

Chapter 22 - TRAFFIC AND VEHICLES

***Cross reference** – Court costs, § 2-126 et seq.; inoperable motor vehicles, § 10-3; noise regulations, § 10-71 et seq.; motor vehicles in parks, § 14-42; traffic accident reports, § 15-50; streets and sidewalks, ch. 18; obstruction of vision at intersection prohibited, § 18-7; taxicabs and other vehicles for hire, ch. 21.

***State law reference** – Traffic generally, Code of Virginia, § 46.2-100 et seq.; power of local governments, Code of Virginia, § 46.2-1300 et seq.

ARTICLE I. - IN GENERAL

Sec. 22-1. - Title of chapter.

The provisions of this chapter shall be known as the Traffic Code of the County of Henrico, and may be so cited.

(Code 1980, § 14-1; Code 1995, § 22-1)

Sec. 22-2. - Adoption of state law.

(a) Pursuant to the authority in Code of Virginia, § 46.2-1313, all of the provisions and requirements of the laws of the state contained in Code of Virginia, title 46.2 (Code of Virginia, § 46.2-1-101 et seq.) and Code of Virginia, title 18.2, ch. 7, art. 2 (Code of Virginia, § 18.2-266 et seq.), and Code of Virginia, title 16.1, ch. 11, art. 9 (Code of Virginia, § 16.1-278 et seq.) except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county.

(b) References to "highways of the state" or "highways of the commonwealth" contained in the provisions and requirements adopted by this section shall be deemed to refer to the streets, highways and other public ways within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length in this chapter, and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provision in Code of Virginia, title 46.2 (Code of Virginia, § 46.2-1-101 et seq.) and Code of Virginia, title 18.2, ch. 7, art. 2 (Code of Virginia, § 18.2-266 et seq.), which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement adopted by this section exceed the penalty imposed for a similar offense under in Code of Virginia, title 46.2 (Code of Virginia, § 46.2-1-101 et seq.) and Code of Virginia, title 18.2, ch. 7, art. 2 (Code of Virginia, § 18.2-266 et seq.), and Code of Virginia, title 16.1, ch. 11, art. 9 (Code of Virginia, § 16.1-278 et seq.).

(Code 1980, § 14-2; Code 1995, § 22-2)

State law reference – Penalty, Code of Virginia, § 46.2-113; powers of local governments, Code of Virginia, § 46.2-1300 et seq.; disposition of fines, Code of Virginia, § 46.2-1308.

Sec. 22-3. - Powers and duties of director of public safety and traffic engineer.

(a) *Generally.* The director of public safety shall have general supervision and control of the management and direction of all vehicular and pedestrian traffic and of the parking and routing of vehicles in the interest of the public safety, comfort and convenience not inconsistent with the provisions of Code of Virginia, title 46.2 (Code of Virginia, § 46.2-1-101 et seq.). He may cause appropriate signs to be erected and maintained, designating residence and business districts, school, hospital and safety zones, highways and

railway crossings, arterial streets, arterial stops, turns at intersections, traffic lanes and such other signs as may be necessary to carry out the provisions of this chapter. He shall have power to regulate traffic by means of traffic officers or semaphores or other signaling devices on any portion of the highway where traffic is heavy or continuous, or where, in his judgment, conditions may require, and may prohibit other than one-way traffic upon certain highways, and may regulate the use of the highways by processions and assemblages. He may adopt any such regulations not inconsistent with the provisions of this chapter as he shall deem advisable and necessary; and repeal, amend or modify any such regulation; provided that such regulations, laws or rules shall not be deemed to be violated, if at the time of the alleged violation any sign or designation required under the terms of this chapter is missing, effaced, mutilated or defaced so that an ordinarily observant person under the same circumstances would not be apprised of or aware of the existence of such rule.

(b) Engineering and traffic investigations. The director of public safety shall conduct engineering and traffic investigations in determining that the regulations adopted will promote the public safety, comfort and convenience.

(c) Changes in speed limits. The director of public safety is authorized to change speed limits in the county, provided such change in speed is based upon an engineering and traffic investigation and provided such speed area or zone is clearly indicated by markers or signs. The director of public safety or traffic engineer is authorized to reduce the speed limit on any portion of any county-maintained highway on which men are working or where the highway is under construction or repair for up to 60 days without an engineering or traffic investigation.

(Code 1980, § 14-3; Code 1995, § 22-3; Ord. No. 1101, § 1, 3-27-2007)

State law reference— Powers of local authorities generally, Code of Virginia, § 46.2-1300 et seq.; authority to designate an officer of county to designate certain specific street regulations, Code of Virginia, § 46.2-1301.

Sec. 22-4. - Obedience to traffic control devices.

It shall be unlawful for the driver of any vehicle to disobey county road signs, traffic signals, markings or lights within the county system of streets and roads. Unless another penalty is otherwise provided by law, every person convicted of violating this section shall be guilty of a traffic infraction and punished as provided in Code of Virginia, § 46.2-113, as amended.

(Code 1980, § 14-3.1; Code 1995, § 22-4)

State law reference— Obedience to traffic signs, Code of Virginia, § 46.2-830; power to erect signs, penalty limitation, Code of Virginia, § 46.2-1300.

Sec. 22-5. - Penalty.

Unless another penalty is provided in this chapter or as otherwise provided by law, violations of this chapter shall constitute a traffic infraction punishable as provided in Code of Virginia, § 46.2-113, as amended.

(Code 1995, § 22-5)

Sec. 22-6. Keeping inoperable motor vehicles.

(a) Restrictions. It is unlawful to keep more than one inoperable motor vehicle outside a fully enclosed building or structure on property zoned or used for residential purposes, or any property zoned for

commercial or agricultural purposes. For purposes of this section, the term "inoperable motor vehicle" means any motor vehicle, trailer or semitrailer, as defined in Code of Virginia, § 46.2-100, which:

- (1) Is not in operating condition;
- (2) Does not display valid license plates;
- (3) Does not display an inspection decal that is valid; or
- (4) Displays an inspection decal that has been expired for more than 60 days.

(b) *Shielding or screening required.* One inoperable motor vehicle may be kept outside a fully enclosed building or structure if it is shielded or screened from view. As used in this section, the term "shielded or screened from view" means not visible to someone standing at ground level from outside of the property on which the subject vehicle is located.

(c) *Exceptions.* This section does not apply to a licensed business that is regularly engaged in business as an automobile dealer, salvage dealer, or scrap processor.

(d) *Enforcement.* The director of community revitalization is responsible for enforcement of this section.

(e) *Penalty.* A violation of this section is punishable by a fine or imprisonment not exceeding the penalty provided in general law of the Code of Virginia for the violation of a class 1 misdemeanor.

Secs. 22-7 – 22-28. - Reserved.

ARTICLE II. - OPERATION OF VEHICLES; RULES OF THE ROAD

Sec. 22-29. - Damaging or interfering with operation of vehicle.

Any person who shall, individually or in association with one or more others, willfully break, injure, tamper with or remove any part of any vehicle for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, or who shall in any other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, shall be guilty of a misdemeanor.

(Code 1980, § 14-4; Code 1995, § 22-31)

State law reference – Similar provisions, Code of Virginia, § 18.2-146.

Sec. 22-30. - Entering vehicle or setting vehicle in motion.

Any person who shall, without the consent of the owner or person in charge of a vehicle, climb into or upon such vehicle, with intent to commit any crime, malicious mischief or injury thereto, or who, while a vehicle is at rest and unattended, shall attempt to manipulate any of the levers and starting crank or other device, brakes or mechanism thereof or to set such vehicle in motion, with the intent to commit any crime, malicious mischief or injury thereto, shall be guilty of a misdemeanor, except that the provisions of this section shall not apply when any such act is done in an emergency or in furtherance of public safety or by or under the direction of an officer in the regulation of traffic or performance of any other official duty.

(Code 1980, § 14-5; Code 1995, § 22-32)

State law reference— Similar provisions, Code of Virginia, § 18.2-147.

Sec. 22-31. - Applicability to repossession of vehicle under lien.

The provisions of sections 22-29 and 22-30 shall not apply to a bona fide repossession of a vehicle by the holder of a lien on such vehicle or by the agents or employees of such lienholder.

(Code 1980, § 14-6; Code 1995, § 22-32)

State law reference— Similar provisions, Code of Virginia, § 18.2-148.

Sec. 22-32. - Washing or greasing vehicle on highway or sidewalk.

No person shall, for compensation, wash, polish or grease a vehicle upon a highway or sidewalk, nor shall the owner of a vehicle permit it to be washed, polished or greased, for compensation, upon a highway or sidewalk.

(Code 1980, § 14-7; Code 1995, § 22-34)

Sec. 22-33. - Driving through funeral or other procession; manner of driving in funeral procession.

(a) No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession traveling under a police escort, except when otherwise directed by a police officer. This subsection shall not apply to authorized emergency vehicles as defined in this chapter.

(b) Each driver in a funeral procession shall drive as near to the righthand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe.

(c) All motor vehicles participating in a funeral procession, when proceeding to any place of burial, shall display illuminated headlamps thereon and such other identification as the director of public safety may prescribe.

(d) All motor vehicles in a funeral procession under police escort shall have the right-of-way over all other vehicles, except fire apparatus, ambulances and police vehicles, at any street or highway intersection within the county, and may proceed through a stop street or signalized intersection with proper caution and safety.

(Code 1980, §§ 14-10, 14-11; Code 1995, § 22-36)

State law reference— Funeral processions, Code of Virginia, § 46.2-828.

Sec. 22-34. - Boarding or alighting from vehicle in motion.

No person shall board or alight from any vehicle while such vehicle is in motion.

(Code 1980, § 14-12; Code 1995, § 22-37)

Sec. 22-35. - Unlawful riding.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This section shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

(Code 1980, § 14-13; Code 1995, § 22-38)

Sec. 22-36. - Vehicle exhaust.

(a) Definitions. For purposes of this section, the following words and phrases have the meanings ascribed to them:

Exhaust system means all the parts of a vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.

Superintendent means the Superintendent of the Department of State Police of the Commonwealth.

(b) No person may drive and no owner of a vehicle may permit or allow the operation of any such vehicle on a highway unless it is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise, provided, however, that for motor vehicles, such exhaust system must be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.

(c) Chambered pipes are not an effective muffling device to prevent excessive or unusual noise, and any vehicle equipped with chambered pipes is in violation of this section.

(d) It is unlawful to sell or offer for sale any (i) muffler without interior baffle plates or other effective muffling device, or (ii) gutted muffler, muffler cutout, or straight exhaust. It is unlawful for any person to operate on the highways in the county a motor vehicle, moped, or motorized skateboard or foot-scooter equipped with a gutted muffler, muffler cutout, or straight exhaust.

