

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA RELATING TO THE ADOPTION AND APPROVAL OF AN ORDINANCE  
TO ALLOW RESTRICTIONS ON PEDESTRIANS WITHIN PUBLIC RIGHTS OF  
WAY AT DESIGNATED LOCATIONS**

**WHEREAS**, the City of Harrisonburg, through its staff and city council, has been studying and collecting data on the prevalence of vehicle accidents at certain intersections; and,

**WHEREAS**, the City Council has considered data and reports from the Harrisonburg Police Department regarding the public safety hazards related to individuals standing, sitting, squatting or lying on public rights of way, including reports on attempts to address these safety hazards through already-existing ordinances, which have been unsuccessful; and

**WHEREAS**, the City Council desires to protect the health, safety and welfare of its citizens by restricting points of conflict between pedestrians and motor vehicles in the manner least restrictive to the First Amendment rights of the public;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF HARRISONBURG, VIRGINIA:**

That Section 16-6-61 be enacted as follows:

**Sec. 16-6-61. Restriction of pedestrians within public rights of way at designated locations.**

- a) *Purpose.* The city council hereby finds that the presence of individuals standing, sitting, squatting or lying on public rights of way distracts drivers, interrupts the flow of traffic, creates an increased risk of pedestrian-vehicle collision, and generally presents a public safety hazard. The regulation of such presence on certain public rights of way is necessary to the health, safety, and welfare of the citizens of the city.
- b) *Prohibition.* No person shall stand, sit, squat, or lie between motor vehicle traffic lanes on public rights of way, including on any raised median or other barrier between lanes, within 300 feet of any of the following intersections:
  1. South Main Street and Martin Luther King Way;
  2. East Market Street and Carlton Street;
  3. East Market Street and Linda Lane/Burgess Road;

4. South High Street and Martin Luther King Way;
  5. South Main Street and Stone Spring Road;
  6. South Main Street and Pleasant Valley Road;
  7. West Market Street and High Street.
- c) *Exceptions.* The rules and regulations promulgated pursuant to subsection (b) shall not apply to:
1. Pedestrians legally crossing the street;
  2. Individuals engaged in mowing, cleaning, ditch maintenance, or other work with the authorization of the director of public works, including but not limited to: city, state, and federal employees and contractors; emergency personnel; volunteers; and supervised inmates; or,
  3. Emergency situations.
- d) *Penalties.* Violation of this section shall constitute a traffic infraction punishable by a fine not to exceed \$100.00 per violation. Any person convicted of a third or subsequent violation of this article may be punished by a fine of not more than \$200.00. In lieu of a fine, the court may impose community service.

Adopted this \_\_\_ day of \_\_\_\_\_, 2019.

BY: \_\_\_\_\_  
Deanna Reed, Mayor

Attest: \_\_\_\_\_  
Pamela Ulmer, City Clerk