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TOWN OF BRIDGEWATER
TRAFFIC AND STREETS

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§ 4-1. This title is enacted pursuant to the authority vested in the town by §§ 46.2-1300 through 46.2-1305 and 46.2-1306.1 through 46.2-1313 of the Code of Virginia. Sections of this title may have additional authority as well. (Enacted August 12, 1986; Amended July 14, 1998)

CHAPTER 1
Application and Effect of Title

§ 4-2. ***Application of Title.*** This title applies to every street, alley, sidewalk, driveway, park area, and every other way, within the corporate limits of this municipality, the use of which the municipality has the authority to regulate. (Enacted August 12, 1986; Amended July 14, 1998)

§ 4-3. ***Severability of Title.*** If any part or parts of this title are, for any reason, held to be invalid or unconstitutional, such holding shall not affect the validity or constitutionality of the remaining portions of this title. The Council hereby declares that it would have passed this title and each part or parts hereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-4. ***Uniformity of Interpretation Between This Title and the Laws of the Commonwealth of Virginia.*** It is the purpose of this ordinance that its provisions should adopt and make applicable to this municipality the laws of the Commonwealth of Virginia relating to the subjects for which provision is made herein, in order that uniformity of application and interpretation may be attained. No application or interpretation of this ordinance, regardless of the wording of any section of this ordinance, shall deviate from that uniformity of application and interpretation between comparable provisions of this ordinance and the laws of the Commonwealth of Virginia, except where such deviation is required by differing governmental or administrative requirements. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-5. ***Repeal.*** All other former traffic and street ordinances of this municipality are hereby repealed and all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance. (Enacted August 12, 1986; Reenacted July 14, 1998)

CHAPTER 2 – TRAFFIC

Part 1
Authority and Adoption of State Law

§ 4-6. ***Adoption of State Law.*** All of the provisions of Title 46.2 and of Article 9 (§ 16.1-278 *et seq.*) of Chapter 11 of Title 16.1 and of Article 2 of Chapter 7 of Title 18.2 (§ 18.2-266 *et seq.*) of the Code of Virginia, 1950, as amended, other than those provisions thereof which plainly have no application within the town, are incorporated by reference into this Chapter. Reference therein to "highways of the state" shall be deemed to include streets, highways, and alleys within the town. The mention of specific state law provisions does not preclude the incorporation of unmentioned provisions. (See Code of Virginia, § 46.2-1313) (Enacted 1997; Amended July 14, 1998)

Part 2
Rules of the Road

§ 4-7. ***Vehicles Entering Through Street Intersection.*** The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection from the through street or which are approaching so closely on the through street as to constitute a hazard. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-8. ***Limitations on Backing.*** The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic, and shall, in every case, yield the right-of-way to all moving traffic and also to pedestrians. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-9. ***Opening Door of and Entering and Emerging From Vehicle.*** No person shall open the door of, or enter or emerge from any vehicle in the path of any approaching vehicle unless such action be taken with due regard for safety of persons and property. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-10. Stop When Traffic Obstructed. No operator of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space beyond the intersection or crosswalk in the direction in which the vehicle is proceeding to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-11. Slow Moving Traffic. No person shall drive any vehicle upon a highway in this town at such speed as to unnecessarily block, hinder, or retard the orderly and safe use of the highway or so as to cause congestion on the highway, provided that such speed is less than the prescribed maximum speed limit. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-12. Driving on Left Side of Road. Except as otherwise provided by law, on all highways of sufficient width, the driver of the vehicle shall drive on the right half of the highway, unless it is impractical to drive on such side of the highway, except for overtaking and passing another vehicle, subject to the provisions applicable to overtaking and passing as set forth in § 46.2-837 *et seq.* of the Code of Virginia. (See Code of Virginia, § 46.2-802) (Enacted August 12, 1986; Amended July 14, 1998)

§ 4-13. Stop Before Entering Public Highway or Sidewalk From Private Road, Yielding Right-of-Way. The driver of a vehicle entering a public highway or sidewalk from a private road, driveway, alley, or building shall stop immediately before entering such highway or sidewalk and yield the right-of-way to vehicles approaching on such public highway and to pedestrians or vehicles approaching on such public sidewalk.

The provisions of this section shall not apply to an intersection of public and private roads controlled by a traffic signal. At any such intersection, all movement of traffic into and through the intersection shall be controlled by the traffic signal. (See Code of Virginia, § 46.2-826) (Enacted August 12, 1986; Amended July 14, 1998)

