



Legislation Details (With Text)

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On agenda: 6/14/2023 **Final action:** 6/14/2023
Title: Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 21, Motor Vehicles and Traffic, and Adding Article X Entitled, "Additional Fine for Exceeding the Maximum Speed on Designated Residential Streets"

Sponsors:

Indexes: , Legal Compliance, Safe and Clean

Code sections:

Attachments: 1. Redline - Ordinance - Traffic - \$200 fine in Residential Areas - FINAL, 2. Presentation

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------------------|-----------|--------|
| 6/14/2023 | 1 | City Council Legislative Session | approved | Pass |
| 6/14/2023 | 1 | City Council Work Session | presented | |

Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia by Amending Chapter 21, Motor Vehicles and Traffic, and Adding Article X Entitled, "Additional Fine for Exceeding the Maximum Speed on Designated Residential Streets"

PURPOSE/BACKGROUND:

The City of Hampton (the "City") continues to explore options to reduce excessive speeding in residential neighborhoods. City Council and City staff have heard concerns from citizens that speeders in their neighborhoods pose a serious danger to persons and property. There are various traffic calming tools that may be implemented to reduce speeding and improve safety. One tool is to adopt an additional fine ordinance for exceeding the maximum speed on designated residential streets as allowed by the Code of Virginia § 46.2-878.2. Under that Code of Virginia section, operation of any motor vehicle in excess of a maximum speed limit established for a highway in a residence district of the City, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and constitute a traffic infraction punishable by a fine of \$200, in addition to other penalties provided by law. No portion of the fine shall be suspended unless the court orders 20 hours of community service.

Under this ordinance, criteria will be set and used by the City's Public Works Division and traffic studies will be conducted to determine if certain City streets should be designated as additional fine streets. Those studies can be requested in 2 ways: 1) upon receipt by the City of a petition signed by at least seventy-five (75) percent of the owners or tenants of all residential structures having lot frontage upon a residential street, or portion thereof; or 2) the City Manager may cause to be conducted or the City Council may, on its own initiative, direct the City Manager or City Manager's designee to cause to be conducted necessary and material traffic studies on an identified residential street, or portion thereof. A staff report giving the results of any study conducted will be given to City Council for consideration.

For this ordinance, Public Works staff conducted traffic studies on certain streets that had been reported to them as having concerns of excessive speeding. The initial streets, or portions thereof, studied and included in this ordinance to be designated as additional fine streets are as follows:

- (a) Northampton Drive from Todds Lane to Burton Street
- (b) Gilbert Street from King Street to Eagle Point Road
- (c) Michaels Woods Drive from Locksley Drive to Big Bethel Road
- (d) Silver Isles Boulevard from Old Buckroe Road to Hall Road
- (e) Farmington Boulevard from Todds Lane to Estate Drive
- (f) Westview Drive from Saunders Road to Dead end
- (g) Charlton Drive from Mercury Boulevard to Dead end
- (h) Big Bethel Road from Mercury Boulevard to Todds Lane

City staff believes that the adoption of this additional fine ordinance and its implementation on the initial streets stated above will make the City's neighborhoods safer for its citizens and other travelers.

Discussion:

See Purpose/Background above.

Impact:

See Purpose/Background above.

Recommendation:

Adopt the ordinance.

BE IT ORDAINED by the City Council of the City of Hampton, Virginia, the following:

- 1) That any and all prior actions taken by City Council pertaining to §46.2-878.2 of the Code of Virginia, additional fine streets, and installation of signs with regard to additional fines on residential streets, including but not limited to City Council's Resolution adopted on July 13, 2005, be rescinded and repealed; and
- 2) That Article X, Chapter 21 of the City Code of the City of Hampton, Virginia be adopted to read as follows:

Chapter 21 - MOTOR VEHICLES AND TRAFFIC

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ARTICLE X. - ADDITIONAL FINE FOR EXCEEDING THE MAXIMUM SPEED ON DESIGNATED RESIDENTIAL STREETS

Sec. 21-222. - Purpose.

The purpose of this ordinance is to supplement the traffic calming programs of the City of Hampton, by adding additional penalties and options to augment available traffic calming methods.