(e) The provisions of this section do not apply to (i) any antique motor vehicle licensed pursuant to Code of Virginia, § 46.2-730, provided that the engine is comparable to that designed as standard factory equipment for use on that particular vehicle, and the exhaust system is in good working order, or (ii) converted electric vehicles.

(Code 1980, § 14-15; Code 1995, § 22-39)

Cross reference – Noise regulations, § 10-67 et seq.

State law reference – Mufflers, Code of Virginia, §§ 15.2-919, 46.2-1050.

Sec. 22-37. - Obstruction of streets by railroad cars; standing vehicle on railroad track.

It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five minutes the free passage on any street or road by standing cars or trains across the street or road, except a passenger train while receiving or discharging passengers, but a passway shall be kept open to allow normal flow of traffic. It shall be unlawful to stand any wagon or other vehicle on the track of any railroad which will hinder or endanger a moving train. When a train has been uncoupled, so as to make a passway, the time necessarily required, not exceeding three minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such cars or trains were standing across such street or road. Any such railroad company, receiver or trustee, or driver of any such wagon or vehicle, violating any of the provisions of this section shall be fined not less than \$100.00 and not more than \$500.00, provided that the fine may be \$100.00 for each minute beyond the permitted time

but the total fine shall not exceed \$500.00. This section shall not apply when the train is stopped due to breakdown, mechanical failure or emergency.

(Code 1980, § 14-16; Code 1995, § 22-40)

Cross reference – Streets, sidewalks and other public property, ch. 18.

State law reference – Similar provisions, Code of Virginia, § 56-412.1.

Sec. 22-38. - Putting glass or other hazardous material on street.

(a) *Prohibited.* No person shall throw or deposit or cause to be deposited upon any street or highway any glass bottle, glass, nails, tacks, wires or cans, or any other substance likely to injure any person or animal or damage any vehicle upon such street or highway, nor shall any person throw or deposit or cause to be thrown or deposited upon any street or highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public.

(b) *Removal.* Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive, hazardous or injurious material shall immediately remove the material or cause it to be removed.

(c) *Materials dropped from wrecked or damaged vehicle.* Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle.

(d) *Exemption.* This section shall not apply to the use, by a law-enforcement officer while in the discharge of official duties, of any device designed to deflate tires.

(e) *Penalty.* Violation of this section shall constitute a misdemeanor and shall be punished as provided in section 1-13.

(Code 1980, § 14-17; Code 1995, § 22-41)

Cross reference – Trash, garbage, refuse and litter, § 10-97 et seq.; dumping waste on premises other than sanitary landfills, § 17-25; streets, sidewalks and other public property, ch. 18.

State law reference – Similar provisions, Code of Virginia, § 18.2-324.

Sec. 22-39. - Depositing refuse on highway, right-of-way or private property.

(a) *Prohibited.* It is unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, a companion animal for the purpose of disposal or other unsightly matter from a vehicle, on public property, including a public highway or right-of-way, property adjacent to such highway or right-of-way or on private property without the written consent of the owner thereof or his agent.

(b) *Enforcement.* When any person is arrested for a violation of this section, and the matter alleged to have been dumped or disposed of has been ejected from a vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of Code of Virginia, § 46.2-936, as amended, in making such arrest.

(c) *Presumption of responsibility for violations.* When a violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. Such presumption shall be rebuttable by competent evidence.

(d) *Penalty.* Any person convicted of a violation of this section shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$250.00 or more than \$2,500.00, either or both. In lieu of the imposition of confinement in jail, the court may order the defendant

to perform community service in litter abatement activities. Upon conviction of any person for a violation of this section, the court may suspend the imposition of any sentence on condition that the defendant volunteer his services for such period of time as the court may designate to remove litter from the highway.

(e) *Landfills*. The provisions of this section shall not apply to the lawful disposal of such matter in landfills.

(Code 1980, § 14-18; Code 1995, § 22-42)

Cross reference – Trash, garbage, refuse and litter, § 10-97 et seq.; dumping waste on premises other than sanitary landfills, § 17-25.

State law reference – Similar provisions, Code of Virginia, §§ 33.1-346, 33.1-346.1.

Sec. 22-40. - Backing.

The operator of any vehicle in the county shall not back such vehicle unless such movement can be made with safety and without interfering with other traffic.

(Code 1980, § 14-19; Code 1995, § 22-43)

Sec. 22-41. - Blocking intersections.

No operator of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space beyond such intersection or crosswalk in the direction in which such vehicle is proceeding to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(Code 1980, § 14-20; Code 1995, § 22-44)

Sec. 22-42. - Driving vehicle other than bicycle, electric power-assisted bicycles, or electric personal assistive mobility devices on sidewalk.

(a) No person shall ride or drive any vehicle other than the following on the sidewalks of the county:

- (1) An emergency vehicle, as defined in Code of Virginia, § 46.2-920, as amended;
- (2) A vehicle engaged in snow or ice removal and control operations;
- (3) A wheelchair or wheelchair conveyance, whether self-propelled or otherwise;
- (4) A bicycle;
- (5) An electric personal assistive mobility device; or
- (6) An electric power-assisted bicycle.

(b) Any person who violates this section shall, upon conviction, be fined as provided in section 22-5.

(Code 1980, § 14-21(a); Code 1995, § 22-45)

State law reference – Similar provisions, Code of Virginia, § 46.2-903.

Secs. 22-43 – 22-72. - Reserved.

ARTICLE III. - SPECIFIC STREET REGULATIONS

***Cross reference** – Ordinances providing for traffic regulations in specific locations saved from repeal, § 1-10(a)(11); streets, sidewalks and other public property, ch. 18.

DIVISION 1. - GENERALLY

Secs. 22-73 – 22-102. - Reserved.DIVISION 2. - YIELD RIGHT-OF-WAY, STOP, ARTERIAL AND ONE-WAY STREETS

***State law reference** – Authority to authorize an officer of the county to designate intersection at which vehicles shall stop or yield the right-of-way, Code of Virginia, § 46.2-1301.

Sec. 22-103. - One-way streets.

- (a) The director of public safety shall have the authority to designate any highway in the county system of roads for one-way traffic and shall erect appropriate signs, and traffic thereon shall move only in the direction designated.
- (b) This section shall become effective as to any such one-way street when signs have been provided therefor.
- (c) The director of public safety is authorized and directed to provide signs on the one-way streets so designated as will apprise an ordinarily observant person of such one-way streets.
- (d) When it can be demonstrated to the satisfaction of the director of public safety or his duly authorized representative that the strict enforcement of this section will cause an unreasonable hardship relative to the loading or unloading of trucks or other vehicles on such one-way streets, the director of public safety or his duly authorized representative is authorized to issue a special permit to such person permitting a variance from the provisions of this section. Any such special permit shall be in writing and shall specify the nature of such variance and the place and period of time when such variance shall be permitted. Such permit shall only be issued when it can be demonstrated to the satisfaction of the director of public safety or his duly authorized representative that the granting of such permit will alleviate a clearly demonstrable hardship as distinguished from a special privilege or convenience to the person who seeks such permit.

(Code 1980, § 14-22; Code 1995, § 22-91)

Sec. 22-104. - Stop and yield right-of-way intersections.

The director of public safety shall designate intersections at which vehicles shall come to a full stop or yield the right-of-way; provided that no failure to stop or yield at such signs shall be a violation if, at the time of the alleged violation, the sign or marker placed in conformity with this section is missing or is defaced so that an ordinarily observant person under the same circumstances would not be aware of the existence of the regulation.

(Code 1980, § 14-23; Code 1995, § 22-92)

Sec. 22-105. - Through streets.

For the purpose of promoting the safe use of the streets of the county, the director of public safety or his duly authorized representative shall have the authority to designate, according to his judgment, certain streets as through or arterial streets. All traffic proceeding regularly along such designated through or arterial streets shall have the right-of-way over traffic entering such streets.

(Code 1980, § 14-24; Code 1995, § 22-93)

Secs. 22-106 – 22-123. - Reserved.DIVISION 3. - WEIGHT LIMITATIONS

***Cross reference** – Hauling houses or heavy loads over streets, rights-of-way, etc., § 18-8.

Sec. 22-124. - Weight limits generally; assessment against owner or operator of overweight vehicle.

- (a) Pursuant to the authority of Code of Virginia, § 46.2-1313, as amended, the weight limits set forth in Code of Virginia, title 46.2, ch. 10 (Code of Virginia, § 46.2-100 et seq.), as amended, are hereby established and shall apply to any vehicle or combination of vehicles passing over roads under the jurisdiction of the county. There are hereby established liquidated damages as to overweight vehicles at the rates and amounts provided in Code of Virginia, § 46.2-1135, as amended.
- (b) All citations issued for violations of this section shall be processed in the same manner as described in Code of Virginia, §§ 46.2-1133, 46.2-1134 and 46.2-1135, as amended. The county attorney or his designee shall represent the county in any court proceeding and any assessment order entered by the state department of motor vehicles pursuant to this section shall be entered as a judgment for the county and shall constitute a lien upon the vehicle in favor of the county.
- (c) Upon a finding of a violation of any weight limit prescribed in this section, the court shall assess the owner, operator or other person causing the operation of such overweight vehicle at such rate and amount as provided in Code of Virginia, § 46.2-1135, as amended. The assessment shall be entered by the court as a judgment for the county and payment shall be made to the state department of motor vehicles. The disposition of the case shall be recorded in an appropriate order, a copy of which shall be sent to the state department of motor vehicles. The entry of judgment shall constitute a lien in favor of the county upon the overweight vehicle.
- (d) Civil penalties, processing fees, liquidated damages and weighing fees assessed for violations of this section shall be payable through the state department of motor vehicles whether or not the citation charging a violation of any such weight limit is contested, and whether or not judgment is entered by the court. All sums for civil penalties, liquidated damages and weighing fees collected by the state department of motor vehicles pursuant to this section shall be paid into the treasury of the county and allocated to the fund for the construction and maintenance of roads under the county's jurisdiction.

(Code 1980, § 14-2.1; Code 1995, § 22-111)

State law reference – Authority to adopt, Code of Virginia, § 46.2-1313; weight limits, Code of Virginia, § 46.2-1101 et seq.

Sec. 22-125. - Temporary reduction of weight limits.

