere in Virginia, or (3) upon commencement of operation upon the streets of the city of a motor vehicle, trailer or semitrailer from a place of business within the city, which vehicle is used in the conduct of any business or occupation within the city.

Section 7. That Section 22-235.2, Article XI, 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. 22-235.2. Use of license plates, windshield tags or decals before license year.

A license plate, windshield tag or decal issued under this article for a succeeding license year may be used without penalty on and after February fifteenth of the calendar year in which such license year begins, but in no event shall any such license plate, windshield tag or decal be used beyond the last day of the license year for which it is issued.

Section 8. That Section 22-236, Article XI, 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. 22-236. Payment of personal property tax prior to issuance.

No license plate, windshield tag or decal shall be issued under this article unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the motor vehicle, trailer or semitrailer to be licensed have been paid which have been properly assessed or are assessable against the applicant.

Section 9. That Section 22-237, Article XI, 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. 22-237. Display of license plate, windshield tag and decal.

Each license plate issued under this article shall be attached to the front or rear state license tag and kept in full view at all times. Each license windshield tag issued under this article shall be affixed on the inside of the windshield of the vehicle. It shall be placed adjacent to the state inspection sticker and not more than three inches from the bottom of the windshield. Each decal issued under this article shall be affixed to motorcycles on the front fork adjacent to the state safety inspection sticker. Each decal issued under this article shall be affixed to trailers and semitrailers on the front side of the vehicle body adjacent to the state safety inspection sticker.

Section 10. That Section 22-243, Article XI, 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. 22-243. Transfer of plates and replacement of windshield tag or decal.

Any owner who has paid a license tax required under this article for any motor vehicle, trailer or semitrailer for which a license plate was issued may transfer the license plate to another motor vehicle, trailer or semitrailer registered in such owner's name, provided the vehicle to which the license plate is transferred is a like vehicle and category as specified in this article and requires an identical license tax, upon application on forms furnished by the director of finance or presentation of the registration card for the motor vehicle, trailer or semitrailer to which the license plate is being transferred, accompanied by a fee of one dollar (\$1.00); provided, that if such other motor vehicle, trailer or semitrailer requires a greater license

tax than that for which the license plate was issued, the amount of the difference in license taxes shall also be paid.

Any owner who has paid a license tax required under this article for any motor vehicle, trailer or semitrailer for which a windshield tag or decal was issued may obtain a replacement windshield tag or decal for use on another vehicle registered in such owner's name, upon application on forms furnished by the director of finance and presentation of the registration card for the vehicle for which the replacement windshield tag or decal is sought and pieces of the previously issued license windshield tag or decal as proof that it was removed from the vehicle for which the license tax was previously paid, accompanied by a fee of one dollar (\$1.00); provided, that if such other motor vehicle, trailer or semitrailer requires a greater license tax than that for which the license windshield tag or decal was issued, the amount of the difference in license taxes shall also be paid.

Section 11. That Section 22-244, Article XI, 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. 22-244. Replacement of lost plates, tags and decals.

Any person losing his original license plate, license windshield tag or decal issued as provided in section 22-236 of this article may secure a new license plate, license windshield tag or decal by making affidavit to the director of finance that the original license plate, license windshield tag or decal has been lost and the police department notified and by paying a fee of one dollar (\$1.00) to the director of finance.

Section 12. That Section 22-245, Article XI, 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. 22-245. Proration of license tax.

One half of the annual license taxes prescribed by sections 22-238 through 22-242 of this article shall be collected whenever any license plate, license windshield tag or decal is issued during the period beginning on the first day of November in any year, and ending on the thirty-first day of January in the same license year, and one third of such license taxes shall be collected whenever any license plate, license windshield tag or decal is issued after the thirty-first day of January in any license year; provided, however, that the license tax to be paid by the owner of any private motor vehicle, other than a motorcycle, designed and used for the transportation of passengers not for compensation, when the same is issued after the thirty-first day of October in any license year, shall be three dollars (\$3.00).

Section 13. That Section 22-246, Article XI, 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. 22-246. Refund for unused portion of fee paid.

(a) Any person holding a current license receipt and license plate, license windshield tag or decal who disposes of the

vehicle for which they were issued and does not purchase another vehicle may surrender the license plate, license windshield tag or decal and license receipt to the director of finance with a statement that the vehicle for which the license plate, license windshield tag or decal was issued has been sold and request a refund for the unused portion of the fee paid.

(b) The director of finance shall cause to be refunded to the applicant one half of the total cost of the license plate, license windshield tag or decal if application for such refund is made on or before the thirty-first day of October of the current license year, but such refund shall only be one third of such total cost when the application therefor is made subsequent to the thirty-first day of October of the current license year, but on or before the thirty-first day of January of the current license year. No refund shall be made when the application therefor is made after the thirty-first day of January of the current license year.

Section 14. That Section 22-247, Article XI, 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. 22-247. Offenses relating to city license plate, windshield tag and decal.

No person shall:

(a) Operate or permit a motor vehicle, trailer or semi-trailer, controlled by him to be operated upon the streets of the city without first procuring the license plate, license windshield tag or decal required by this article. Upon a conviction of violation of this subsection, he shall be punished by a fine not exceeding twenty-five dollars (\$25.00).

(b) Display, cause or permit to be displayed or to have in his possession any license receipt, license plate, license windshield tag or decal, knowing the same to be fictitious or to have been altered.

(c) Lend or knowingly to permit the use, by one not entitled thereto, of any license plate, license windshield tag or decal.

(d) Use a false or fictitious name or address on any application for a license plate, license windshield tag or decal or knowingly to make a false statement of a material fact or to conceal a material fact or otherwise commit a fraud in any such application.

(e) Use any license plate, license windshield tag or decal issued under this article on any vehicle other than the vehicle for which such license plate, license windshield tag or decal was issued or to which such license plate, license windshield tag or decal was transferred by the director of finance.

(f) Fail to carry the license receipt for the vehicle which he operates. Upon a conviction of a violation of this subsection, he shall be punished by a fine of not less than one dollar (\$1.00) nor more than ten dollars (\$10.00); provided, however, if any person, when summoned to appear before a court for failure to display his license receipt, upon such demand being made of him, shall present to the officer making such demand before the return date of the summons a proper license receipt or shall appear

pursuant to such summons and produce before the court a proper license receipt, he shall be deemed to have complied with the provisions of this subsection.

(g) Display any license plate, license windshield tag or decal after the expiration date of such license plate, license windshield tag or decal. Upon a conviction of a violation of this subsection, he shall be punished by a fine not exceeding twenty-five dollars (\$25.00).

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

Introduction: 9/26/79
First Reading: 9/26/79
Publication: 9/29/79

Public Hearing: 10/13/79
Second Reading: 10/13/79
Final Passage: 10/13/79

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