§ 4-14. Left Turns. No person shall make a left turn without passing to the right of the center of the intersection, except as otherwise provided. (See Code of Virginia, § 46.2-846) (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-15. Right Turns. No person shall make a right turn without keeping as close to the curb as is reasonably and safely possible. (See Code of Virginia, § 46.2-846). (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-16. Lights. No person shall fail or refuse to control the lights of a vehicle by shifting, depressing, tilting or dimming the headlight beams thereof so as not to project, into the eyes of the driver of any oncoming vehicle, a glaring or dazzling light. (See Code of Virginia, § 46.2-1034) (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-17. Fire Hoses. No person shall drive over any unprotected hose of a fire department when laid down on any street, highway or private driveway, to be used at any fire, or fire drill, or practice drill, without the consent of the Fire Department Officers in command. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-18. Following Fire Trucks. No person shall follow at closer than 500 feet of any fire apparatus traveling in response to a fire alarm or park closer than 500 feet to a fire apparatus answering an alarm, unless such following or parking is done in furtherance of official business. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-19. General Regulation of Speed and Traffic. (a) Those roadways under the jurisdiction of the Town of Bridgewater shall have the following maximum speed limits: (i) twenty-five miles an hour when passing a school during recess or while children are going to or leaving school; (ii) thirty miles an hour in a business or residential district; (iii) thirty-five miles an hour elsewhere in the town. (b) Notwithstanding the provisions of paragraph (a), however, the Town Superintendent, on all highways or streets maintained by the Town, may increase or decrease the speed limits within its boundaries, provided such areas or points are clearly indicated by markers or signs and such designated speed is based upon an engineering and traffic investigation. The Superintendent may also adopt regulations establishing one-way streets, traffic-control signs and devices, and all other lawful means of traffic control. (c) Additionally, the Town Superintendent may reduce speed limits, without an engineering and traffic investigation, for a period not to exceed 60 days, in areas where the street or highway is under construction or repair. (See Code of Virginia, §§ 15.2-2028, 46.2-1300) (Enacted August 12, 1986; Reenacted July 14, 1998, Amended January 12, 2016)

Part 3
Parking, Stopping and Standing Regulations
(See Code of Virginia, § 46.2-1220)

§ 4-20. Angle-Parking Signs or Markings. Upon those streets which have been signed or marked by the Chief of Police or other designated officer for angle parking, no person shall stop or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-21. Parking Vehicles With No State License. It shall be unlawful to park any vehicle having no state license on any street. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-22. Manner of Parking Generally. Except upon highways designated as one-way streets, no vehicle shall be stopped except close to and parallel to the right hand curb or edge of the roadway unless otherwise provided by rules and regulations enacted pursuant to § 4-23; and upon highways designated as one-way streets, no vehicle shall be stopped except close to and parallel to either curb unless otherwise provided by rules and regulations enacted pursuant to § 4-23. With respect to parallel parking, the front and rear wheels of the vehicle nearest the curb shall not be more than twelve (12) inches from the curb or edge of the roadway and the front and rear of the vehicle shall not be closer than two (2) feet to other parked vehicles. No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the handbrake, cutting off and locking the ignition, and turning the front wheels into the curb or side of the highway. (Enacted August 12, 1986; Reenacted July 14, 1998; Amended January 12, 2016)

§ 4-23. Parking Rules and Regulations Promulgated by Chief of Police.

- (a) The Chief of Police, with written concurrence of the Town Manager is hereby authorized and directed
 - (i) To make, promulgate, and enforce rules and regulations for the parking or stopping of vehicles upon Public Parking Lots, other property owned by the Town, and highways, including rules and regulations concerning towing under paragraph (c) below;
 - (ii) To classify vehicles with respect to parking or stopping;
 - (iii) To designate the time, length of time, the place and the manner such vehicles may be allowed to park or stop;
 - (iv) To designate areas for bus stops, taxicab stands, and loading zones; and to revoke, alter or amend such rules and regulations at any time when, in his opinion, traffic conditions and use of the highways require; and
 - (v) To provide for, in appropriate cases, the metering of parking and payment therefor.
 - (vi) To authorize other persons, whether or not sworn law enforcement officers, to enforce parking regulations through the issuance of a notice of violation triggering the process described in § 4-50.
- (b) It shall be unlawful for any person to fail, refuse or neglect to observe and comply with any such rule or regulation enacted pursuant to paragraph (a); provided, however, no such rule or regulation shall be deemed to have been violated unless appropriate and adequate signs, markers, or other devices are erected to inform ordinarily observant persons of such rule or regulation. Such signs, markers or other devices shall be so placed that they may be readily and easily seen.
- (c) With respect to vehicles (including trailers and semitrailers) which are
 - (i) Left unattended on a public highway or other public property and constitute a traffic hazard,
 - (ii) Illegally parked, and in an area designated as a “tow away zone,”
 - (iii) Left unattended for more than ten days either on public property or on private property without the permission of the property owner, lessee, or occupant,
 - (iv) Immobilized on a public roadway by weather conditions or other emergency situation, or
 - (v) Parked on public highways or grounds and for which there are three or more unpaid or otherwise unsettled parking violations,

Law enforcement officers may direct that the vehicles be removed (by towing or otherwise) for safekeeping.

As promptly as possible, each removal shall be reported to the Chief of Police and to the owner of the vehicle. When removal is authorized by subsection (v), the nature and circumstances of the prior unpaid or unsettled parking violation notices shall be provided to the vehicle's owner along with notice of the removal.

