

TRAFFIC

Adopted August 3, 1953--see Volume 5, pages 203-213.

"AN ORDINANCE TO CONTROL AND REGULATE MOTOR VEHICLE TRAFFIC WITHIN THE COUNTY OF JAMES CITY.

"1. It shall be unlawful for any person to refuse, fail, or neglect to comply with any of the provisions of this ordinance.

"2. The provisions of this ordinance applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the State or any city, town, district or other political subdivision of this State, subject to such specific exceptions as are set forth in this ordinance.

"3. It shall be unlawful: (a) For any person who is under the age of eighteen years to drive a motor vehicle while in use as a school bus for the transportation of pupils to or from school, provided, however, such school bus may be operated by a person between the ages of sixteen and eighteen years, with the approval of the school board served by such bus, or (b) for any person, whether licensed or not, who is under the age of twenty-one years, to drive a motor vehicle while in use as a public passenger-carrying vehicle.

"4. Every person riding a bicycle or an animal upon a roadway and every person driving any animal shall be subject

## TRAFFIC (CONT.)

(number 4, cont.)

to the provisions of this ordinance applicable to the driver of a vehicle, except those provisions which by their very nature can have no application.

"5. The territory contiguous to a highway where seventy-five percentum or more of the total frontage, on both sides of the highway, for a distance of three hundred feet or more is occupied by buildings actually in use and operation for business purposes shall constitute a business district for purpose of this ordinance.

"The territory contiguous to a highway not comprising a business district where seventy-five percentum or more of the total frontage, on both sides of the highway, is mainly occupied by dwellings or by dwellings and buildings in use for business purposes shall constitute a residence district for purposes of this ordinance.

"6. The driver of any vehicle involved in an accident resulting in injuries to or death of any person or damage to property shall immediately stop at the scene of such accident or as close thereto as is possible without obstructing traffic and give to the person struck and injured, or to the driver or some other occupant of the vehicle collided with, his name, address, operator's or chauffeur's license number and registration number of his vehicle. If the damage is to an

## TRAFFIC (CONT.)

(Number 6, cont.)

unattended vehicle or to some other object, the driver shall make a reasonable effort to find the owner or person in charge of such property or shall leave a note in a conspicuous place giving him the information hereinbefore required and in addition shall report the accident in writing to the Sheriff, irrespective of the damage involved. The driver shall also render reasonable assistance to any person injured in such accident, including the carrying of such injured person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

"It shall be the duty of any occupant, witness or other person having knowledge of such an accident to furnish as much of the information hereinbefore required as possible if the driver is unable or unwilling to furnish it,

"7. Whenever any person is arrested for a violation of any provision of this ordinance punishable as a misdemeanor the arresting officer shall, except as otherwise provided in this section, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest unless the person arrested

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(Number 7, cont.)

shall demand an earlier hearing, and such person shall, if he so desires, have a right to an immediate hearing within twenty-four hours at a convenient hour, and before a court having jurisdiction under this ordinance within the city, town or county wherein such offense was committed. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place forthwith release him from custody.

"Any person refusing to give such written promise to appear, given in accordance with this section, shall be guilty of a misdemeanor, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.

"Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction.

"8. The provisions of the preceding section shall not be mandatory as to:

(1) Any person arrested and charged with an offense causing or contributing to any accident resulting in injury or death to any person.

(2) Any person charged with reckless driving.

## TRAFFIC (CONT.)

(Number 8, cont.)

(3) Any person whom the arresting officer shall have good cause to believe has committed any felony, or

(4) Any person whom the officer has reason to believe may disregard a summons issued under the preceding section.

"The arresting officer may in his discretion take such person forthwith before the nearest or most accessible magistrate.

"9. All fines imposed for a violation of this ordinance shall be paid to the county treasury.

