Chapter 9

VEHICLES AND TRAFFIC

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ARTICLE I. IN GENERAL

Sec. 9-1. Definitions—Generally.

The words and phrases defined in Va. Code § 46-2 relating to motor vehicles shall, when used in this chapter, have the meanings respectively ascribed to them in such section, except in those instances where the context clearly indicates a different meaning.

Sec. 9-2. Same—Business district.

The territory contiguous to a street where seventy-five percent or more of the total frontage, on both sides of the street, for a distance of three hundred feet or more is occupied by buildings actually in use and operation for business purposes shall constitute a business district for purposes of this chapter.

Sec. 9-3. Same—Residence district.

The territory contiguous to a street not comprising a business district where seventy-five percent or more of the total frontage, on both sides of the street is mainly occupied by dwellings and buildings in use for business purposes shall constitute a residence district for purposes of this chapter.

Sec. 9-4. Compliance with chapter.

It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter.

Sec. 9-5. Drivers of state, etc., vehicles subject to chapter.

The provisions of this chapter applicable to the drivers of vehicles upon the streets shall apply to the drivers of all vehicles owned or operated by the state or any city, town, district or other political subdivision of this state subject to such exceptions as are set forth in this chapter.

Sec. 9-6. Persons riding bicycles or animals subject to chapter.

Every person riding a bicycle or an animal upon a street and every person driving any animal shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which by their very nature can have no application.

Sec. 9-7. Other than official signs prohibited.

No unauthorized person shall erect or maintain upon any street any warning or direction sign, marker, signal or light in imitation of any official sign, marker, signal or light erected under the provisions of this chapter and no person shall erect or maintain upon any street any traffic or highway sign or signal bearing thereon any commercial advertising. Nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers or signals bearing thereon

the name of an organization authorized to erect the sign by the state highway commission or the chief of police.

Sec. 9-8. Damaging signs.

Any person who shall deface, injure, knock down or remove any sign legally posted as provided in this chapter shall be guilty of a misdemeanor.

Sec. 9-9. Duties of driver, passenger, witness, etc., following accident.

The driver of any vehicle involved in an accident resulting in injuries to or death of any person, or damage to property, shall immediately stop at the scene of such accident or as close thereto as is possible without obstructing traffic and give to the person struck and injured, or to the driver or some other occupant of the vehicle collided with, his name, address, operator's or chauffeur's license number, and the registration number of his vehicle. If the damage is to an unattended vehicle or to some other object, the driver shall make a reasonable effort to find the owner or person in charge of such property or shall leave a note in a conspicuous place giving him the information herein before required and in addition shall report the accident in writing to the commissioner and to the chief of police of the town, irrespective of the damage involved. The driver shall also render reasonable assistance to any person injured in such accident, including the carrying of such injured person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

It shall be the duty of an occupant, witness, or other person having knowledge of such an accident to furnish as much of the information hereinbefore required as possible if the driver is unable or unwilling to furnish it.

Sec. 9-10. Refusing to leave scene of accident.

No person shall refuse to move away from the scene of a traffic accident when such person is directed to do so by a police officer.

Sec. 9-11. Motor vehicle and equipment safety.

All the provisions and requirements of Va. Code §§ 46-100 through 46-1192 are hereby adopted and made a part of this chapter as fully as though set out herein. It shall be unlawful for any person to fail to comply with such sections.

Sec. 9-12. Arrest; release on summons; violations.

Whenever any person is arrested for a violation of any provision of this chapter, the arresting officer shall, except as otherwise provided in the following section, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place, to be specified in such summons or notice, such time to be at least five days after such arrest unless the person arrested shall demand an earlier hearing,

and such person shall, if he so desires, have a right to have an immediate hearing or a hearing at the next session of the mayor.

Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place forthwith release him from custody.

Any person refusing to give such written promise to appear shall be taken immediately by the arresting officer before some person empowered to issue warrants.

It shall be unlawful for any person willfully to violate his written promise to appear, given in accordance with this section regardless of the disposition of the charge upon which he was originally arrested.

Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction.

Sec. 9-13. When preceding section not mandatory.

The provisions of the preceding section shall not be mandatory as to:

(1) Any person arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person.

(2) Any person charged with reckless driving or with a violation of section 9-16, relative to driving while under the influence of alcoholics, narcotics, etc.

(3) Any person whom the arresting officer shall have good cause to believe has committed any felony, or

(4) Any person whom the officer has reason to believe may disregard a summons issued under the preceding section. The arresting officer may in his discretion take such person forthwith before some person empowered to issue warrants.

Sec. 9-14. Penalty for violation of article.

Every person convicted of a violation of any of the provisions of this article for which no other penalty is provide shall, for the first conviction thereof, be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in jail for not less than one nor more than ten days, or by both such fine and imprisonment; for a second such conviction within one year such person shall be punished by a fine of not less than ten dollars nor more than two hundred dollars, or by imprisonment in jail for not less than one nor more than twenty days, or by both such fine and imprisonment; for a third or subsequent conviction within one year such person shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

ARTICLE II. OPERATION OF VEHICLES

Sec. 9-15. Definition of intoxication.