Before obtaining possession of the vehicle or part thereof, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage and locating the owner. In addition, when a removal is performed pursuant to subsection (v), all unpaid or unsettled parking violation notices shall also be paid by the owner prior to obtaining the vehicle.

This paragraph (c) does not authorize removal of vehicles and parts thereof from private property without the written request of the owner, lessee, or occupant of the premises. Any person at whose request a motor vehicle or parts thereof are removed from private property shall indemnify the Town against any loss or expense incurred by reason of the request.

- (d) For purposes of this section, a "Public Parking Lot" is a parking lot owned or leased by the Town or the Town's Industrial Development Authority.

(See Code of Virginia, §§ 46.2-1213, 1216, 1220.) (Enacted August 12, 1986; Reenacted July 14, 1998; Amended August 13, 2002; Amended January 12, 2016; Amended June 12, 2018.)

§ 4-24. Stopping or Parking Prohibited in Specified Places. No person shall stop, stand or 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:

- (a) On a sidewalk;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within 15 feet of a fire hydrant; (See Code of Virginia, §§ 46.2-1220, 1239)
- (e) On a crosswalk;
- (f) Within 20 feet of a crosswalk at an intersection;
- (g) Within 30 feet of any flashing traffic beacon, stop sign, or traffic-control signal;
- (h) Within 15 feet of the driveway entrance to any fire or rescue squad station, and when so posted, on the side of a roadway opposite the entrance to any fire station, within 75 feet of the entrance; (See Code of Virginia, § 46.2-1239)
- (i) Along side or opposite any street or highway excavation or obstruction when such stopping or parking would obstruct traffic;
- (j) On the roadway side of any vehicle, stopped or parked, at the edge or curb of a street;
- (k) Along side any curb painted yellow; and
- (l) At any place in violation of any regulation enacted pursuant to § 4-23.

(Enacted August 12, 1986; Reenacted July 14, 1998; Amended January 12, 2016)

§ 4-25. Parking Not to Obstruct Traffic. No person shall park any vehicle upon a street, in such a manner or under such conditions as to leave available less than 10 feet of the width of any roadway for free movement of vehicular traffic. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-26. Stopping, Standing or Parking in Alleys.

- (a) No person shall stop or park a vehicle within an alley in a business district except for the expeditious loading or unloading of materials, and no person shall stop or park a vehicle in any other alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic. This paragraph (a) is subject and subordinate to any conflicting regulations enacted under § 4-23.

- (b) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.

(Enacted August 12, 1986; Reenacted July 14, 1998; Amended January 12, 2016)

§ 4-27. *Parking for Certain Purposes Prohibited.* No person shall park a vehicle upon any street or within any Public Parking Lot (as defined in § 4-23) for the principal purpose of:

- (a) Displaying such vehicle for sale;
- (b) Washing, maintaining, or repairing such vehicle, except repairs necessitated by an emergency;
- (c) Displaying advertising;
- (d) Selling merchandise (including food) from such vehicle except in a duly established marketplace, or when so authorized or licensed under the ordinances of this municipality;
- (e) Storage, or as junkage or dead storage, for more than 72 hours.

(Enacted August 12, 1986; Reenacted July 14, 1998; Amended January 12, 2016)

§ 4-28. *Stopping or Parking in Loading Zones.*

- (a) Except as specified in paragraph (b) of this section, no person shall stop or park a vehicle for any purpose or length of time other than for the expeditious unloading or loading of materials, in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect.
- (b) The driver of a vehicle may stop temporarily at a place marked as a loading zone for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

(Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-29. *Stopping or Parking in Restricted Parking Zone.* No person shall stop or park a vehicle, for any purpose or length of time, in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-30. *Parking of Commercial Vehicles Near Residences.* It shall be unlawful for the owner, operator, or driver of any motor vehicle of over three-fourths-ton capacity to park such vehicle or to permit it to be parked on any street, alley, or other public way in the town for longer than 30 minutes in the following areas: (1) any areas zoned for residential use or (2) in front of or adjacent to any portion of any lot upon which any residence is constructed. The provisions of this section shall not apply to any vehicle while actually engaged in loading or unloading. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-30.1 *Parking in Handicap Spaces.* It shall be unlawful for any person to park a vehicle not displaying

- (i) Disabled parking license plates,
- (ii) An organizational removable windshield placard,
- (iii) A permanent removable windshield placard,
- (iv) A temporary removable windshield placard issued under Va. Code § 46.2-1241, or
- (v) DV disabled parking license plates issued under Va. Code § 46.2-739(B)

in a parking space reserved for persons with disabilities that limit or impair their ability to walk. It shall also be unlawful for a person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle.

The definitions contained in Va. Code § 46.2-1240 shall apply to terms used in this section.

(See Virginia Code § 46.2-1242) (Added January 13, 2004.)

