

1 **Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by**
2 **amending Chapter 21, Motor Vehicles and Traffic, to include Section 21-112, prohibiting**
3 **certain operation of vehicles on flooded streets.**

4
5 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Chapter 21 of the
6 City Code of the City of Hampton, Virginia be amended to read as follows:
7

8 **CHAPTER 21– MOTOR VEHICLES AND TRAFFIC**

9
10 ...

11
12 **ARTICLE IV – OPERATION OF VEHICLES – GENERALLY**

13
14 ...

15
16 ***Sec. 21 – 112 – Driving or parking in certain flooded areas prohibited; removal and***
17 ***storage authorized.***

18
19 *(a) It shall be unlawful for any person to operate a motor vehicle or watercraft on a flooded*
20 *highway, street, alley, or parking lot, regardless of whether such highway, street, alley, or*
21 *parking lot is publicly or privately owned, in such a manner as to increase the level of*
22 *floodwaters to a level that causes or could reasonably be expected to cause damage to any real*
23 *or personal property. The city will cause to be erected signs warning operators of motor*
24 *vehicles and watercraft of the prohibition and penalties associated with this subsection. A*
25 *violation of this subsection shall constitute a misdemeanor, punishable by a fine of up to \$250.*

26
27 *(b) During flooding events, the city manager or his designee may designate certain*
28 *highways, streets, alleys, or parking lots as dangerous flood areas, and prohibit any parking or*
29 *operation of motor vehicles or watercraft in such areas for the duration of the flooding event.*
30 *Any prohibition created by this subsection shall not apply to a person who must drive in the*
31 *designated area in order to evacuate to a safer location, and who does so safely without*
32 *endangering himself or the person or property of another. A violation of this subsection shall*
33 *constitute a misdemeanor, punishable by a fine of \$50.*

34
35 *(c) Any vehicle or watercraft that is (i) stalled, stuck, parked or abandoned on any highway,*
36 *street, alley, or parking lot that has been designated as a dangerous flood area by the city*
37 *manager or his designee in accordance with subsection (b) of this section, or (ii) stalled, stuck*
38 *or abandoned on any highway, street, alley or parking lot that is posted with signage in*
39 *accordance with subsection (a) of this section, may be removed and stored at the request of the*
40 *police division or the public works department. The owner of any such vehicle will be charged a*
41 *reasonable fee for such removal or storage in addition to any fines noted in subsections (a) and*
42 *(b) of this section.*

43
44
45
46
47
48
49
50
51
52

(d) No provision of this section shall apply to any law enforcement officer, firefighter, or emergency medical services personnel engaged in the performance of his duties nor to the operator of any vehicle owned or controlled by the public works department, the department of transportation, or a public utility agency as defined in Virginia Code § 56-265.1.

State Law reference— Authority for above section, Code of Virginia, § 46.2-800.3; 46.2-1302.

Secs. 21-11~~32~~—21-125. - Reserved.