The definition of intoxication to be applied to the town ordinance concerning driving while under the influence of intoxicants be, and the same hereby is, defined as set forth in Va. Code § 4.1-100, as follows: A condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

Sec. 9-16. Driving automobile, engines, etc. while intoxicated.

It shall be unlawful for any person to drive or operate any motor vehicle, engine or train (i) while such person is under the influence of alcohol, (ii) while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely, or (iii) while such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely.

Sec. 9-17. Same—Penalty; subsequent offense.

Any person violating any provision of the preceding section shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars nor more than one thousand dollars or imprisonment for not less than one month nor more than six months, either or both in the discretion of the court trying he same, for a first offense, and the court may, in its discretion suspend the sentence during the good behavior of the person convicted. Any person convicted of a second or subsequent offense under such section shall be punishable by a fine of not less than one hundred dollars nor more than one thousand dollars and by imprisonment for not less than one month, nor more than one year.

Sec. 9-18. Driving after forfeiture of license.

If any person shall drive or operate a motor vehicle after his license has been revoked by the Commissioner of the Department of Motor Vehicles and during the time for which he is deprived of his right to drive, he shall be guilty of a misdemeanor and shall be confined in jail not less than 10 days nor more than six months, and may, in addition, be fined not exceeding $500.00.

Sec. 9-19. Reckless driving—Generally.

Irrespective of the maximum speeds permitted by law, any person who drives a vehicle within the corporate limits of the town recklessly or at a speed or in a manner so as to endanger the life, limb or property of any person shall be guilty of reckless driving.

Sec. 9-20. Same—Specific instances.

A person who violates any of the instances listed in Va. Code § 46.2-853 through § 46.2-869 shall be guilty of reckless driving.

Sec. 9-21. Same—Penalty.

Every person convicted of reckless driving under the two preceding sections shall, for either a first or second violation be punished as provided in section 9-17 if he caused serious bodily injury to any other person as a result of such reckless driving. Every other person convicted of reckless driving under either of such sections shall, for the first violation, be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in jail for not more than thirty days, or by both such fine and imprisonment. For each second or subsequent conviction for the offense of reckless driving, under either of such sections, committed within twelve months from the date of a prior conviction for reckless driving, every such person shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, or by imprisonment in jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

Sec. 9-22. Speed limits and other driving regulations.

Any person who shall:

(1) Drive upon any street in this town any motor vehicle at a speed in excess of:

(a) Fifteen miles an hour when passing a school during recess or while children are going to or leaving school, provided that markers be place on the street so as to indicate the location of such school;

(b) Fifteen miles an hour in a business district;

(c) Twenty-five miles an hour in a residential district; or thirty-five miles an hour, whichever is applicable to the posted speed limits.

(2) Drive to the left of the center of a street except upon one-way streets;

(3) Violate any provision of the right of way laws, as set forth in Va. Code § 46.2-820 through § 46.2-829;

(4) Drive a vehicle out of an alley, lane or building into a street without first bringing such vehicle out of an alley, lane or building into a street without first bring such vehicle to a stop immediately before entering such street;

(5) Make a left turn without passing to the right of the center of the intersection, whether marked or not; or

(6) Pass or attempt to pass on an upgrade hill in such manner as to impede the passage of following traffic, while operating a truck or tractor and trailer, any truck or tractor and trailer going in the same direction;

Shall upon conviction be punished in accordance with the provisions of section 9-17.

Sec. 9-23. Speed limits; when not applicable.

The speed limitations set forth in this chapter shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violations, nor to fire department vehicles when traveling in response to a fire alarm or pulmotor call, nor to ambulances when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

ARTICLE III. STOPPING AND PARKING

Sec. 9-24. Stopping.

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the street by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case the vehicle shall be removed from the street as soon as possible; and such removal may be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

No vehicle shall be stopped except close to and parallel to the right-hand edge of the curb or roadway, unless otherwise designated.

Sec. 9-25. Parking in front of fire hydrant; near street corner, fire station, etc.

No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a street in front of a private driveway or within fifteen feet in either direction of a fire hydrant or the entrance to a fire station, nor within twenty feet from the intersection of curb lines or, if none, then within fifteen feet of the intersection of property lines at an intersection of streets.

Sec. 9-26. Removal of improperly parked motor vehicles.

Any motor vehicle parked over twenty-four hours and any motor vehicle parked not in accordance with the provisions of this chapter may be towed and transported by any police officer of the town to a garage or parking lot and the cost of such towing shall be assessable against the owner of such motor vehicle so parked.

Sec. 9-27. Manner of parking.

It shall be unlawful to park any vehicle across any line or marking designating a parking space, or to park such vehicles in any way that the same shall not be wholly within a parking space as designated by said lines or markings.

Sec. 9-28. Responsibility of owner.

The owner or operator of any vehicle parked in violation of this article shall be prima facie guilty of such violation.

Sec. 9-29. Penalty for violation of article.

Any person violating the provisions of this article or aiding, abetting, or assisting in the violation of such provisions, shall, upon conviction before the trial justice be sentenced to pay a fine of not less than one dollar and not more than fifty dollars and costs of prosecution for each offense.