Part 4 **Supplemental Traffic Control Regulations**

§ 4-31. Obedience to Police and Fire Department Officials. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, or member of the fire department at the scene of a fire, who is invested by law or ordinance with authority to direct, control, or regulate traffic. (See Code of Virginia, § 46.2-1220) (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-32. Obedience to Official Traffic-Control Devices. No driver of a vehicle shall disobey the instructions of any traffic-control device placed in accordance with the provisions of the ordinances of this municipality, unless at the time otherwise directed by a police officer. (See Code of Virginia, § 46.2-1220) (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-33. Barriers or Signs Placed by Public Utilities or Town Departments. No person, public utility or any town department shall erect or place any barrier or sign on any highway or sidewalk unless first authorized by the Chief of Police or other officer designated by the council. It shall be unlawful for any person to disobey the instructions of any barrier or sign placed in any highway or sidewalk when the barrier or sign has been first approved by the designated officer and the same has been erected pursuant to authority from such officer.

No person shall ride or drive any animal or vehicle or walk over any newly made pavement or freshly painted marking in any highway when a barrier or sign is in place warning persons not to drive over such pavement or marking or when a sign is in place stating that the street or any portion thereof is closed. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-34. Traffic Control Signs and Regulations. The Chief of Police or other officer designated by the council is authorized to erect and maintain such appropriate signs, markers, semaphores, signals or other devices as may be deemed necessary by him to enforce any rules and regulations made and promulgated by him to regulate and control vehicular traffic and travel upon highways by pedestrians, and to execute the provisions of this chapter. Such officer shall also have the authority to designate private driveways as either "entrances" or "exits" and when the property owner or lessee is notified in writing of such designation, such owner or lessee shall install appropriate signs in accordance with specifications drawn by the designated officer and the drivers of all vehicles using such highways shall obey such signs. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-35. When Traffic Devices Required for Enforcement Purposes. No provision of this ordinance for which signs or markings are required shall be enforced against an alleged violator, if, at the time and place of the alleged violation, an official sign or marking is not in proper position and sufficiently legible to be seen by an ordinarily observant person. (Enacted August 12, 1986; Reenacted July 14, 1998)

Part 5 **Supplemental Regulations for Bicycles, Mopeds and Similar Items**

§ 4-36. Application of Title: Except as provided otherwise in this Part, the provisions of this Title apply equally to the operation of bicycles, electric power-assisted bicycles and mopeds (as those terms are defined in § 46.2-100 of the Code of Virginia) on public streets or highway except such provisions which plainly have no application. (Amended March 8, 2005.)

§ 4-36.1 Obedience to Traffic-Control Devices:

- (a) All persons operating a bicycle, electric power-assisted bicycle and moped shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles,

unless otherwise directed by a police officer.

- (b) Whenever authorized signs are erected indicating that no right, or left, or U turn is permitted, no persons operating a bicycle shall disobey the direction of any such signs, except where such persons dismount from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(Enacted August 12, 1986; Reenacted July 14, 1998; Amended and redesignated § 4-36.1, March 8, 2005)

§ 4-37. Parking. Every person who shall stand or park a bicycle, electric power-assisted bicycle or moped upon a street shall do so in such a manner as to afford the least obstruction to pedestrian traffic. (See Code of Virginia, § 46.2-1220) (Enacted August 12, 1986; Reenacted July 14, 1998; Amended March 8, 2005)

§ 4-37.1. Unlawful to Operate Bicycle While Using Earphones. It shall be unlawful for any person to operate a bicycle, electric power-assisted bicycle or moped while using earphones on or in both ears. For the purposes of this section, earphones shall mean any device worn on or in both ears which converts electrical energy to sound waves or which impairs or hinders the person's ability to hear, but shall not include any prosthetic device which aids the hard-of-hearing. Any person violating this section shall be guilty of a class 4 misdemeanor. (See Code of Virginia, § 46.2-1078) (Enacted July 14, 1998; Amended March 8, 2005; Amended January 12, 2016)

§ 4-37.2. Bicycle Helmets. Every person 14 years of age or younger shall wear a protective helmet that meets the standards promulgated by the Consumer Product Safety Commission whenever riding or being carried on a bicycle, electric power-assisted bicycle or moped on any highway, sidewalk or public bicycle path.

Violations of this section shall be punishable by a fine of \$25. However, such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by the ordinance. (See Code of Virginia, § 46.2-906.1) (Enacted July 14, 1998; Amended March 8, 2005; Amended January 12, 2016)

§ 4-37.3. Hand on Handlebars. No person shall ride a bicycle, electric power-assisted bicycle or moped on any street without having at least one (1) of his or her hands upon the handlebars and no person operating an electric power assisted bicycle or moped on a street shall carry any package, bundle or article which prevents the driver from keeping at least one (1) hand on the handlebars. (Enacted March 8, 2005)

§ 4-37.4. Riding on Sidewalks. No person shall ride a bicycle or electric power-assisted bicycle upon designated sidewalks or crosswalks. Signs indicating such prohibition shall be conspicuously posted in the general area where such activity is prohibited. No person shall ride a moped upon any sidewalks or crosswalks. (Enacted March 8, 2005)