Sec. 21-223. - Definitions.

The following definitions shall apply in this article:

Additional fine street. A residential street, or portion thereof, which has been designated as such in this article, on which signs displaying the maximum speed limit and the penalty as provided in this article for violations are displayed.

Dead end street. A street which connects with or crosses another street at only one (1) end.

Street. Means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the city, including streets and alleys; and for law enforcement purposes, the entire width between the boundary lines of all private roads or private streets which have been specifically subject to city enforcement of city motor vehicle laws by an ordinance adopted by the city council.

Residential street. Any street in a residence district having a posted speed limit of not more than thirty-five (35) miles per hour.

Residence district. Means the territory contiguous to a street which is zoned as a residential district; or which is not zoned as a residential district, but where seventy-five (75) percent or more of the property contiguous to such street on either side thereof, for a distance of three hundred (300) feet or more along the street, is occupied by dwellings and land improved for dwelling purposes.

Staff report. Means any report compiled by city staff that includes the results of traffic calming studies and other traffic studies deemed necessary and material by the city manager, city staff, and/or city council to be conducted to identify a need to curtail excessive speeding on certain residential streets.

Sec. 21-224. - Additional two hundred dollar fine for speed limit violation on additional fine streets.

- (a) Operation of any motor vehicle in excess of the posted speed limit on an additional fine street is unlawful and shall constitute a traffic infraction, and in addition to any other penalty provided by law, shall be punished by a fine of two hundred dollars (\$200.00).

- (b) No portion of the fine provided for in this section shall be suspended unless the court so orders and the defendant successfully completes twenty (20) hours of community service.

State law reference - Maximum speed limits in certain residence districts of counties, cities, and towns; penalty, Code of Virginia § 46.2-878.2.

Sec. 21-225. - Procedure for consideration of an additional fine street.

- (a) Upon receipt by the city of a petition signed by at least seventy-five (75) percent of the owners or tenants of all residential structures having lot frontage upon a residential street, or portion thereof, the city manager or city manager's designee shall cause a staff report to be produced for any residential streets identified in the petition and shall thereupon have such petition presented together with the staff report to city council for consideration.

- (b) In addition to the petition procedure provided in subsection (a) of this section, the city manager may cause to be conducted or the city council may, on its own initiative, direct the city manager or city manager's designee to cause to be conducted necessary and material traffic studies on an identified residential street, or portion thereof, and present a staff report to city council for consideration.

Sec. 21-226. - Procedure for city council designation of additional fine streets.

If, based upon the staff report required by section 21-225, and upon such other information and considerations as city council shall deem necessary, city council finds that the residential street in question, or portion thereof, is experiencing documented speeding problems, and that the additional two hundred dollar (\$200.00) fine provided for herein should apply to the residential street, or portion

thereof, in question, then city council may pass an ordinance amending section 21-227 designating said residential street as an additional fine street, whereupon the city manager shall take all actions necessary to erect signs in order to put such additional two hundred dollar (\$200.00) fine into effect.

State law reference - Maximum speed limits in certain residence districts of counties, cities, and towns; penalty, Code of Virginia § 46.2-878.2.

Sec. 21-227. - Designated additional fine streets.

The following streets, or portions thereof, are designated as additional fine streets, and as such, violations of the posted speed limit shall be a traffic infraction and punished by a fine as provided in section 21-224:

- (a) Northampton Drive from Todds Lane to Burton Street
- (b) Gilbert Street from King Street to Eagle Point Road
- (c) Michaels Woods Drive from Locksley Drive to Big Bethel Road
- (d) Silver Isles Boulevard from Old Buckroe Road to Hall Road
- (e) Farmington Boulevard from Todds Lane to Estate Drive
- (f) Westview Drive from Saunders Road to Dead end
- (g) Charlton Drive from Mercury Boulevard to Dead end
- (h) Big Bethel Road from Mercury Boulevard to Todds Lane

State law reference - Maximum speed limits in certain residence districts of counties, cities, and towns; penalty, Code of Virginia § 46.2-878.2.

Secs. 21-228 through 21-235. - Reserved.