

**TOWN OF LEESBURG
NOTICE OF PUBLIC HEARING**

LEESBURG TOWN CODE AMENDMENTS:

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE II (ADMINISTRATION AND ENFORCEMENT), DIVISION 2 (VIOLATIONS), SECTION 32-64 (INCREASED PENALTY FOR FAILURE TO YIELD AT CROSSWALK)

Pursuant to the Code of Virginia of 1950, as amended, §§ 15.2-1427 and 46.2-924(C), the **LEESBURG TOWN COUNCIL** will hold a Public Hearing on **February 9, 2015, at 7:30 p.m.**, in the Council Chambers of Town Hall, 25 West Market Street, Leesburg, Virginia, 20176, to consider the following amendment to the Town Code:

NEW Section 32-64 (Increased Penalty for Failure to Yield at Crosswalk).

Pursuant to Code of Virginia, § 46.2-924(C), the Town is authorized to install and maintain highway signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to pedestrians crossing or attempting to cross the highway. Any operator of a motor vehicle who fails at such locations to yield the right-of-way to pedestrians as required by such signs shall be guilty of a traffic infraction punishable by a fine of no less than \$100 or more than \$500.

A copy of the proposed ordinance is available from the Town Clerk, located in Town Hall, 25 West Market Street, Leesburg, Virginia, during normal business hours (Monday-Friday, 8:30 a.m. to 5:00 p.m.); or by calling Lee Ann Green, Town Clerk, at 703-771-2733.

At this hearing, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations should contact the Clerk of Council at 703-771-2733, three days in advance of the meeting. For TTY/TDD service, use the Virginia Relay Center by dialing 711.

2/4/15



Date of Council Meeting: **February 10, 2015**

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Town Code Amendment to Increase the Fine for Drivers Failing to Yield at Crosswalks.

Staff Contact: Barbara Notar, Town Attorney
Keith Markel, Deputy Town Manager

Council Action Requested: Hold a public hearing to determine whether to amend the Town Code to add an ordinance that authorizes an increased fine for drivers who fail to yield for pedestrians at crosswalks.

Staff Recommendation: Staff recommends amending the Town Code to add this ordinance.

Commission Recommendation: Not Applicable.

Fiscal Impact: An increased fine will result in increased revenue to the Town.

Executive Summary: Virginia State Code Section 46.2-924(C) is the enabling authority which allows the Town to impose increased fines on motorists who fail to yield to pedestrians in marked crosswalks. To impose these increased fines, certain, standard signs, approved by VDOT must be installed and maintained at these crosswalks. The signs, if approved, will state, "Yield to Pedestrians in Crosswalks \$100--\$500 Fine".

Background: On December 9, 2014, the Town Council passed Resolution No. 2014-127 initiating crosswalk safety initiatives. One of these initiatives was to add increased fines for operators of motor vehicles who fail to yield for pedestrians at crosswalks. The aforementioned state code section allows for these increased fines but an ordinance must be added to the Town Code and specific signs approved by VDOT must be installed and maintained by the Town.

Attachments: Proposed Ordinance

PRESENTED: February 10, 2015

ORDINANCE NO. _____

ADOPTED: _____

AN ORDINANCE: TO AMEND AND ORDAIN CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE II (ADMINISTRATION AND ENFORCEMENT), DIVISION 2 (VIOLATIONS), SECTION 32-64 (INCREASED PENALTY FOR FAILURE TO YIELD AT CROSSWALK)

WHEREAS, the Town Council desires to protect the health, safety and welfare of pedestrians who use crosswalks in the Town; and

WHEREAS, the Town Council passed Resolution No. 2014-127 which initiated increased fines for operators of motor vehicles who fail to yield the right of way to pedestrians crossing or attempting to cross town streets; and

WHEREAS, the Code of Virginia of 1950, as amended, Section 46.2-924(C) authorizes the Town to enact an ordinance to increase the fine for failing to yield the right of way to pedestrians crossing or attempting to cross highways in the Town so long as appropriate signage is installed; and

WHEREAS, a public hearing was held to consider this addition to the Town Code.

THEREFORE, The Council of the Town of Leesburg in Virginia hereby ordains:

SECTION I. Section 32-64 (Increased Penalty for Failure to Yield at Crosswalk).

Pursuant to Code of Virginia, § 46.2-924(C), the Town is authorized to install and maintain highway signs at marked crosswalks specifically requiring operators of motor vehicles, at the locations where such signs are installed, to yield the right-of-way to pedestrians crossing or attempting to cross the highway. Any operator of a motor vehicle who fails at such locations to yield the right-of-way to pedestrians as required by such signs shall be guilty of a traffic infraction punishable by a fine of no less than \$100 or more than \$500.

SECTION II. All prior ordinances in conflict herewith are hereby repealed.

AN ORDINANCE: TO AMEND AND ORDAIN CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE II (ADMINISTRATION AND ENFORCEMENT), DIVISION 2 (VIOLATIONS), SECTION 32-64 (INCREASED PENALTY FOR FAILURE TO YIELD AT CROSSWALK)

SECTION III. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Leesburg Town Code.

SECTION IV. This ordinance shall be effective upon its adoption.

PASSED this _____ day of _____, 2015.

Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:

Clerk of Council