- (a) *Authority of county engineer.* The county engineer is authorized to decrease the weight limits prescribed within the motor vehicle code, adopted by reference in section 22-2, for any vehicle or combination of vehicles passing over roads under the jurisdiction of the county for a total period not to exceed 90 days in any calendar year, whenever an engineering study discloses that operation over such roads by reason of deterioration, rain, snow or other climatic conditions will seriously damage such roads unless such weights are reduced.
- (b) *Engineering study.* The engineering study shall include a determination as to:
- (1) When the moisture content of the base and surface materials is critical and the continuation of heavy traffic thereover may cause breakup or distress of that section of roadway.
 - (2) When the depth and extent to which freezing has occurred within and under the roadway is such that the continuation of heavy traffic thereover may cause breakup or distress of that section of roadway.
 - (3) When rutting surface cracks or other surface changes occur which indicate that the carrying ability of the road has been impaired.
 - (4) When an inspection of a bridge or culvert discloses conditions which indicate impairment of its carrying ability.

(5) When in the judgment of the engineer such other conditions exist as will indicate impairment of the carrying ability of the roadway.

(c) *Placement of signs.* In all instances where the weight limits have been reduced by the county engineer, he shall cause signs stating the weight permitted on such road or section thereof for any vehicle or combination of vehicles to be erected at each end of the section of road affected, and no such reduced weight limits shall be effective until such signs shall have been posted. It shall be unlawful to operate a vehicle or combination of vehicles over or upon any road or section thereof when the weight exceeds such maximum posted weight limit.

(d) *Penalty.* Any violation of this section shall be punishable as a class 2 misdemeanor, and the vehicle or combination of vehicles involved in such violation may be held upon an order of the court until all fines and costs have been satisfied.

(Code 1980, § 14-26; Code 1995, § 22-112)

State law reference— Authority to reduce weight limits, Code of Virginia, § 46.2-1104; penalty for class 2 misdemeanor, Code of Virginia, § 18.2-11.

Sec. 22-126. - Weight limits for specific streets.

(a) It shall be unlawful for any person to use or cause to be used any motor trucks with a gross weight in excess of 5,000 pounds, except for the purpose of receiving loads or making deliveries, on Rodney Road, Morrison Road, Dean Road between Coleman Road and Morrison Road, Oakland Avenue, Kenmore Road and Battery Avenue.

(b) It shall be unlawful for any person to use or cause to be used any trucks, pickup or panel trucks, tractor trucks and trailers having a registered gross weight in excess of 7,500 pounds on Miller Road between Seven Hills Boulevard and Darbytown Road, except for the purpose of receiving loads or making deliveries on such portion of Miller Road.

(c) It shall be unlawful for any person to use or cause to be used any trucks, pickup or panel trucks, tractor trucks and trailers having a registered gross weight in excess of 7,500 pounds on Wilkinson Road between U.S. Route 1 and U.S. Route 301, except for the purpose of receiving loads or making deliveries on such portion of Wilkinson Road.

(d) It shall be unlawful for any person to use or cause to be used any trucks, pickup or panel trucks, tractor trucks and trailers, having a registered gross weight in excess of 7,500 pounds, on the following roads, except for the purpose of receiving loads or making deliveries on such portion of these roads:

- (1) Hermitage Road between Woodman Road and Oakview Avenue.
- (2) St. Charles Road between Parham Road and Ironington Drive.
- (3) Franconia Road between Parham Road and Ironington Drive.
- (4) Fredonia Road between Parham Road and Ironington Drive.
- (5) Colwyck Drive between Laburnum Avenue and Meadowspring Road.
- (6) Meadowspring Road between Colwyck Drive and Nine Mile Road (State Route 33).
- (7) New York Avenue between Mountain Road and U.S. Route 1.
- (8) Robins Road between Williamsburg Road (U.S. Route 60) and Eubank Road.
- (9) Raleigh Road between Williamsburg Road (U.S. Route 60) and Eubank Road.
- (10) Coxson Road between Williamsburg Road (U.S. Route 60) and Eubank Road.
- (11) Derbyshire Road between Gaskins Road and Parham Road.
- (12) River Road between Gaskins Road and Parham Road.
- (13) Huron Avenue between Springfield Road and West End Drive.
- (14) Hanover Road between Mary Street and N. Airport Drive (State Route 156).

- (15) Meadow Road between Hanover Road and Dry Bridge Road.
- (16) Grapevine Road between Meadow Road and Old Hanover Road.
- (17) Old Hanover Road between the west dead end of Old Hanover Road, approximately 1700 feet west of Grapevine Road, and N. Airport Drive (State Route 156).
- (18) Probst Street between Allenshaw Drive and Oakleys Lane.
- (19) Strath Road between Darbytown Road and New Market Road (State Route 5).
- (20) White Oak Road between Elko Road (State Route 156) and Williamsburg Road (State Route 60).
- (21) Portugee Road between Elko Road (State Route 156) and Technology Boulevard.
- (22) Miller Road between Willson Road and Darbytown Road.
- (23) Willson Road between Messer Road and New Market Road.
- (24) Doran Road between Darbytown Road and New Market Road.
- (25) Turner Road between Charles City Road and New Market Road.
- (26) Charles City Road between Beulah Road and Darbytown Road.
- (27) Charles City Road between Elko Road and the Charles City County Line.
- (28) Poplar Springs Road between Portugee Road and Charles City Road.
- (29) Oakleys Lane between Nine Mile Road (State Route 33) and Oakleys Place.
- (30) Pleasant Street between Nine Mile Road (State Route 33) and S. Holly Avenue.
- (31) Newbridge Road between Nine Mile Road (State Route 33) and Pleasant Street.
- (32) Darbytown Road between Oakland Street and Richmond City Line.
- (33) New Osborne Turnpike between Osborne Turnpike (State Route 5) and Richmond City Line.
- (34) Colwyck Drive between Laburnum Avenue and Mansfield Drive (south intersection).
- (35) Thornhust Street between Laburnum Avenue and Mansfield Drive.
- (36) Old Washington Highway between Greenwood Road and Hanover County Line.

(Code 1980, § 14-27; Code 1995, § 22-113; Ord. No. 941, § 1, 1-22-1997; Ord. No. 969, § 1, 2-25-1998; Ord. No. 1013, § 1, 7-10-2001; Ord. No. 1027, § 1, 5-14-2002; Ord. No. 1124, § 1, 8-12-2008)

State law reference – Authority to establish weight limits, Code of Virginia, § 46.2-1304.

Secs. 22-127 – 22-150. - Reserved.

ARTICLE IV. - STOPPING, STANDING AND PARKING

***Cross reference** – Parking or storage of vehicles used to transport inflammable liquids in residential areas, § 11-16; parking vehicles dripping oil or fuel on asphalt roadway prohibited, § 18-6.

***State law reference** – Authority to regulate parking, Code of Virginia, §§ 46.2-1220, 46.2-1221.

Sec. 22-151. - Penalty.

Unless another penalty is imposed pursuant to section 22-162 or is otherwise provided by law, every person convicted of a violation of any of the provisions of this article shall be guilty of a traffic infraction and punishable as provided in section 22-5.

(Code 1980, § 14-46; Code 1995, § 22-141)

State law reference – Definition and scope of traffic infractions, Code of Virginia, §§ 46.2-100, 46.2-937, 18.2-8.

Sec. 22-152. - Designation of limited or prohibited parking areas.

(a) Notwithstanding any other provisions of this chapter, the county manager or his duly authorized representative is hereby authorized, when in his judgment it is in the public interest so to do, to set apart on any of the highways of the county spaces for loading and unloading merchandise, bus stops, taxistands and other places in which no general parking shall be permitted; and he is further authorized to set aside spaces in which parking time shall be further limited; provided that signs shall be posted within or near such spaces so as to advise the public of such parking prohibitions or regulations. It shall be unlawful for any person to fail to comply with the requirements of such signs. If any such regulation concerns parking on the interstate system or the arterial network of the primary system or any extension thereof of the arterial network, it shall be subject to the approval of the state highway commissioner.

(b) Notwithstanding any other provisions of this chapter, upon request of the governing body of any political subdivision, including, but not limited to, the Capital Region Airport Commission, owning property in the county, the county manager or his duly authorized representative is hereby authorized, when in his judgment it is in the public interest so to do, to set apart areas on any of the streets or roads within such property, regardless of whether such streets or roads are part of the county road system, expressly for loading and unloading merchandise, bus stops, taxistands and any other places in which no general parking shall be permitted; and he is further authorized to designate areas on such properties as the exclusive and only areas within which the designated activity is permitted on the property; and he is further authorized to set aside spaces in which parking time shall be further limited; provided that signs shall be posted within or near such spaces so as to advise the public of such parking prohibitions or regulations. It shall be unlawful for any person to fail to comply with the requirements of such signs.

(Code 1980, § 14-30; Code 1995, § 22-142)

Sec. 22-153. - Stopping, standing or parking prohibited in specified places; towing of vehicles.

(a) It shall be unlawful for any person to stop, stand or park a vehicle, except in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) In a crosswalk.
- (6) Within 20 feet from the intersection of curblines or, if none, then within 15 feet of the intersection of property lines at an intersection of highways.
- (7) Within 50 feet of the nearest rail of a railroad grade crossing.
- (8) Within 15 feet of the driveway entrance to any fire station or within 15 feet of the entrance to a building housing rescue squad equipment or ambulances, provided that such buildings are plainly designated.
- (9) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
- (10) On the roadway side of any vehicle parked at the edge of the curb of a roadway.
- (11) Upon any bridge or other elevated structure upon a roadway or highway, or within a tunnel.
- (12) At any place where official signs prohibit parking.

(b) Police officers may move a vehicle out of a prohibited area or away from a curb or start or cause to be started the motor of any motor vehicle in order to move it when necessary in the performance of their duties.

(c) When any vehicle is stopped, standing or parked on any highway and constitutes a hazard to traffic or is in violation of any of the provisions of this article, it shall be lawful for a police officer to have it removed by towing the vehicle to a licensed garage for storage until called for by the owner or his agent. In the event of such removal and storage, the owner of the vehicle shall be chargeable with and such vehicle may be held for a reasonable charge for its removal and storage.

(d) This section shall not apply to police or fire vehicles temporarily parked due to an emergency.

(Code 1980, § 14-31; Code 1995, § 22-143)

State law reference— Parking in certain places, Code of Virginia, § 46.2-1239.

Sec. 22-154. - Parking for certain purposes prohibited.

(a) It shall be unlawful for any commercial motor vehicle dealer to park any automobile, truck, trailer or other vehicle upon or in any highway, alley or publicly maintained parking lot for the purpose of selling or offering the vehicle for sale or rent. No sign or lettering shall be attached to or placed upon any automobile, truck, trailer or other vehicle parked in or upon any highway, alley or publicly maintained parking lot in the county indicating that such vehicle is offered for sale or rent by any commercial motor vehicle dealer, leasing or rental firm.