§ 4-37.5. Reckless riding. No person shall ride a bicycle, electric power-assisted bicycle or moped recklessly or at a speed or in manner so as to endanger the life, limb or property of the rider or of any other person. (Enacted March 8, 2005)

§ 4-37.6. Brakes. Every electric power-assisted bicycle and moped operated on any street shall be equipped with adequate brakes that will enable the operator to make the braked wheels skid on dry, level, clean pavement. (Enacted March 8, 2005)

§ 4-37.7. Unclaimed Bicycles. Should the Town Police be in possession of an unclaimed bicycle (or electric personal assistive mobility device, electric power-assisted bicycle, or moped) for 31 days or more, the Chief may donate the bicycle (or other device) to a charitable institution. (See Va. Code, § 15.2-1720). (Added June 13, 2017)

Part 6 **Miscellaneous Regulations**

§ 4-38. School Bus Stopping. Every school bus shall stop as far to the right off the street as possible before discharging or loading passengers and, when possible, shall not stop where the visibility is obscured for a distance of 200 feet either way from the bus. (See Code of Virginia, § 46.2-893) (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-38.1. *Passing Stopped School Buses; Penalty.* The driver of a motor vehicle approaching from any direction a clearly marked school bus which is stopped on any highway or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who fails to stop and remain stopped until all such persons are clear of the highway or school highway, shall be subject to a civil penalty of \$250 and any such prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions. A prosecution or proceeding under this section shall be a bar to a prosecution or proceeding for the same act under § 46.2-859 of the Code of Virginia and vice versa.

In any prosecution for which a summons charging a violation of this section was issued within 10 days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 *et seq.*) of the Code of Virginia, shall give rise to a rebuttable presumption that such registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, such violation occurred. (See Code of Virginia § 46.2-844) (Enacted July 14, 1998)

§ 4-39. *Driving Through Funeral or Other Procession.* No operator of a vehicle shall drive between the vehicles, persons, or animals comprising a funeral or other authorized procession when such procession vehicles are properly identified by pennants or other authorized insignia and while such funeral or procession is in motion except when otherwise directed by a police officer. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-40. *Drivers and Participants in a Procession.* All vehicles comprising a funeral or other procession shall proceed as near to the right-hand edge of the roadway as practicable and shall follow the preceding vehicles in such procession as closely as is practicable and safe. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-41. *When Permits Required for Parades, Processions, and Sound Trucks.* No funeral or other procession or parade, excepting the forces of the United States Armed Services, the Military Forces of this State, and the forces of the police and fire departments, shall occupy, march, or proceed along any street or roadway except in accordance with a permit issued by the Chief of Police or other officer designated by the council and such other regulations as are set forth herein which may apply. No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purpose of selling, offering for sale, or advertising in any fashion except in accordance with a permit issued by the Chief of Police or other designated officer. The Chief of Police shall issue all such permits unless the activity proposed would cause undue inconvenience or annoyance to the townspeople or would present a safety hazard. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-42. *Clinging to Vehicles.* No person riding upon any bicycle, moped, motorcycle, motor-driven cycle, coaster, sled, roller skates, or any toy vehicle shall attach the same or himself to any vehicle upon any street. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-43. *Construction Must Prevent Escape of Contents.* No vehicle shall be operated or moved on any highway unless such vehicle is so constructed as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom. (See Code of Virginia, §§ 15.2-1102 and 46.2-1300) (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-44. *Depositing Glass or Other Harmful Substance on Highway.* No person shall throw, place, or cause to be placed upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle. Any person dropping such material on any highway shall immediately remove or cause the same to be removed, and any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-45. *Railroad Cars Obstructing Street or Road; Standing Vehicle on Railroad Track.* It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct, for a longer period than five minutes, the free passage on any street or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers. A passway shall be kept open to allow normal flow of traffic. Provided, however, that when a train has been uncoupled, so as to make a passway, the time necessarily required, not exceeding three minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such cars or trains were standing across such street or road; nor shall it be lawful to stand any wagon or other vehicle on the track of any railroad which will hinder or endanger moving trains. Any such railroad company, receiver or trustee, or driver of any such

wagon or vehicle, violating any of the provisions of this section shall be fined not less than \$10.00 nor more than \$500.00. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-46. Filling of Motor Vehicle Tanks With Gasoline While Motors Are Running. No one shall fill any motor vehicle with gasoline or other fuel while the motor is running, and all operators of motor vehicles shall stop their motors while tanks are being filled with gasoline. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-47. Offenses by Persons Owning or Controlling Vehicles. Neither the owner, nor any person employing or otherwise directing the driver of any vehicle, shall require or knowingly permit the operation of such vehicle upon a street of this municipality in any manner contrary to law. (Enacted August 12, 1986; Reenacted July 14, 1998)

Part 7
Penalties and Supplemental Arrest Procedures

§ 4-48. Illegal Cancellation of Traffic Citations. It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this title. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-49. Disposition of Traffic Fines and Forfeitures. All fines or forfeitures collected upon a finding of violations of ordinance, or upon the forfeiture of bail of any person charged with violation of any of the provisions of this ordinance, shall be paid into the Municipal Treasury and deposited in the general fund. (See Code of Virginia, § 46.2-1308) (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-50. Enforcement of Part 3 of This Title.