"10. In all cases in which the arrest is made or the summons is issued by an officer of the county, for the violation of the motor vehicle laws of this county, the person arrested or summoned shall be charged with and tried for a violation of some provision of this title unless the same be a felony and all fines and forfeitures collected upon convictions or upon forfeitures of bail of any person so arrested or summoned shall be paid into the county treasury. Wilful failure, refusal or neglect to comply with this provision shall subject the person who is guilty thereof to a fine of not less than ten dollars nor more than fifty dollars and may be ground for removal from office. Charges for dereliction of the duties here imposed shall be tried by the court of record having jurisdiction over the officer charged with its violation.

## TRAFFIC (CONT.)

"11. Irrespective of the maximum speeds herein provided, any person who drives a vehicle upon a highway recklessly or at a speed or in a manner so as to endanger life, limb or property of any person shall be guilty of reckless driving; provided that the driving of a motor vehicle in violation of any speed limit provision of Section 14 shall not of itself constitute ground for prosecution for reckless driving under this section.

"12. A person shall be guilty of reckless driving who shall:

(1) Drive a vehicle when not under proper control or with inadequate or improperly adjusted brakes upon any highway of this county,

(2) While driving a vehicle, overtake and pass another vehicle proceeding in the same direction, upon or approaching the crest of a grade or upon or approaching a curve in the highway, where the driver's view along the highway is obstructed, except where the overtaking vehicle is being operated on a highway having two or more designated lanes of roadway for each direction of travel or on a designated one-way street or highway;

(3) Pass or attempt to pass two other vehicles abreast, moving in the same direction, except on highways having separate roadways of three or more lanes for each direction of travel, or on designated one-way streets or highways;

## TRAFFIC (CONT.)

(Number 12-4, cont.)

(4) Overtake or pass any other vehicle proceeding in the same direction at any steam, diesel or electric railway grade crossing or at any intersection of highways unless such vehicles are being operated on a highway having two or more designated lanes of roadway for each direction of travel or on a designated one-way street or highway, or while pedestrians are passing or about to pass in front of either of such vehicles unless permitted so to do by a traffic light or police officer;

(5) Fail to stop at a school bus while taking on or discharging school children, whether going in the same or the opposite direction and to remain stopped until all school children are clear of the highway;

(6) Fail to give adequate and timely signals of intention to turn, partly turn, slow down or stop, as required by Sections 28 to 32.

(7) Exceed a reasonable speed under the circumstances and traffic conditions existing at the time; or

(8) Fail to bring his vehicle to a stop immediately before entering a highway from a side road when there is traffic approaching upon such highway within five hundred feet of such point of entrance.

## TRAFFIC (CONT.)

"13. Every person convicted of reckless driving as above defined shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$10.00 nor more than \$100.00, or by imprisonment in jail for not more than thirty days, or by both such fine and imprisonment. For each second or subsequent conviction for the offense of reckless driving under this ordinance, a similar city or county ordinance or State laws, committed within twelve months of a prior conviction of reckless driving, every such person shall be punished by a fine of not less than \$50.00, nor more than \$500.00, or by imprisonment in jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

"In addition to the foregoing punishment, any trial justice or court may suspend any license issued to such convicted person for a period of not less than ten days nor more than six months, and such trial justice or court shall require such convicted person to surrender his license so suspended. If such person so convicted has not obtained the license required by law, such trial justice or the court may direct in the judgment of conviction that such person shall not, for such period of not less than ten days nor more than six months as may be prescribed in the judgment, drive or operate any motor vehicle in this State.



## TRAFFIC (CONT.)

"14. Any person who shall:

(1) Drive any vehicle upon a highway in this county at such speed as unnecessarily to block, hinder or retard the orderly and safe use of the highway or so to cause congestion on the highway;

(2) Drive upon any highway in this county any motor vehicle at a speed in excess of:

(a) Fifteen miles an hour when passing a school during recess or while children are going to or leaving school, provided that markers be placed on the highways so as to indicate the location of such school;

(b) Twenty-five miles an hour in a business district;

(c) Twenty-five miles an hour in a residential district; or

(d) Forty miles per hour when towing a motor vehicle which is selfpropelled or designed for self-propulsion in which there is not a driver.