(b) It shall be unlawful to park any vehicle upon any highway, alley or publicly maintained parking lot in a district where the property contiguous to the abutting curb or edge of the roadway has been zoned for business, commercial or industrial use for the purpose of offering for sale any merchandise to the public or displaying thereupon or therein advertisements for any article.

(Code 1980, § 14-33; Code 1995, § 22-145)

State law reference— Authority to prohibit parking of vehicles for commercial purposes, Code of Virginia, § 46.2-1224.

Sec. 22-155. - Parking unlicensed vehicle.

It shall be unlawful to park any vehicle not having a current state license, and a current county license as required by the provisions of article VI of this chapter, on any highway, roadway or public alley in the county.

(Code 1980, § 14-34; Code 1995, § 22-146)

Sec. 22-156. - Angle parking.

(a) Notwithstanding any of the provisions of this chapter, the county manager or his duly authorized representative may, when in his discretion the public interest so requires, provide for angle parking on any street or portion thereof, provided that such streets are marked so as to advise the public of the regulation.

(b) Unless the markings required in subsection (a) of this section are installed, it shall be unlawful for any person to park any motor vehicle or other automotive equipment other than parallel to the curb or edge of the roadway.

(c) The provisions of this section shall not apply to motorcycles when parked with the rear wheel next to the curb or edge of roadway in a manner that does not obstruct moving traffic.

(Code 1980, § 14-35; Code 1995, § 22-147)

Sec. 22-157. - Parking on private property.

No person shall stand or park a vehicle on any private lot or lot area without the express or implied

consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area contiguous or adjacent to a highway, street or alley stating no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a highway, street or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand or park any vehicle in such lot or lot area.

(Code 1980, § 14-36; Code 1995, § 22-148)

Sec. 22-158. - Use of loading zones.

Where a loading or unloading zone has been set apart by the county manager or his duly authorized representative in accordance with applicable provisions of this chapter, the following regulations shall apply with respect to the use of such areas:

- (1) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect. All delivery vehicles, other than regular delivery trucks using such loading zones, shall be identified by the owner's or company's name in letters at least three inches high on both sides of the vehicle.
- (2) The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of and while actively engaged in loading or unloading passengers or bundles when such stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter or is about to enter such loading space.

(Code 1980, § 14-42; Code 1995, § 22-149)

Sec. 22-159. - Use of bus stops and taxicab stands.

When a bus stop or taxicab stand has been set apart by the county manager or his duly authorized representative in accordance with the applicable provisions of this chapter, no person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and identified with approved signs; except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actively engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. No taxicab shall be parked in a taxicab stand and no bus shall be parked in a bus stop without an operator in immediate attendance of the vehicle.

(Code 1980, § 14-43; Code 1995, § 22-150)

Cross reference—Taxicabs, ch. 21.

Sec. 22-160. - Parking in alleys.

No person shall park a motor vehicle, trailer or semitrailer in such a manner as to leave available less than ten feet of the width of an alley for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within a public or private alley in such a position as to block the driveway, garage or any other type entrance to any abutting property where the owner of such abutting property has the right to use such alley as a means of access to and from a highway and cannot physically enter his property due to the parked vehicle.

(Code 1980, § 14-44; Code 1995, § 22-151)

Sec. 22-161. - Removal and disposition of vehicles unlawfully parked on private property.

It shall be lawful for any owner, operator or lessee of any parking lot or parking area or space therein or part thereof or any lot or building, publicly owned, to have any motor vehicle or other vehicle occupying such lot, area, space or building or part thereof left unattended for more than ten days without the permission of such owner, operator, lessee or authorized agent of the one having the control of such premises removed, by towing or otherwise, to a licensed garage for storage until called for by the owner of the vehicle or his agent. Notice of such action shall be first or simultaneously given to the state department of motor vehicles and the division of police. In the event of such removal and storage, the owner of the vehicle involved shall be chargeable with and such vehicle may be held for a reasonable charge for its removal and storage. This section shall not apply to police or fire vehicles or where a vehicle shall, because of wreck or other emergency, be parked or left temporarily upon the property of another.

(Code 1980, § 14-45; Code 1995, § 22-152)

State law reference – Authority to remove unattended, etc., vehicles, Code of Virginia, §§ 46.2-1213, 46.2-1232.

Sec. 22-162. - Citations and fines; issuance of summons.

(a) Issuance of citation. Whenever any motor vehicle, trailer or semitrailer without a driver is found parked or stopped in violation of any of the restrictions imposed by this article, the sworn officer having police powers finding such vehicle shall record the vehicle registration number and may take any other information displayed on the vehicle which may identify its user. The officer shall conspicuously affix to such vehicle a traffic citation provided by the chief of police and approved by the county manager. The affixing of the citation shall constitute prima facie evidence that the owner or operator received notice of the violation. The citation shall notify such person that he must either pay a fine for the violation in accordance with the schedule contained in subsection (d) of this section, or appear before the county general district court in accordance with the time scheduled by the chief judge of such court. The citation shall further notify such person that the fine may be paid in cash, by money order or check to the county director of finance, in person or by mail, at his office within five calendar days from the date of the violation. The citation shall further notify such person that, if he pays such fine as provided in this section, no further action shall be taken against him for the violation set forth in the citation.

(b) Notice before issuance of summons. In response to a citation, if such person does not either pay the applicable fine or contest the citation as provided in this section, then the citation shall be considered delinquent. No summons shall be issued for the prosecution of a delinquent citation until the director of finance shall send to the owner of the motor vehicle, trailer or semitrailer to which the traffic citation was affixed a notification by certified mail to his last known address or to the address shown for such person on the records of the state department of motor vehicles. The notice to the violator shall be contained in an envelope bearing the words "Law Enforcement Notice" at least one-half inch in height on the face thereof. The notice sent by the director of finance to the violator pursuant to this subsection shall inform such violator that he must pay the fine plus penalty, as described in subsection (e) of this section, to the director of finance.

(c) Issuance of summons. If the notice is mailed and the fine plus penalty is not paid within ten calendar days from the date of such notice, then the director of finance shall cause a summons to be issued charging a violation of this article. The officer issuing the citation shall be notified by the director of finance that a summons has been issued.

(d) Amount of fine when paid before notice. Every person charged with violating a provision of this article shall pay to the director of finance a fine according to the following schedule; provided, however, that payment is received by the director before the notice described in subsection (b) of this section is mailed:

| | |
|----------------------------------------------------------------------------------|---------|
| Exceeding the time limit | \$20.00 |
| Parking on an angle (parallel prescribed) | 20.00 |
| Parking away from the curb | 20.00 |
| Parking in a crosswalk area | 20.00 |
| Parking in a loading zone | 20.00 |
| Parking in a bus zone or cab stand | 20.00 |
| Parking within 15 feet of an intersection | 20.00 |
| Parking or stopping on the wrong side of the street | 10.00 |
| Blocking a driveway | 20.00 |
| Parking within 15 feet of a fire hydrant | 20.00 |
| Parking within 15 feet of an entrance to a fire station or rescue squad building | 20.00 |
| Parking in vicinity of an emergency in such a manner as to interfere | 50.00 |
| Creating a traffic hazard | 20.00 |
| Double parking | 20.00 |
| Parking on a public sidewalk | 20.00 |
| Stopping, standing or parking in a prohibited zone | 50.00 |
| Parking in a space reserved for the handicapped | 100.00 |
| Blocking an alley | 20.00 |
| Parking in a prohibited alley | 20.00 |
| Blocking a fire lane | 50.00 |

(e) *Payment of fine after notice and before summons.* After a notice is mailed, but before a summons is issued, every person charged with violating a provision of this article shall pay to the director of finance the applicable fine listed in subsection (d) of this section plus a penalty according to the following schedule:

| <i>Fine</i> | <i>Penalty</i> | <i>Total</i> |
|-------------|----------------|--------------|
| \$10.00 | \$3.00 | \$13.00 |
| 20.00 | 6.00 | 26.00 |
| 50.00 | 15.00 | 65.00 |
| 100.00 | 30.00 | 130.00 |

(f) *Contest of citation.* Every person charged with a violation of any provision of this article may, before the citation is considered delinquent as defined in subsection (b) of this section, elect to contest the charge by filing a written protest with the director of finance. Such protest shall identify the charge by citation number and date of issuance. The protest shall be signed by the person charged and shall request that the citation be certified to the general district court. The director of finance shall certify to the general district court in writing, on an appropriate form, the fact that the citation is contested. In both contested and uncontested cases, the defendant, if found guilty, shall pay court costs in addition to any fine imposed upon him.

(Code 1980, § 14-47; Code 1995, § 22-153; Ord. No. 964, § 1, 10-22-1997)

Sec. 22-163. - Presumption as to responsibility for violation.

In any prosecution charging a violation of this article, proof that the vehicle described in the complaint, citation, summons or warrant was parked in violation of this article, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Code of Virginia, title 46.2, ch. 6 (Code of Virginia, § 46.2-600 et seq.), shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who committed such violation.

(Code 1980, § 14-48; Code 1995, § 22-154)

State law reference – Similar provisions, Code of Virginia, § 46.2-1220.

Secs. 22-164 – 22-194. - Reserved.**ARTICLE V. - PEDESTRIANS****Sec. 22-195. - Distributing handbills, soliciting contributions or selling merchandise or services in highway.**

- (a) It shall be unlawful for any person while in the highway to:
- (1) Distribute handbills, leaflets, bulletins, literature, advertisements or similar material to the drivers of motor vehicles or passengers therein on highways located within the county.
 - (2) Solicit contributions of any nature from the drivers of motor vehicles or passengers therein on highways located within the county.
 - (3) Sell or attempt to sell merchandise or services to the drivers of motor vehicles or passengers therein on highways located within the county.
- (b) For purposes of this section, the term "highway" means the entire width of a road or street that is improved, designed, or ordinarily used for vehicular travel and the shoulder, the median, and the area between the travel lane and the back of the curb.

(Code 1980, § 14-28; Code 1995, § 22-181; Ord. No. 1123, § 1, 8-12-2008)

State law reference – Authority to enact section, Code of Virginia, § 46.2-931(A).

Sec. 22-196. - Obedience to traffic control devices and orders of police officers.

Pedestrians shall obey signs and signals erected on highways or streets for the direction and control of travel and traffic, and they shall obey the orders of police officers engaged in directing travel and traffic on the highways and streets.

(Code 1980, § 14-29; Code 1995, § 22-182)

State law reference – Authority to enact section, Code of Virginia, § 46.2-935.