- (a) All uncontested parking fines shall be paid to and accounted for by the Town Treasurer or other official designated by council.
- (b) When a fine is contested, the Chief of Police or other official shall certify the matter to the General District Court of Rockingham County.
- (c) The Chief of Police or other official shall cause the appropriate complaints, warrants, or summons to be issued for delinquent parking citations.
- (d) The fines for violations of Part 3 shall be as follows:
 - (1) For violations of § 4-30.1, the fine shall be not less than \$100 nor more than \$500. (See Va. Code, § 46.2-1242)
 - (2) For any other violation of Part 3, the fine shall be \$25, but if full payment is received by the Treasurer with 72 hours of the issuance of the citation, the fine shall be reduced to \$15.
- (e) In any prosecution charging a violation of an ordinance in Part 3, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant, was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

(See Code of Virginia, §§ 46.2-1220, 1225)

(Enacted August 12, 1986; Amended July 14, 1998; Amended January 13, 2004; Amended January 12, 2016)

§ 4-51. Violations of this Title: Penalties for Misdemeanors or Other Traffic Violations. Any person convicted of violating any provision of this title for which no other penalty is provided shall be guilty of a traffic infraction, punishable by a fine of not more than two hundred dollars (\$200.00).

If it is found by the judge of a court of proper jurisdiction that the violation of any provision of this title was a serious traffic violation defined below, and the violation was committed while operating a Commercial Vehicle (as that term is defined in § 46.2-341.4 of the Code of Virginia), then the judge may assess, in addition to any other fines assessed, a further monetary penalty not exceeding \$500.00.

For the purposes of this section, the following offenses, if committed while operating a Commercial Vehicle, are serious traffic violations:

1. driving at a speed of 15 or more miles per hour in excess of the posted speed limits;
2. reckless driving;
3. a violation of a town ordinance related to motor vehicle traffic control arising in connection with a fatal traffic accident;
4. improper or erratic traffic lane change;
5. following the vehicle ahead too closely, or
6. texting or using a handheld mobile telephone while driving (as those terms are defined in Code of Virginia, § 46.2-341.20:5(D)) except when necessary to communicate with law enforcement officials or other emergency services.

Interpretive Note: Cell phone usage while driving commercial vehicles is a violation of state code, and accordingly, the prohibition is incorporated through § 4-6 above. This § 4-51(6) merely concerns penalties. The Town has not imposed any restrictions not already present in state law.

For the purposes of this section, parking, vehicle weight, and vehicle defect violations shall not be considered traffic violations. (See Code of Virginia, §§ 46.2-113, 46.2-341.20, 46.2-341.20:5) (Enacted August 12, 1986; Amended July 14, 1998; Amended January 12, 2016)

§ 4-52. Penalty for Driving Under the Influence of Alcohol. Any person convicted of driving under the influence of alcohol under § 4-6 (incorporating Article 2, Chapter 7 of Title 18.2 of the Code of Virginia) shall be punished in accordance with the analogous state law provision. (See Code of Virginia, § 18.2-270) (Enacted August 12, 1986; Amended July 14, 1998)

§ 4-53. Failure to Comply With Summons. Any person who willfully fails to appear when required to do so by summons issued for a violation of this title shall be fined not less than five dollars (\$5.00), nor more than twenty-five dollars (\$25.00) in addition to the punishment, if any, imposed for the charge for which the summons was issued. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-54. Separate Offense. Each day that a vehicle is permitted to stop, stand or park in a place, zone, or area in violation of Part 3, including any regulation enacted pursuant to § 4-23, shall constitute a separate offense. (See Code of Virginia, § 46.2-1220) (Enacted August 12, 1986; Reenacted July 14, 1998; Amended January 12, 2016)

§ 4-55. Overtime Parking, Separate Offenses. Whenever parking is limited to a specified length of time, it shall be a separate offense for each period in excess of that authorized that a vehicle is permitted to stand in the same parking space during the same day; provided, however, that no more than three violations for overtime parking shall be charged against the driver of a vehicle for permitting it to stand in the same parking place during the same day. (See Code of Virginia, § 46.2-1220) (Enacted August 12, 1986; Reenacted July 14, 1998)

Part 8 Definitions

§ 4-56. Generally. Words and phrases in the chapter shall have the meanings ascribed to them by § 46.2-100 of the Code of Virginia, 1950, as amended, unless the context clearly requires a different meaning. (Enacted August 12, 1986; Amended July 14, 1998)

CHAPTER 3

Streets

§ 4-57. *Paving of Streets.* No streets are to be paved at the expense of the Town unless agreed to by the Council. It shall be unlawful to attempt to grade, pave, light, clean or otherwise improve at the expense of the Town, any street hereafter dedicated to the public by the owner of private property, unless the same shall have been accepted by the Council and under its direction, laid out by the Town Manager or other duly delegated authority.