(3) Drive anywhere else upon a highway in this county any school bus carrying school children to or from school at a speed in excess of thirty-five miles per hour, or any other passenger carrying bus at a speed in excess of fifty-five miles per hour, or any passenger motor vehicle or motorcycle at a speed in excess of fifty-five miles per hour, or any truck at

## TRAFFIC (CONT.)

(Number 14-3, cont.)

a speed in excess of forty-five miles per hour, or any other motor vehicle at a speed in excess of fifty-five miles per hour, unless the State Highway Commission prescribes a lower rate of speed;

(4) Drive to the left of the center of a street except upon one-way streets;

(5) Violate any provision of the right of way laws, as set forth in Sections 33 to 35.

(6) Drive a vehicle out of an alley, lane or building into a street without first bringing such vehicle to a stop immediately before entering such street;

(7) Make a left turn without passing to the right of the center of the intersection, except as otherwise provided;

(8) Make a right turn without keeping close to the curb;

(9) Coast or operate a motor vehicle with the gears in neutral;

(10) While operating a vehicle upon any highway, fail or refuse to control the lights of such vehicle by shifting, depressing, tilting, or dimming the headlight beams thereof so as not to project into the eyes of the driver of any on-coming vehicle a glaring or dazzling light; or

## TRAFFIC (CONT.)

(Number 14, cont.)

(11) Pass or attempt to pass on an upgrade hill in such manner as to impede the passage of following traffic, while operating a truck or tractor and trailer, any truck or tractor and trailer going in the same direction;

"Shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with the provisions of Section 48.

"15. The speed limitation set forth above shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violations, nor to fire department vehicles when travelling in response to a fire alarm or pulmotor call, not to ambulances when travelling in emergencies outside of corporate limits of cities and towns. This exemption shall not protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

"16. Except as otherwise provided by law upon all highways of sufficient width the driver of a vehicle shall drive the same upon the right half of the highway, unless it impracticable to travel on such side of the highway and except when overtaking and passing another vehicle, subject to the limitations applicable in overtaking and passing.

## TRAFFIC (CONT.)

"17. In crossing an intersection of highways or the intersection of a highway by a railroad right of way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right side is obstructed or impassable.

"18. Whenever any highway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations:

(1) A vehicle shall normally be driven in the lane nearest the right hand edge or curb of the highway when such lane is available for travel except when overtaking another vehicle or in preparation for a left turn.

(2) A vehicle shall be driven as nearly as is practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(3) Upon a highway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle or in preparation for a left turn or unless such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted or marked to give notice of such allocation;

## TRAFFIC (CONT.)

(Number 18, cont.)

(4) Wherever a highway 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 that it shall be lawful to make a left turn for the purpose of entering or leaving a public, private, or commercial road or entrance;

(5) Wherever a highway is marked with double traffic lines consisting of two immediately adjacent solid lines, no vehicle shall be driven to the left of such lines, except that it shall be lawful to make a left turn for the purpose of entering or leaving a public, private or commercial road or entrance.

"19. Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other, as nearly as possible, one-half of the main traveled portion of the roadway.

"20. The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle, except as hereinafter provided.

## TRAFFIC (CONT.)

"21. The driver of an overtaking motor vehicle when traveling outside of a business or residence district shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

"22. (1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn, and the driver of such vehicle has given a signal as required;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

## TRAFFIC (CONT.)

"23. Except when overtaking and passing on the right is permitted, the driver of a vehicle about to be overtaken and passed by another vehicle approaching from the rear at a lawful rate of speed 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.

"24. The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety and such overtaking vehicles shall give way to an oncoming vehicle.

"25. The driver of a motor vehicle shall not follow another more closely than is reasonable and prudent, having due regard to the speed of both vehicles and the traffic upon, and conditions of the highway at the time.

"The driver of any motor truck or bus shall not follow another motor truck or bus within two hundred feet when upon any highway outside of cities or towns.

## TRAFFIC (CONT.)

"26. The driver of a vehicle within business districts, villages, or towns, shall not turn such vehicle so as to proceed in the opposite direction except at an intersection of highways.