Secs. 22-197 – 22-215. - Reserved.**ARTICLE VI. - VEHICLE LICENSES**

***Cross reference** – Taxation, ch. 20; taxicabs, ch. 21.

***State law reference** – State registration and licensing, Code of Virginia, § 46.2-600 et seq.; authority to impose motor vehicle license taxes, Code of Virginia, § 46.2-752 et seq.

Sec. 22-216. - Penalty; issuance of summons.

- (a) Violations of the requirements of this article shall be punished as a class 4 misdemeanor.
- (b) All fines shall be recoverable before the general district court upon a summons issued by sworn employees of the revenue division of the department of finance.

(Code 1980, § 14-65; Code 1995, § 22-211; Ord. No. 1097, § 1, 3-13-2007)

State law reference— Maximum penalty authorized, Code of Virginia, § 46.2-752(K); penalty for class 4 misdemeanor, Code of Virginia, § 18.2-11.

Sec. 22-217. - Gross weight defined.

As used in this article, the term "gross weight" means the aggregate weight of a vehicle, or combination of vehicles and its load.

(Code 1980, § 14-49; Code 1995, § 22-212)

Sec. 22-218. - Levy of tax; exceptions.

- (a) Every motor vehicle, trailer and semitrailer operated on the streets, highways or roads within the county in business or for the private use or benefit of the owner shall be subject to a license tax as provided in this article.
- (b) The tax for those vehicles issued a Virginia National Guard license plate by the state, pursuant to Code of Virginia, § 46.2-744, shall be one-half the tax prescribed in this article.
- (c) Nothing in this article shall be construed to require the payment of a license tax on farm vehicles as defined in Code of Virginia, title 46.2, ch. 6, art. 6 (Code of Virginia, § 46.2-662 et seq.) and Code of Virginia, § 46.2-698.
- (d) Nothing in this article shall be construed to require a license tax of a person exempted under the provisions of Code of Virginia, § 46.2-755.

(Code 1980, § 14-50; Code 1995, § 22-213)

Sec. 22-219. - Situs requirements.

The license taxes imposed by this article shall apply to all vehicles normally garaged, stored or parked within the county.

(Code 1980, § 14-51; Code 1995, § 22-214)

Sec. 22-220. - Amount of tax for passenger automobiles and motorcycles.

On each automobile weighing 4,000 pounds or less there shall be a tax under this article of \$20.00. For each automobile exceeding 4,000 pounds in weight there shall be a tax of \$25.00. On each motorcycle there shall be a tax of \$15.00.

(Code 1980, § 14-52; Code 1995, § 22-215)

State law reference— Maximum tax Code of Virginia, § 46.2-694.

Sec. 22-221. - Amount of tax for vehicles not designed for transportation of passengers.

- (a) Every automobile, truck, trailer, semitrailer and auto wagon, not designed and used for the transportation of passengers, operated on the streets, highways and roads within the county shall be

licensed, and the license tax therefor shall be determined by the gross weight of the vehicle, or combination of vehicles of which it is a part, when loaded to the maximum capacity for which it is registered. For each 1,000 pounds of gross weight, or major fraction thereof, for which any such vehicle is taxable, there shall be paid to the county for such license a license tax as indicated in the following schedule immediately opposite the weight group into which such vehicle, or any combination of vehicles of which it is a part, falls when loaded to the maximum capacity for which it is taxable under this article; provided that in no case shall the license tax be less than \$20.00, except as provided in this article, or more than \$64.00. The tax for a pickup or panel truck shall be \$20.00 if the gross weight is 4,000 pounds or less and \$25.00 if the gross weight is 4,001 pounds through 6,500 pounds, and the tax shall be \$27.00 for a motor vehicle with a gross weight of 6,501 pounds through 10,000 pounds.

| <i>Gross Weight Groups (pounds)</i> | <i>Tax per 1,000 Pounds of Gross Weight</i> |
|-------------------------------------|---------------------------------------------|
| 10,001 – 11,000 | \$1.30 |
| 11,001 – 12,000 | 1.40 |
| 12,001 – 13,000 | 1.50 |
| 13,001 – 14,000 | 1.60 |
| 14,001 – 15,000 | 1.70 |
| 15,001 – 16,000 | 1.80 |
| 16,001 – 17,000 | 2.00 |
| 17,001 – 18,000 | 2.20 |
| 18,001 – 19,000 | 2.40 |
| 19,001 and over | 2.60 |

(b) For all such motor vehicles having a gross weight in excess of 10,000 pounds, an additional tax in the amount of \$15.00 shall be imposed.

(Code 1980, § 14-53; Code 1995, § 22-216)

State law reference – Maximum tax Code of Virginia, § 46.2-697.

Sec. 22-222. - Amount of tax for combination vehicles.

In case of a combination of a truck, tractor truck and trailer or semitrailer, each vehicle constituting a part of such combination shall be licensed as a separate vehicle but, for the purpose of determining the gross weight group into which any such vehicle falls pursuant to section 22-221, the combination of vehicles of which such vehicle constitutes a part shall be considered a unit and the aggregate gross weight of the entire combination shall determine such gross weight group. The tax for a truck or tractor truck shall be \$64.00. The tax to be paid on account of any trailer or semitrailer which constitutes a part of any such combination of vehicles shall be \$22.00 on those with a gross weight of 4,001 pounds and over, and \$17.00 for those with a gross weight in excess of 1,500 pounds and not over 4,000 pounds, and the tax for all trailers designed to transport boats and all trailers having a gross weight of 1,500 pounds or less shall be \$6.50.

(Code 1980, § 14-54; Code 1995, § 22-217; Ord. No. 1097, § 2, 3-13-2007)

State law reference – Maximum tax, Code of Virginia, § 46.2-697.

Sec. 22-223. - Amount of tax for vehicles carrying well-drilling machinery.

The county license tax to be paid by the owner of any motor vehicle, trailer or semitrailer, upon which

well-drilling machinery is attached and which is permanently used solely for transporting such machinery, shall be \$15.00.

(Code 1980, § 14-55; Code 1995, § 22-218; Ord. No. 1097, § 3, 3-13-2007)

State law reference – Maximum tax Code of Virginia, § 46.2-700.

Sec. 22-224. - Tax year.

The license tax year for license taxes imposed by this article shall commence on February 16 of each year and shall expire on February 15 of the following year.

(Code 1980, § 14-58.1; Code 1995, § 22-219; Ord. No. 953, § 1, 7-23-1997)

Sec. 22-225. - Proration of tax.

(a) Only one-half of the license taxes prescribed by this article shall be assessed and collected whenever any such license tax first becomes assessable during the period beginning on July 1 in any year and ending on December 31 in the same license tax year. No license tax shall be assessed and collected whenever any such license tax first becomes assessable after December 31 in the same license tax year.

(b) Motor vehicles, trailers and semitrailers moving into the county from out-of-state or from a Virginia locality to which no license fee or tax has been paid or from which no license decal purchased shall first become assessable upon moving into the county.

(c) Motor vehicles, trailers and semitrailers moving into the county from a Virginia locality to which a license fee or tax has been paid or from which a license decal purchased shall first become assessable only after the fee, tax or decal expires, as follows:

(1) If the period covered by the license fee or tax paid to or vehicle decal purchased from the other Virginia locality expires during the period February 16 through June 30 of the county license tax year, the license tax shall become assessable on July 1 of that same county license tax year; or

(2) If the period covered by the license fee or tax paid to or vehicle decal purchased from the other Virginia locality expires during the period July 1 through February 15 of the county license tax year, then no license tax shall be assessable for that same license tax year and the license tax shall first become assessable on February 16 of the next county license tax year.

(Code 1980, § 14-56.1; Code 1995, § 22-220; Ord. No. 953, § 1, 7-23-1997; Ord. No. 1022, § 1, 1-22-2002; Ord. No. 1110, § 1, 8-14-2007)

Sec. 22-226. - Refund of unused portion of tax on disposal of vehicle.

Every person having a currently licensed motor vehicle who, on or before July 1 of the then current license tax year, disposes of the vehicle and does not purchase another vehicle of same class for tax purposes shall be entitled to a refund of one-half of the license tax paid by him, upon the production of a certificate from the state motor vehicle commission or other proper state officer that the state license plates and registration certificate have been surrendered. Such a refund shall be made by the director of finance from the treasury of the county.

(Code 1980, § 14-57.1; Code 1995, § 22-221; Ord. No. 953, § 1, 7-23-1997; Ord. No. 1022, § 2, 1-22-2002; Ord. No. 1097, § 4, 3-13-2007)

Sec. 22-227. - Quarterly licensing.

(a) In lieu of registering and licensing a truck, tractor truck or trailer, not including trailers designed for use

as living quarters or trailers with gross weights of 1,500 pounds or less, as provided in sections 22-221 and 22-222, for an entire licensing year, the owner thereof may elect to register and license such vehicle only for one or more quarters of a licensing year, provided the owner obtained state licenses for such vehicle for the same quarterly basis. The tax for quarterly licensing shall be 25 percent of the annual tax plus \$1.00 for each quarter that the vehicle is registered and licensed.

(b) All registrations and licenses issued for less than a full year shall expire on the last day of the quarterly period for which licensed. The month of issue will be counted as the first month regardless of the date.

(Code 1980, § 14-59; Code 1995, § 22-222)

Sec. 22-228. - Grace period for payment of tax by persons purchasing vehicle.

Purchasers of new or used motor vehicles shall be allowed a ten-day grace period, beginning with the date of purchase, during which to register with the county.

(Code 1995, § 22-223)

State law reference – Similar provisions, Code of Virginia, § 46.2-752(I).

Secs. 22-229 – 22-251. - Reserved.

ARTICLE VII. - ABANDONED MOTOR VEHICLES

***State law reference** – Authority to remove and dispose of abandoned vehicles, Code of Virginia, §§ 46.2-1201, 46.2-1217, 46.2-1233.

Sec. 22-252. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means a motor vehicle, trailer or semitrailer that:

- (1) Is left unattended on public property in violation of a state law or local ordinance, for more than 48 hours;
- (2) Has remained for more than 48 hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property;
- (3) Is left unattended on the shoulder of a primary highway;
- (4) Has remained unclaimed in a garage for more than ten days or for more than ten days beyond the period the motor vehicle was to remain on the premises pursuant to a contract; or
- (5) Has remained unclaimed in a self-service storage unit under the provisions of Code of Virginia, title 55, ch. 23 (Code of Virginia, § 55-416 et seq.).

Commissioner means the commissioner of the state department of motor vehicles.

Department means the state department of motor vehicles.

Garage means any commercial parking place, motor vehicle storage facility, or establishment for the servicing, repair, maintenance, or sale of motor vehicles whether or not the vehicle had been brought to that location with the consent of the owner or person in control of the premises.