LEGISLATIVE HISTORY: Seeing no compelling reason to repeal this ordinance, the council has allowed it to stand, although its application is largely historically dating to a time when distinctions between public and private—and between legislative and executive—were less clear.

The Manager may establish reasonable regulations establishing standards for all streets to be constructed or improved in the Town of Bridgewater. (Enacted August 12, 1986; Re-enacted July 14, 1998; final paragraph added January 9, 2018.)

§ 4-58. *Repealed.* (Enacted August 12, 1986; Reenacted July 14, 1998; Repealed January 12, 2016.)

§ 4-59. *Repealed.* (Enacted August 12, 1986; Reenacted July 14, 1998; Repealed January 12, 2016.)

§ 4-60. *When Permit for Paving Required.* No person shall pave a sidewalk within the town without first obtaining a permit from the Town Superintendent. Any permit shall designate the material and foundation to be used, the width of the pavement, and such other matters as may be relevant. The actual paving shall be done under the supervision of the Town Superintendent. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-61. *Injury to Sidewalk - Penalty.* Any person injuring any sidewalk, shall, when required by the Town Superintendent, pay the Town Treasurer such amount as is estimated by the Superintendent to be necessary to repair the injury. The Superintendent shall then have the sidewalk repaired. If the person causing the injury fails to pay repair costs to the Town Treasurer within 15 days, the costs shall be collected by any lawful means. (Enacted August 12, 1986; Reenacted July 14, 1998; Amended January 12, 2016)

§ 4-62. *Excavating in Streets and Sidewalks.*

- (a) No person, firm or corporation shall dig up any street, lane, alley, or park for any purpose without first obtaining written permission therefor from the Town Superintendent.
- (b) Any person, firm, or corporation violating this section shall be guilty of a class 4 misdemeanor and punished in accordance with section 1-4 of the town code. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-63. *Warning Lights on Street Obstructions.* Any person, firm, or corporation who shall break or dig up any street or deposit any material thereon shall place as many lights as may be necessary to warn passers by of the obstruction in the streets, on each and every night, from sunset to sunrise, so long as such breach or obstruction shall remain in the streets. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-64. *Snow Removal.* All persons occupying, owning, or having charge of any property within the town shall be required to remove the snow from the entire sidewalk in front of such property, within six daylight hours after the snow has ceased to fall. Any person failing to comply with these requirements shall pay a fine of \$5.00 for each offense.

If any property owner or tenant fails to clean snow from his sidewalk after six daylight hours from the time snow ceases to fall, the Town Superintendent may have the snow cleaned off and the cost of that cleaning charged to the owner or tenant, such charge to be collected by any lawful means. Payment of that charge shall not relieve the owner or tenant of payment of any fine. (Enacted August 12, 1986; Reenacted July 14, 1998; Amended January 12, 2016)

§ 4-65. *Removal of Vehicles From Streets During Snowfall.* Whenever snow accumulates on any street to a depth of two or more inches, the owners or operators of motor vehicles parked on that street shall remove the vehicles no later than two hours after the snow has accumulated to two inches without waiting for the snow to cease. Any person violating this section shall pay a fine of \$5.00 for each offense. (Enacted August 12, 1986; Reenacted July 14, 1998)

§ 4-66. Entrances onto Town Streets. Entrances onto Town streets from adjacent properties are governed by this section. It shall be unlawful and constitute a class three misdemeanor to construct or maintain any entrance to a Town street except as provided in this section. Each day a violation continues shall constitute a separate offense.

- (a) All persons wishing to (i) construct an entrance onto a Town street, (ii) enlarge an existing entrance onto a Town street, or (iii) significantly intensify the usage of an existing entrance, shall make request to the Town Superintendent in such manner as he may direct. The Superintendent may require a reasonably detailed description of the entrance, its existing usage (if any), its proposed usage, and its projected effects on drainage, traffic safety, and the existing street.
- (b) In reviewing an application for an entrance permit, the Superintendent shall ascertain whether
 1. All VDOT requirements (as incorporated in paragraph (h)) have been met,
 2. The proposed entrance would be consistent with the rights and convenience of adjoining property owners,
 3. The proposed entrance has been designed with due regard to the safety of motorists and other users of Town streets,
 4. The proposed entrance has been designed so as to facilitate stormwater drainage and cause no injury to the Town's street or other infrastructure,
 5. The proposed entrance has been designed so as to minimize traffic congestion, and
 6. The proposed location of the entrance is at least equivalent to other locations on the lot, considering the criteria of paragraphs (b)(1) through (b)(5).
- (c) After reviewing this application under the criteria set forth in paragraph (b), the Superintendent shall within 21 days
 1. Approve the request;
 2. Deny the request, without prejudice to the landowner's right to re-apply;
 3. Approve the request with conditions, including without limitation, the relocation to a different portion of the lot or the construction of entrance-area improvements, as provided in paragraph (g) below, or
 4. Request additional information from the applicant, if the Superintendent reasonably finds that the applicant has submitted insufficient data for him to make a determination.