"27. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Right Turn: Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand 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 in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection 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 direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available



## TRAFFIC (CONT.)

(Number 27-3, cont.)

to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

"28. Every driver who intends to start, stop, turn or partly turn from a direct line shall first see that such movement can be made in safety and whenever the operation of any other vehicle may be affected by such movement shall give a signal as required in Sections 29, 30 and 32, plainly visible to the driver of such other vehicle, of his intention to make such movement.

"29. The signal required in the preceding section shall be given by means of the hand and arm or by some mechanical or electrical device approved by the State Superintendent of Motor Vehicles, in the manner herein specified. Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop, turn or partly turn by extending the hand and arm from and beyond the left side of the vehicle, in the manner following:

(1) For left turn or to pull to the left, the arm shall be extended in a horizontal position straight from the level with the shoulder;

## TRAFFIC (CONT.)

(Number 29, cont.)

(2) For right turn or to pull to the right, the arm shall be extended upward;

(3) For slowing down or to stop, the arm shall be extended downward.

"Such signals shall be given continuously for a distance of at least fifty feet before slowing down, stopping, turning, partly turning or materially altering the course of the vehicle.

"30. Drivers having once given a hand, electrical or mechanical device signal must continue the course thus indicated, unless they alter the original signal and take care that drivers of vehicles and pedestrians have seen and are aware of the change.

"31. Drivers receiving a signal from another driver shall keep their vehicle under complete control and shall be able to avoid an accident resulting from a misunderstanding of such signal.

"32. Drivers of vehicles standing or stopped at the curb or edge before moving such vehicles shall give signals of their intention to move into traffic, as hereinbefore provided, before turning in the direction the vehicle will proceed from the curb.

## TRAFFIC (CONT.)

"33. When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right except as otherwise provided in Section 35. At the traffic circles vehicles already in the circle shall have the right-of-way over vehicles approaching and entering the circle. The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which might otherwise have hereunder.

"34. The driver of a vehicle, approaching but not having entered an intersection shall yield the right-of-way to a vehicle within such intersection and turning therein to the left across the line of travel of such first mentioned vehicle, provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn left as required in Section 29.

"35. The driver of a vehicle entering a public highway from a private road or driveway shall, immediately before entering such highway, shall yield the right-of-way to all vehicles approaching on such public highway.

"36. Upon the approach of any police or fire department vehicle, giving audible signal by siren or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position at or as near as possible and parallel to the right-hand edge or curb, clear of any intersection of

## TRAFFIC (CONT.)

(Number 36, cont.)

highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer, until the police or fire department vehicle shall have passed.

This provision shall not operate to relieve the driver of a police or fire department vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of an arbitrary exercise of such right-of-way.

"37. It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus traveling in response to a fire alarm at any distance closer than five hundred feet to such apparatus or to drive into or park such vehicle, in any town or subdivision laid off in blocks, within five hundred feet of where fire apparatus has stopped in answer to a fire alarm.

"38. The driver of a vehicle shall not at any time drive through or over a safety zone.

"39. It shall be unlawful and constitute a misdemeanor for any person driving a vehicle to fail to obey a clearly visible or audible crossing signal at a highway and interurban or stream railway grade crossing which signal gives warning of the immediate approach of a railway train.

## TRAFFIC (CONT.)

"40. Every person driving any vehicle on a highway, on approaching a place where a railway crosses such highway at grade, at which crossing no railway gates are maintained and no flagman is stationed and on duty at the time, shall bring his vehicle to a speed not exceeding five miles per hour before passing over such crossing, at a distance of not less than fifty feet from the nearest rail of such railway tracks; provided, however, that every school bus or other motor vehicle used primarily for the transportation of school children shall be brought to a stop before crossing the nearest rail of such railway tracks, but failure to so stop shall not relieve the railway company from liability in any case when the company would otherwise be liable.

"And every person shall stop at such crossing where gates are maintained when such gates are closed down, or being lowered, and where a flagman is stationed and on duty at the time, whenever signalled to stop by such flagman.