Garage keeper means the operator of a garage.

Major component shall have the meaning ascribed by Code of Virginia, § 46.2-1600.

Scrap metal processor means any person who is engaged in the business of processing motor vehicles into scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

Vehicle removal certificate means a transferable document issued by the department for any abandoned motor vehicle that authorizes the removal and destruction of the vehicle.

(Code 1980, § 14-66; Code 1995, § 22-251)

Cross reference – Definitions and rules of construction, § 1-2.

State law reference – Similar provisions, Code of Virginia, § 46.2-1200.

Sec. 22-253. - Abandoning motor vehicles prohibited; civil penalty.

(a) No person shall cause any motor vehicle to become an abandoned motor vehicle as defined in section 22-252. In any prosecution for a violation of this section, proof that the defendant was, at the time that the vehicle was found abandoned, the owner of the vehicle shall constitute in evidence a rebuttable presumption that the owner was the person who committed the violation. Such presumption, however, shall not arise if the owner of the vehicle provided notice to the state department of motor vehicles as provided in Code of Virginia, § 46.2-604, as amended, that he had sold or otherwise transferred the ownership of the vehicle.

(b) Any person convicted of a violation of this section shall be subject to a civil penalty of no more than \$500.00. If any person fails to pay any such penalty, his privilege to drive a motor vehicle on the highways of the state shall be suspended as provided in Code of Virginia, § 46.2-395, as amended.

(Code 1995, § 22-252)

State law reference – Similar provisions, Code of Virginia, § 46.2-1200.1.

Sec. 22-254. - Authority to take vehicles into custody.

The chief of police may cause to be taken into custody any abandoned motor vehicle. In such connection, the county may employ its own personnel, equipment and facilities or hire persons, equipment and facilities or firms or corporations that may be independent contractors for the purpose of removing, preserving, storing and selling at public auction abandoned motor vehicles. For the purposes of this section, the term “public auction” shall include an Internet sale by auction.

(Code 1980, § 14-67; Code 1995, § 22-253; Ord. No. 952, § 1, 7-23-1997)

State law reference – Authority, Code of Virginia, § 46.2-1201.

Sec. 22-255. - Responsibility to initiate search for owner and/or lienholder.

(a) Any person in possession of an abandoned motor vehicle shall initiate with the department, in a manner prescribed by the commissioner, a search for the owner and/or lienholder of record of the vehicle, requesting the name and address of the owner of record of the motor vehicle and all persons having security interests in the motor vehicle on record in the office of the department, describing, if ascertainable, the motor vehicle by year, make, model, and vehicle identification number.

(b) The department shall check its own records, the records of a nationally recognized crime database, and records of a nationally recognized motor vehicle title database for owner and lienholder information. If a vehicle has been reported as stolen, the department shall notify the appropriate law-enforcement agency of that fact. If a vehicle has been found to have been titled in another jurisdiction, the department shall notify the applicant of that jurisdiction. In cases of motor vehicles titled in other jurisdictions, the commissioner shall issue certificates of title on proof satisfactory to the commissioner that the persons required to be notified by registered or certified mail have received actual notice fully containing the information required by this section.

(c) If records of the department contain no address for the owner or no address of any person shown by the department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, the person in possession of the abandoned motor vehicle shall obtain from the department in a manner prescribed by the commissioner, a vehicle removal certificate. The vehicle may be sold or transferred to a licensee or a scrap metal processor.

(d) Whenever a vehicle is shown by the department's records to be owned by a person who has indicated that he is on active military duty or service, the department shall notify the requestor of such information. Any person having an interest in such vehicle under the provisions of this article shall comply with the provisions of the federal Servicemembers Civil Relief Act (50 USC 501 et seq.).

(e) If records of the department contain no address for the owner or no address of any person shown by the department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, the person in possession of the abandoned motor vehicle shall obtain from the department in a manner prescribed by the commissioner, a vehicle removal certificate. The vehicle may be sold or transferred to a licensee or a scrap metal processor, as defined in section 22-252.

(Code 1980, § 14-68; Code 1995, § 22-254; Ord. No. 952, § 2, 7-23-1997)

State law reference— Similar provisions, Code of Virginia, § 46.2-1202.

Sec. 22-256. - Vehicle removal certificates.

(a) The person in possession of an abandoned motor vehicle shall obtain from the department in a manner prescribed by the commissioner, a vehicle removal certificate. The vehicle may be sold or transferred to a licensee or a scrap metal processor.

(b) If the person in possession of an abandoned motor vehicle desires to obtain title to the vehicle, that person shall post notice for at least 21 days of his intent to auction the motor vehicle. Postings of intent shall be in an electronic manner prescribed by the commissioner who shall also ensure that written notice of intent is provided in public locations throughout the commonwealth. If the department confirms a lien, the person proposing the sale of the motor vehicle shall notify the lienholder of record, by certified mail, at the address on the certificate of title of the time and place of the proposed sale ten days prior thereto.

(c) A purchaser of the motor vehicle may apply for a title upon payment of the applicable fees and taxes, and by supplying the department with the completed vehicle removal certificate and the transcript from the department that indicates that the department has no record of the abandoned motor vehicle.

State law reference— Similar provisions, Code of Virginia, § 46.2-1202.1.

Sec. 22-257. - Surrender of certificate of title by demolisher; records to be kept by demolishers.

(a) No demolisher or scrap metal processor who purchases or otherwise acquires a motor vehicle for wrecking, dismantling, or demolition shall be required to obtain a certificate of title for the motor vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is

no longer a motor vehicle, the demolisher or scrap metal processor shall surrender to the department for cancellation the certificate of title, vehicle removal certificate, properly executed vehicle disposition history, or sales receipt from a foreign jurisdiction for the vehicle.

(b) Demolishers and scrap metal processors shall keep accurate and complete records, in accordance with Code of Virginia, § 46.2-1608, of all motor vehicles purchased or received by them in the course of their business. Demolishers and scrap metal processors shall also collect and verify:

- (1) The towing company's name and, if applicable, the license number issued to the towing company by the Virginia Board for Towing and Recovery Operators,
- (2) One of the ownership or possession documents set out in this section following verification of its accuracy; and
- (3) The driver's license of the person delivering the motor vehicle.

(c) If the delivering vehicle does not possess a license number issued by the Virginia Board for Towing and Recovery Operators, the license plate number of the vehicle that delivered the motor vehicle or scrap shall also be collected and maintained.

(d) In addition, a photocopy or electronic copy of the appropriate ownership document or a vehicle removal certificate presented by the customer shall be maintained. Ownership documents shall consist of either a motor vehicle title or a sales receipt from a foreign jurisdiction or a vehicle disposition history. These records shall be maintained in a permanent ledger in a manner acceptable to the department at the place of business or at another readily accessible and secure location within the commonwealth for at least five years. The personal identifying information contained within these records shall be protected from unauthorized disclosure through the ultimate destruction of the information. Disclosure of personal identifying information by anyone other than the department is subject to the Driver's Privacy Protection Act (18 USC 2721 et seq.).

(e) If requested by a law enforcement officer, a licensee shall make available, during regular business hours, a report of all the purchases of motor vehicles. Each report shall include the information set out in this article and be available electronically or in an agreed-upon format. Any person who violates any provision of this chapter or who falsifies any of the information required to be maintained by this article shall be guilty of a class 3 misdemeanor for the first offense. Any licensee or scrap metal processor who is found guilty of second or subsequent violations shall be guilty of a class 1 misdemeanor.

(f) If the vehicle identification number has been altered, is missing, or appears to have been otherwise tampered with, the demolisher or scrap metal processor shall take no further action with regard to the vehicle except to safeguard it in its then-existing condition and shall promptly notify the department. In no event shall the motor vehicle be disassembled, demolished, processed, or otherwise modified or removed prior to authorization by the department. If the vehicle is a motorcycle, the demolisher or scrap metal processor shall cause to be noted on the title or salvage certificate, certifying on the face of the document, in addition to the above requirements, the frame number of the motorcycle and motor number, if available.

(Code 1980, § 14-71; Code 1995, § 22-257)

State law reference – Similar provisions, Code of Virginia, § 46.2-1206; penalty for misdemeanors, Code of Virginia, § 18.2-11.

Secs. 22-258 – 22-283. - Reserved.

ARTICLE VIII. - BICYCLES, MOTORCYCLES AND MOPEDS

***State law reference** – Authority to regulate bicycles, Code of Virginia, § 15.2-1720; authority to regulate motorcycle and moped noise, Code of Virginia, § 46.2-919.

DIVISION 1. - GENERALLY

Sec. 22-284. - Disposition of unclaimed bicycles and mopeds.

- (a) Any bicycle or moped which has been in the possession of the division of police, unclaimed, for more than 30 days may be sold by the division at public sale or donated to a charitable organization, after compliance with the requirements of this section.
- (b) Any bicycle or moped which has been in the possession of the division of police and unclaimed for a period of more than 60 days may be retained for use by the division of police pursuant to the provisions of chapter 15.
- (c) Any bicycle or moped found and delivered to the division of police by a private person which thereafter remains unclaimed for 30 days after the final date of publication required by this section may be given to the finder.
- (d) The chief of police, or his duly authorized agent, prior to the sale of an unclaimed bicycle or moped, shall cause to be inserted in a newspaper of general circulation in the county, once a week for two successive weeks, notice that there will be a public display and sale of bicycles or mopeds which have been in its possession, unclaimed, for more than 30 days. The notice shall contain the following: a general description of such bicycles or mopeds, the location of the public viewing, and the date, time and place of such sale.
- (e) The proceeds from the sale of any bicycle or moped under this section shall, after payment of costs and expenses incurred by the division of police, be credited to the account of the general fund of the county.
(Code 1980, §§ 14-79–14-81; Code 1995, § 22-281; Ord. No. 947, § 1, 5-14-1997)

Cross reference—Unclaimed personal property, § 15-76 et seq.

State law reference—Disposition of unclaimed bicycles, Code of Virginia, § 15.2-1720.