If the proposed entrance is approved, the Town Superintendent shall issue a permit for the construction. Should any applicant be aggrieved by a decision of the Town Superintendent under this paragraph, he may appeal in writing to the Town Council within 21 days of decision.

- (d) Although every parcel is allowed an entrance to a Town street, the location of any such entrance is subject to the sound discretion of the Town Superintendent. For example,
 1. Where a lot adjoins two streets, the Superintendent can direct that the property take access through whichever street he deems most appropriate under the criteria of paragraph (b) of this section;
 2. Where the owner has proposed an entrance at a certain location, the Superintendent can require that it be relocated to a position in better conformity with paragraph (b).

- (e) No lot will be permitted more than one entrance onto Town streets unless each additional entrance meets the requirements of paragraph (b), and the applicant demonstrates to the Town Superintendent by clear and convincing evidence that the additional entrance will create no significant short-term or long-term risk or inconvenience to motorists, other users of Town streets, or adjoining property owners.
- (f) The connection of new subdivision streets to existing Town streets shall be governed by the standards set forth in paragraph (b) of this section. Although the Town can require that new subdivision streets connect to existing streets under § 5-18.1 of the Town Code, it can also prohibit such connections, so long as there is at least one connection to an existing street.
- (g) If the Superintendent determines that a proposed entrance cannot satisfy paragraph (b) unless improvements are made to the area adjacent to the entrance, he may, under paragraph (c)(3), approve the application, subject to the applicant's making the improvements. For example, an entrance might be approved only if nearby utility structures are relocated.

Before issuing the permit, the Superintendent may require the applicant's bond (with approved surety) that the improvements will be constructed. Section 5-27 of the Town Code shall apply to such improvements and bonding requirements, *mutatis mutandis*. Under no circumstances, however, may the entrance be used until the required improvements are completed and accepted by the Superintendent.

- (h) Except where expressly contradicted by this section (or regulations adopted hereunder), the standards of the Virginia Department of Transportation (VDOT) for entrance requirements are incorporated as necessary elements for the construction of entrances. However, under paragraph (b), compliance with VDOT standards may not be sufficient for the approval of a proposed entrance.
- (i) The Superintendent is authorized to adopt regulations implementing the provisions of this section. All such regulations shall be effective upon adoption but shall be subject to review and disapproval by the council.

These regulations may include provisions designed to assist applicants by coordinating this section with subdivision or other development requirements. Nevertheless, notwithstanding any other provision of the Town Code, authorization for an entrance onto a Town street may be given only by the Superintendent or the Council, acting under this section.

(Adopted April 10, 2001; Amended October 8, 2002)

§ 4-67. Obstruction of Streets. Encroachments into rights-of-way.

- (a) Definitions. For purposes of this section, the following definitions shall apply:
 - (1) "Apparent Owner" means the person found by the Town Superintendent to be the likely owner of an Obstruction. For example, the occupant of the property adjoining an Obstruction could be its Apparent Owner.
 - (2) "Street" means the full width of the Town's right-of-way or dedicated street or alley area. A "Street" may extend beyond the traveled and paved area.
 - (3) "Obstruction" means any temporary or permanent improvement which has not been excluded below. Without limiting the foregoing, the term includes signs, basketball goals and other recreational equipment, and lawn ornaments.
 - (4) Nevertheless, the term does not include standard residential mailboxes and similar structures for newspapers. Nor does the term include improvements maintained in accordance with a franchise or under authority granted by the Town Council.
 - (5) "Person" means any natural person, or any corporation, partnership, company, association or other artificial entity.
- (b) Basic Requirement. No Person shall install or maintain any Obstruction in a Street.
- (c) Violations. Should he find a violation of paragraph (b) above, the Town Superintendent may

- (1) Remove the Obstruction, charging the Apparent Owner for the cost of removal, or
- (2) Issue a written order to the Apparent Owner to remove it within 10 days.
 - (A) Should the Apparent Owner not remove it within the 10-day period, he shall be liable for a penalty of \$10 per day until the Obstruction is removed.
- (d) Collection. Any charges or penalties incurred under paragraph (c) above may be collected in the same manner as state and local taxes.
- (e) Grievances. Should any Person deem himself aggrieved by the Town Superintendent's finding under paragraph (c) above (or any action, charge, or penalty associated therewith) he may request an informal hearing before the Superintendent. Such a request must be in writing and must be received by the Town within 14 days of the event or decision giving rise to the request. Failure to request such a hearing shall conclusively confirm the Town's decision.
- (f) Other remedies. Nothing in this section shall preclude the Town's availing itself of any other lawful remedies with respect to encroachments in its streets.

(Added September November 9, 2004.) (See Code of Virginia, § 15.2-2009.)