Sec. 9-30. Open storage of inoperative vehicles.

(a) It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view on any property zoned for residential, business, or industrial purposes any inoperative motor vehicle. However, the provisions of this section shall not apply to a licensed business which, in September 1999, was regularly engaged in business as an automobile dealer, salvage dealer, or scrap processor.

(1) As used in this section "inoperative motor vehicle" means any motor vehicle, trailer, or semitrailer which: (i) is not in operating condition (including, without limitation any motor vehicle, trailer or semitrailer which, for a period of sixty (60) days or longer, has been partially or totally disassembled by the removal of tires or wheels, the engine, or other essential parts required for operation); (ii) does not display a valid license plate; or (iii) does not display a valid inspection decal.

(2) As used in this section, "otherwise shielded or screened from view" shall mean not visible to the unaided eye from street or ground level outside the boundaries of the lot on which the vehicle is kept. Car covers or tarps do not meet the requirements of "shielded or screened from view".

(b) No person shall keep more than one (1) inoperative motor vehicle outside of a fully enclosed building or structure. The one (1) vehicle allowed outside of a fully enclosed building or structure shall still be subject to the requirement of being shielded or screened from view, as defined in subsection (a)(2) above.

(c) Whenever a violation of this section is determined by the mayor or his designee, the town shall serve notice on the owner of the property whereon the inoperative motor vehicle is located, requiring the owner to remove or cause the removal of such vehicle.

(1) All notices sent pursuant to this section shall be served to an owner as follows:

a. By hand-delivery to the owner of record;

b. By regular, first-class mail, to the owner of record at the address listed in the town's real estate tax records, or to any occupant of the property at the address where the violation exists;

c. To a person who has charge of real estate as an executor, administrator, trustee, guardian or agent, by hand delivery, or by regular mail to the last known address of such person; or

d. To a person who is the beneficiary of any easement or right of use of a parcel of real estate, by hand delivery, or by regular first-class mail to the person's last known address. If the real estate parcel on which the violation exists is undeveloped or vacant, the notice shall also be posted in a conspicuous place on the property.

(2) Such notice shall require the owner to correct the condition within ten (10) days from the date of delivery or mailing of the notice.

(d) Should the owner of the premises fail to remove or cause the removal of an inoperative motor vehicle as directed within the town's notice, and if the owner also fails within the ten-day period to request an informal administrative hearing with the mayor or an official designated by the mayor for the purpose of challenging the validity of the violation determination or the necessity for removing the vehicle, then the town may take action to remove the inoperative motor vehicle(s). The costs and expenses of such removal by the town shall be assessed and billed to the property owner. In the event the charges billed to the property owner remain unpaid for more than thirty (30) days, such charges shall constitute a lien against such property, ranking on a parity with liens for unpaid local taxes and enforcement shall be in the same manner.

(e) After removing an inoperative motor vehicle from property, the town may then dispose of the vehicle after giving an additional ten (10) days written notice to the owner of the vehicle and, if different, also to the owner of the property from which the vehicle was removed. However, if a timely request for an administrative hearing has been made to challenge the validity of the violation determination, then disposal by the town shall not be made unless and until the matter is resolved in favor of the town.

(f) Any person convicted of violating this section shall be punished as provided in section 1-7 of this Code.

Sec. 9-31. Removal and disposition of certain unattended vehicles; sale; disposition of proceeds.

(a) Whenever any motor vehicle, trailer or semitrailer or a part thereof:

(1) Is left unattended on a public highway or other public property and constitutes a traffic hazard;

(2) Is illegally parked;

(3) Is left unattended for more than ten (10) days either on public property or on private property without the permission of the property owner, lessee, or occupant; or

(4) Is immobilized on a public roadway by weather conditions or other emergency situation;

Any such motor vehicle, trailer or semitrailer or part thereof may be removed for safekeeping by or under the direction of a police officer to a storage garage or area. This section, however, shall not authorize removal of motor vehicles, trailers, semitrailers, and parts thereof from private property without the written request of the owner, lessee, or occupant of the premises. The person at whose request the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer is removed from private property shall indemnify the town against any loss or expense incurred by reason of removal, storage, or sale thereof.

(b) It shall be presumed that such motor vehicle, trailer, semitrailer, or part thereof is abandoned if it lacks either a current license plate; or a current town license plate or sticker; or a valid state safety inspection certificate or sticker; and it has been in a specific location for four (4) days without being moved. As promptly as possible, each removal shall be reported to the chief of police, who shall give notice to the owner of the motor vehicle, trailer or semitrailer as promptly as possible. The owner, before obtaining possession of the motor vehicle, trailer or semitrailer or part thereof, shall pay to the persons entitled thereto all costs incidental to the removal, storage and locating the owner. Should the owner fail or refuse to pay the costs or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search has been made, and after notice to the owner at his last-known address and to the holder of any lien of record in the office of the state department or part thereof, of motor vehicles against the motor vehicle, trailer or semitrailer, the vehicle shall be treated as an abandoned vehicle under Code of Virginia, § 46.2-1200 et seq.