

AN ORDINANCE AMENDING CHAPTER 28 “TRAFFIC AND MOTOR VEHICLES” OF THE *CHRISTIANSBURG TOWN CODE* IN REGARDS TO CERTAIN SAFETY EQUIPMENT FOR MOPEDS

WHEREAS, the Council of the Town of Christiansburg, Virginia has studied amendments to the Traffic and Motor Vehicles Ordinance of the Town of Christiansburg; and,

WHEREAS, Council considered the amendments at a regular meeting of Council on January 20, 2009; and,

WHEREAS, the Code of Virginia § 46.2-915.2 allows the Town to provide for certain safety equipment for mopeds; and,

WHEREAS, Council desires to enact an ordinance requiring certain safety equipment for the use of mopeds within the Town,

THEREFORE, Be it ordained by the Council of the Town of Christiansburg, Virginia that the *Christiansburg Town Code* be amended by the addition of Section 28-18 of Chapter 28 “Traffic and Motor Vehicles” as follows:

Sec. 28-18. Safety equipment required, moped operators and passengers.

A. Every person operating a moped on a public street or highway of the Town shall wear a face shield, safety glasses or goggles approved by the Superintendent of State Police, or shall have the moped equipped with safety glass or a windshield at all times while operating it; and any operator and any passengers thereon, if any, shall wear on their heads protective helmets of a type approved by the Superintendent of State Police.

B. Any person who violates this Section shall be guilty of a traffic infraction and shall be subject to a fine of not more than fifty dollars (\$50.00).

C. A violation of this Section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped, nor shall anything in this Section change any existing law, rule, or procedure pertaining to any civil action.

This ordinance shall take effect February 1, 2009. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held January 20, 2009, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor Richard G. Ballengee*				
D. Michael Barber	X			
Ann H. Carter	X			
Henry Showalter	X			
Bradford J. Stipes				X
James W. "Jim" Vanhoozier		X		
H. Earnest Wade		X		

*Votes only in the event of a tie vote by Council.

Ord. 2009-2

SEAL:

Michele M. Stipes, Town Clerk

Richard G. Ballengee, Mayor