Secs. 22-285 – 22-301. - Reserved.**DIVISION 2. - MOTORCYCLES****Sec. 22-302. - Operation of unlicensed motorcycle.**

- (a) *Generally.* It shall be unlawful for any person to operate any motorcycle, as defined in Code of Virginia, § 46.2-100, which does not comply with the registration and licensing requirements of the Code of Virginia, on the public highways of the county, or upon the driveways or premises of a church, school, recreational facility or business property open to the public, unless authorized by the owner of the property or his agent. The owner of any privately owned property desiring enforcement upon his property of this section shall notify the chief of police in writing of his desire, and the owner shall post notices on his property adequate to inform the public that operation of such vehicles upon that property is unlawful.
- (b) *Seizure of vehicle.* Where any officer charged with the enforcement of this chapter arrests any person and charges him with a violation of subsection (a) of this section, he shall seize the motorcycle, giving a receipt for the motorcycle, and deliver it to the chief of police or his designee. The vehicle shall be held by the chief of police or his designee until the charge is disposed of by the court having jurisdiction. Seizure shall not be made of any motorcycle operated on private property unless the owner complies with the requirements of subsection (a) of this section. In disposing of the charge, the court shall order the vehicle returned to its owner.
- (c) *Holding of vehicle.* When any person has been convicted of a second or subsequent violation of this section, the judge may order such vehicle held by the chief of police for a period not to exceed 90 days.
- (d) *Payment of towing and storage charges.* Should it become necessary for any officer charged with the enforcement of this section to utilize a commercial towing service to transport a motorcycle seized in

accordance with the provisions of this section to the storage site designated by the chief of police, then upon conviction the owner shall be assessed the costs related to the towing and storage prior to the release of the seized motorcycle.

(e) *Procedure on failure to claim vehicle.* If any person fails to claim any motorcycle seized under the provisions of this section within 15 days of the date specified by the court, the chief of police or his designee shall notify the owner of record and all persons having security interests therein, if known, by registered or certified mail, return receipt requested, that the vehicle has been taken into custody. The notice shall describe the year, make, model and serial number of the seized motorcycle, set forth the location of the facility where the motorcycle is being held, and inform the owner and any persons having security interests of their right to claim the motorcycle within 15 days after the date of the notice, and state that failure of the owner or persons having security interests to exercise their right to reclaim the motorcycle within the time provided shall be deemed a waiver by the owner of all right, title and interest in the motorcycle, and consent to the sale of the motorcycle at a public auction, all in accordance with the provisions of Code of Virginia, § 46.2-1202. The motorcycle shall then be disposed of in accordance with the provisions of Code of Virginia, § 46.2-1203.

(Code 1980, § 14-14; Code 1995, § 22-301)

State law reference – Authority to regulate unlicensed motorcycles, Code of Virginia, § 46.2-916.

Secs. 22-303 – 22-322. - Reserved.

DIVISION 3. - MOPEDS

Sec. 22-323. - Safety equipment.

(a) *Required equipment.* Every person operating a moped, as defined in Code of Virginia, § 46.2-100, on a public street or highway shall wear a face shield, safety glasses or goggles of a type approved by the superintendent of state police, or have his moped equipped with safety glass or a windshield at all times while operating such vehicle. Operators and passengers thereon, if any, shall wear protective helmets of a type approved by the superintendent.

(b) *Penalty.* Any person who knowingly violates the provisions of this section shall be guilty of a traffic infraction and be subject to a fine of not more than \$50.00.

(Code 1980, § 14-2.2; Code 1995, § 22-321)

State law reference – Authority to so provide, Code of Virginia, § 46.2-915.2.

Secs. 22-324 – 22-349. - Reserved.

DIVISION 4. - BICYCLES

Sec. 22-350. - Riding on sidewalk or crosswalk.

(a) No person shall ride a bicycle on designated sidewalks or crosswalks, including those of any church, school, recreational facility, or any business property open to the public where such activity is prohibited. Signs indicating such prohibition shall be conspicuously posted in general areas where bicycle riding is prohibited.

(b) In locations where the riding of bicycles on sidewalks or crosswalks is not prohibited:

(1) A person riding a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

(2) A person shall not ride a bicycle upon and along a sidewalk, or across a roadway upon and along a sidewalk, where such use of bicycles is prohibited by official traffic control devices.

(3) A person riding a bicycle upon and along a sidewalk, or across a roadway upon and along a crosswalk, shall have all the rights and duties of a pedestrian under the same circumstances.

(Code 1980, § 14-21(b), (c); Code 1995, § 22-341)

Cross reference – Streets, sidewalks and other public property, ch. 18.

State law reference – Riding bicycles on sidewalks, etc., Code of Virginia, § 46.2-904.

Sec. 22-351. - Certificate of registration required; display of registration number.

It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets, roads or public highways of the county without first obtaining a certificate of registration from the chief of police and attaching to such bicycle a metallic registration number.

(Code 1980, § 14-73; Code 1995, § 22-342)

Sec. 22-352. - Registration plate generally; records of registered bicycles.

The county shall provide metallic registration plates and seals, together with registration cards. The metallic registration plates and registration cards shall be numbered in numerical order, beginning with number 1, and the design, color and identification lettering thereon shall be approved by the chief of police. It shall be the duty of the chief of police to cause to be attached one of such metallic registration plates to the frame of each bicycle and to issue a corresponding registration card to the owner of such bicycle upon the payment of the registration fee required by section 22-356. Such metallic registration plate shall remain attached to the bicycle for which it was issued during the period such bicycle is operated within the county. The chief of police shall keep a permanent register in which shall be entered the name, address and age of the owner of each registered bicycle, the date of registration and sufficient information to identify such bicycle.

(Code 1980, § 14-74; Code 1995, § 22-343)

Sec. 22-353. - Notification of police on transfer of ownership; transfer of registration.

It shall be unlawful for any person to sell or transfer ownership of any bicycle without reporting to the chief of police within 48 hours from the time thereof full and complete information relative to such transfer so that such bicycle may be registered in the name of the transferee. The purchaser or transferee of any such bicycle shall apply for a transfer of registration therefor within five days from the time it is acquired by him.

(Code 1980, § 14-75; Code 1995, § 22-344)

Sec. 22-354. - Report of purchases by dealers of secondhand bicycles and parts.

It shall be unlawful for any person engaged in the business of buying secondhand bicycles, or any parts of secondhand bicycles, to fail to report to the chief of police within 48 hours after acquiring any secondhand bicycle, or part thereof. Such report shall include the registration number of such bicycle, a description of each bicycle acquired, and the frame number thereof, together with the name and address of the person from whom it was acquired. In case of the purchase of any parts of bicycles, the report shall describe each part and give the name and address of the person from whom it was acquired.

(Code 1980, § 14-76; Code 1995, § 22-345)

Sec. 22-355. - Removal, destruction or alteration of frame number, registration plate or registration card.

It shall be unlawful for any person willfully or maliciously to remove, destroy, mutilate or alter the number of any bicycle frame registered pursuant to this chapter. It shall also be unlawful for any person willfully or maliciously to remove, destroy, mutilate or alter any registration plate or registration card issued pursuant to the provisions of this chapter during the time in which such registration plate or card is operative. It shall also be unlawful for any person to possess a bicycle whose frame number has been removed, destroyed or altered; provided, however, that nothing in this chapter shall prohibit the chief of police from stamping a number on the frame of a bicycle on which no serial number can be found or on which such number is illegible or insufficient for identification purposes.

(Code 1980, § 14-77; Code 1995, § 22-346)

Sec. 22-356. - Registration fee; transfer of plates; replacement of plates.

The registration fee to be paid for each bicycle registered shall be \$1.00. Upon the sale or other transfer of a licensed bicycle the licensee shall remove the license plate and shall either surrender it to the chief of police or may upon proper application, but without payment of an additional fee, have such plate assigned to another bicycle owned by the applicant. Once a bicycle has been registered in a given name, the registration thereof may be transferred from one owner to another without the payment of an additional fee. The fee required in this section shall cover all charges incident to registration and issuance of registration plates and cards. All fees collected shall be paid into the county treasury. Should the metallic registration number attached to any bicycle become lost, altered or mutilated, the owner thereof shall apply to the chief of police for another such number, certifying by a writing under oath that the metallic registration number has been so lost, altered or mutilated, and the chief of police shall then issue to such person a metallic registration number identical with that theretofore issued and cause it to be attached to the bicycle upon the payment by such owner of a fee of \$1.00.

(Code 1980, § 14-78; Code 1995, § 22-347)

Secs. 22-357 – 22-385. - Reserved.

ARTICLE IX. - PARKING PRIVILEGES FOR DISABLED PERSONS

Sec. 22-386. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commissioner and *department* mean the commissioner of the state department of motor vehicles and the state department of motor vehicles, respectively.

Disabled parking sign means any sign used to identify parking spaces for use by vehicles bearing valid organizational, permanent, or temporary removable windshield placards, disabled parking license plates, or disabled parking license plates issued under Code of Virginia, § 46.2-739. All disabled parking signs shall be erected and maintained in accordance with signage requirements specified in Code of Virginia, § 36-99.11.

Organizational removable windshield placard means a two-sided, hooked placard which includes on each side:

- (1) The international symbol of access at least three inches in height, centered on the placard, and shown in white on a green background;
- (2) The name of the institution or organization;
- (3) An identification number;
- (4) An expiration date imprinted on the placard and indicated by a month and year hole-punch system or an alternative system designed by the department;
- (5) A misuse hotline number designated by the department;
- (6) A warning of the penalties for placard misuse; and
- (7) The seal or identifying symbol of the issuing authority.

Permanent removable windshield placard means a two-sided, hooked placard which includes on each side:

- (1) The international symbol of access at least three inches in height, centered on the placard, and shown in white on a blue background;
- (2) The name, age, and sex of the person to whom issued;
- (3) An identification number;
- (4) An expiration date imprinted on the placard and indicated by a month and year hole-punch system or an alternative system designed by the department;
- (5) A misuse hotline number designated by the department;
- (6) A warning of the penalties for placard misuse; and
- (7) The seal or other identifying symbol of the issuing authority.

However, the person to whom the placard is issued may cover his name and/or age, as shown on the placard, with opaque, removable tape, provided that no other data on the placard is covered or obscured by such tape.

Person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking means a person who, as determined by a licensed physician, podiatrist, or chiropractor:

- (1) Cannot walk 200 feet without stopping to rest;
- (2) Cannot walk without the use of or assistance from a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
- (3) Is restricted by lung disease to such an extent that his force (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or when at rest, his arterial oxygen tension is less than 60 millimeters of mercury on room air;
- (4) Uses portable oxygen;
- (5) Has a cardiac condition to the extent that his functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association;
- (6) Is severely limited in his ability to walk due to an arthritic, neurological, or orthopedic condition;
- (7) Has some other debilitating condition that, in the view of a licensed physician, podiatrist, or chiropractor limits or impairs his ability to walk;
- (8) Has been diagnosed with a mental or developmental amentia or delay that impairs judgment including, but not limited to, an autism spectrum disorder;
- (9) Has been diagnosed with Alzheimer's disease or another form of dementia;
- (10) Is legally blind or deaf; or
- (11) Has some other condition that, in the view of a licensed physician creates a safety concern while walking because of impaired judgment or other physical, developmental, or mental limitation. For the purposes of this definition, a determination of a disability by a podiatrist or chiropractor shall be

limited to those conditions specified in subsections (1), (2), (6) or (7) of this definition.