"The provisions of this section shall not change or alter in any manner the existing laws as to the duty or liability of railway companies for damages to persons or property, and failure to comply with the provisions of this section on the part of the driver of the vehicle shall not be considered contributory negligence in an action against the railway company for damages to persons or property, whether the same

## TRAFFIC (CONT.)

(Number 40, cont.)

be injury to the person or property of the driver or any other person. And it shall not be necessary to establish the fact that the driver complied with the provisions of this section in order to recover in any action for damages to persons or property against a railway company.

"41. All vehicles when entering a highway, which is improved and hard surfaced and is a part of the State Highway System, from the side thereof, shall immediately before entering such highway, stop.

"42. No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case the vehicle shall be removed from the highway as soon as possible; and such removal may be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

"No vehicle shall be stopped except close to and parallel to the right-hand edge of the curb or roadway, except that a vehicle may be stopped close to and parallel to the left-hand curb or edge of roadway on one-way streets or may be parked at an angle where permitted by the State Highway Commission or local authorities with respect to streets and highways under their jurisdiction.

## TRAFFIC (CONT.)

"43. No truck or bus or part thereof other than a school bus transporting school children when discharging children who must cross the highway, shall be stopped on the traveled portion of any highway for the purpose of taking on or discharging cargo or passengers unless the operator cannot leave the traveled portion of the highway with safety. A school bus stopping on the highway shall be stopped at a point where it can be clearly seen from both directions.

"44. No person shall refuse to move away from the scene of a traffic accident when such person is directed to do so by a police officer.

"45. Whenever any bus or truck is disabled and stops upon any portion of the traveled portion of any highway in this county, at any time during which lights are required upon motor vehicles the operator of such bus or truck shall place or cause to be placed on the roadway three flares or torches of a type approved by the State Superintendent of Motor Vehicles. One of the flares shall be placed in the center of the lane of traffic occupied by the disabled bus or truck and not less than forty paces therefrom in the direction of traffic approaching in that lane, one not less than forty paces from such bus or truck in the opposite direction and one at the traffic side of such bus or truck not closer than ten feet from the front or rear thereof; provided, however that if such

## TRAFFIC (CONT.)

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bus or truck is disabled within three hundred feet of a curve or crest of a hill, or other obstruction to view, the flares in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than forty paces nor more than one hundred and twenty paces from the disabled vehicle.

"46. If any such vehicle is used for the transportation of inflammable liquids in bulk, whether loaded or empty, or for transporting inflammable gases, red reflector flares or red electric lanterns of a type approved by the Superintendent of State Police shall be used in lieu of flares. Such reflectors or lanterns shall be lighted and placed upon the roadway in the manner provided above for the placing of flares.

"47. During such time as lights on motor vehicles are not required red flags shall be used in the place of flares, torches, reflectors or lanterns. The flags shall be placed upon the roadway in the manner above set out for flares, torches, reflectors and lanterns, except that no flag shall be required to be placed at the side of such vehicle; but if the disablement of such vehicles continues into the period when lights on motor vehicles are required, flares torches, reflectors or lanterns shall be placed as above set forth.



## TRAFFIC (CONT.)

"48. Any person violating any of the provisions of the foregoing ordinance, except where a specific punishment is hereinbefore provided, shall be deemed guilty of a misdemeanor and shall be fined not less than \$5.00 nor more than \$100 and confined in jail not exceeding ten days, either or both; for a second such conviction within one year, he shall be fined not less than \$10 nor more than \$200, or by imprisonment in jail for not less than one nor more than twenty days, or by both such fine and imprisonment.

"49. Should any section or sections of the foregoing ordinance be held unconstitutional or invalid, notwithstanding the same remaining sections of this ordinance shall remain in full force and effect, and any ordinance heretofore adopted inconsistent or in conflict with any of the provisions hereof shall be considered repealed upon the adoption of this ordinance.

"This ordinance shall be in full force and effect after September 1, 1953."

Adopted August 3, 1953--see Volume 5, pages 203-213.