Any licensed physician, nurse practitioner, physician assistant, podiatrist, or chiropractor who signs a certification that states that an applicant is disabled under subsection (7) of this definition shall specify, in a space provided on the certification form, the medical condition that limits or impairs the applicant's ability to walk. Any licensed physician, licensed nurse practitioner, or licensed physician assistant who signs a certification that states that an applicant is disabled under subsection (11) of this definition shall specify, in a space provided on the certification form, the physical, developmental, or mental condition that creates the safety concern.

Temporary removable windshield placard means a two-sided, hooked placard which includes on each side:

- (1) The international symbol of access at least three inches in height, centered on the placard, and shown in white on a red background;
- (2) The name, age, and sex of the person to whom issued;
- (3) An identification number;
- (4) An expiration date imprinted on the placard and indicated by a month and year hole-punch system or an alternative system designed by the department;
- (5) A misuse hotline number;
- (6) A warning of the penalties for placard misuse; and
- (7) The seal or other identifying symbol of the issuing authority.

However, the person to whom the placard is issued may cover his name and/or age, as shown on the placard, with opaque, removable tape, provided that no other data on the placard is covered or obscured by such tape.

(Code 1995, § 22-348; Ord. No. 963, § 2, 10-22-1997)

Cross reference – Definitions and rules of construction, § 1-2.

State law reference – Similar provisions, Code of Virginia, § 46.2-1240.

Sec. 22-387. - Parking by those not disabled prohibited.

It shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard or a temporary removable windshield placard issued under Code of Virginia, § 46.2-1241, or DV disabled parking license plates issued under Code of Virginia, § 46.2-739(B) to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk or for a person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle.

(Code 1995, § 22-349; Ord. No. 963, § 2, 10-22-1997)

State law reference – Authority to so provide, Code of Virginia, § 46.2-1242(B).

Sec. 22-388. - Issuance of summons.

A summons or parking ticket for the violation of section 22-387 may be issued by law enforcement officers and other uniformed personnel employed by the county to enforce parking regulations without the

necessity of a warrant being obtained by the owner of any private parking area.

(Code 1995, § 22-350; Ord. No. 963, § 2, 10-22-1997)

State law reference— Authority to so provide, Code of Virginia, § 46.2-1242(B)(2).

Sec. 22-389. - Signage requirements.

No violation of section 22-387 shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in Virginia Code, § 36-99.11, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

(Code 1995, § 22-351; Ord. No. 963, § 2, 10-22-1997)

State law reference— Similar provisions, Code of Virginia, § 46.2-1242(D).

Sec. 22-390. - Display of disabled parking placards.

Organizational removable windshield placards, permanent removable windshield placards and temporary removable windshield placards shall be displayed in such a manner that they may be viewed from the front and rear of the vehicle and be hanging from the rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities that limit or impair their ability to walk. When there is no rearview mirror, the placard shall be displayed on the vehicle's dashboard. No placard shall be displayed from the rearview mirror while a vehicle is in motion.

(Code 1995, § 22-352; Ord. No. 963, § 2, 10-22-1997)

State law reference— Similar provisions, Code of Virginia, § 46.2-1241(E).

Sec. 22-391. - Reciprocity.

Disabled parking license plates, permanent removable windshield placards, temporary removable windshield placards and DV disabled parking license plates issued by other states and countries for the purpose of identifying vehicles permitted to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk shall be accorded all rights and privileges accorded vehicles displaying such devices in the state.

(Code 1995, § 22-353; Ord. No. 963, § 2, 10-22-1997)

State law reference— Similar provisions, Code of Virginia, § 46.2-1258.

Sec. 22-392. - Towing of unauthorized vehicles.

The owner or duly authorized agent of the owner of a parking space properly designated and clearly marked as reserved for use by persons with disabilities that limit or impair their ability to walk may have any vehicle not displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards or DV disabled parking license plates removed from the parking space and stored. The owner of a vehicle which has been removed and stored may regain possession of his vehicle on payment to the person who removed and stored the vehicle all reasonable costs incidental to the removal and storage. The owner of the vehicle, on notice to the owner or duly authorized agent of the owner of the parking space, may also petition the

general district court having jurisdiction over the location where the parking occurred for an immediate determination as to whether the removal of the vehicle was lawful. If the court finds that the removal was unlawful, the court shall direct the owner of the parking space to pay the costs incidental to the removal and storage of the vehicle and return the vehicle to its owner.

(Code 1995, § 22-354; Ord. No. 963, § 2, 10-22-1997)

State law reference – Similar provisions, Code of Virginia, § 46.2-1246.

Sec. 22-393. - DMV registration to constitute prima facie evidence that registered owner committed violation.

In any prosecution charging a violation of section 22-387, proof that the vehicle described in the complaint, summons, parking ticket, citation or warrant was parked in violation of the ordinance, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Code of Virginia, title 46.2, ch. 6 (Code of Virginia, § 46.2-600 et seq.), as amended, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

(Code 1995, § 22-355; Ord. No. 963, § 2, 10-22-1997)

State law reference – Similar provisions, Code of Virginia, § 46.2-1242(C).

Sec. 22-394. - Penalty.

A violation of section 22-387 shall be punishable by a fine of not less than \$100.00 nor more than \$500.00. However, if there is a placard within a vehicle utilizing a parking space reserved for persons with disabilities, but that placard is not displayed as required by section 22 387, the fine shall be not less than \$20.00 nor more than \$50.00.

(Code 1995, § 22-356; Ord. No. 963, § 2, 10-22-1997; Ord. No. 1125, § 1, 9-8-2008)

State law reference – Authority to so provide, Code of Virginia, § 46.2-1242(B), (B)(1).

Secs. 22-395 – 22-416. - Reserved.

ARTICLE X. - PARADES

***Cross reference** – Authority to regulate assemblages, § 13-19.

Sec. 22-417. - Purpose of article.

This article is enacted for the purpose of protecting the public health, safety and welfare of county citizens, ensuring the free and safe passage of pedestrians and vehicles on the streets and highways of the county and encouraging the exercise of the rights to free speech and assembly.

(Code 1995, § 22-361; Ord. No. 1102, § 2, 3-27-2007)

Sec. 22-418. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parade means any march, procession, motorcade, marathon or race consisting of people, animals or vehicles, or a combination thereof, upon the streets, highways, sidewalks or other public rights-of-way within the county, which has a substantial likelihood of interfering with the normal flow or regulation of pedestrian or vehicular traffic.

Spontaneous event means an unplanned or unannounced coming together of persons, animals or vehicles in a parade that is caused by, or in response to, unforeseen circumstances or events.

(Code 1995, § 22-362; Ord. No. 1102, § 2, 3-27-2007)

Cross reference – Definitions and rules of construction, § 1-2.

Sec. 22-419. - Permit required; penalty.

(a) It shall be unlawful to conduct a parade within the county except in accordance with a permit issued by the chief of police and such other regulations in this article which may apply. Violation of this section shall constitute a class 3 misdemeanor.

(b) The provisions of this section shall not apply to:

- (1) Spontaneous events;
- (2) Funeral processions;
- (3) Parades conducted by the United States armed forces, the military forces of the state, or the divisions of fire and police of the county;
- (4) Any gathering that is not substantially likely to require closing a street, highway or other public right-of-way within the county.

(Code 1995, § 22-363; Ord. No. 1102, § 2, 3-27-2007)

State law reference – Penalty for class 3 misdemeanor, Code of Virginia, § 18.2-11.

Sec. 22-420. - Permit application.

(a) Application for a permit under this article shall be made in writing on forms provided for this purpose and filed with the chief of police at least 30 days before the date of the parade. Applicants shall provide the following:

- (1) The name, address and telephone numbers of the applicant.
- (2) The name, address and telephone numbers of any organization sponsoring or organizing the parade, as well as a statement concerning the nature of any such organization.
- (3) A statement specifying the nature, type and size of the parade, including: the purpose of the parade; whether pedestrians, vehicles or animals will participate; the types and approximate numbers of vehicles anticipated; and the approximate number of runners, foot units or other groups of persons anticipated.
- (4) A statement specifying the proposed parade date and times for formation, starting and ending; parade route; and the locations for formation and disbanding.
- (5) A map of the proposed parade route.
- (6) If the proposed route traverses or crosses any part of the state's primary highway system, written permission from the resident engineer of the Virginia Department of Transportation must be attached to the application for the application to be deemed complete.
- (7) Any other information that the chief of police deems necessary in order to grant a permit in accordance with the provisions of this article.

(b) The chief of police shall have the authority to consider and act upon an application filed less than 30

days before the proposed parade, if in his judgment time and resources permit such consideration in accordance with the provisions of this article.

(Code 1995, § 22-364; Ord. No. 1102, § 2, 3-27-2007)

Sec. 22-421. - Issuance or denial of permit.

(a) The chief of police shall issue or deny a permit within 15 days of the filing of an application completed in accordance with section 22-420. Nothing in this article shall permit the chief of police to base his decision on the content of any speech, message or viewpoint to be expressed in the proposed parade. A permit shall be issued if the chief of police determines that:

(1) All applicable provisions of this article have been met, including an agreement to pay the fee specified in section 22-422;

(2) Adequate traffic and crowd control can be provided for the parade to protect the public health, safety and welfare;

(3) The parade will not violate any applicable state laws or regulations; and

(4) The parade will not interfere with a previously scheduled parade or other event.

(b) The chief of police may issue a permit with restrictions or other modifications to the proposed parade as he deems advisable to protect the public health, safety and welfare.

(c) Should a permit be denied, the chief of police shall so notify the applicant and state the grounds for denial within 15 days of the filing of the application.

(Code 1995, § 22-365; Ord. No. 1102, § 2, 3-27-2007)

Sec. 22-422. - Fee.

Prior to the issuance of a permit, an applicant shall agree to pay the reasonable cost of providing traffic and crowd control for the parade. The fee shall be based on the uniform schedule of fees maintained by the chief of police, the number of personnel providing services and the duration of the services. Nothing in this article shall permit the chief of police to assess a fee based upon the content of any speech, message or viewpoint to be expressed in the proposed parade.

(Code 1995, § 22-366; Ord. No. 1102, § 2, 3-27-2007)

Sec. 22-423. - Revocation.

The chief of police shall have the authority to revoke any permit issued pursuant to this article if any information supplied by the applicant is discovered to be false or intentionally misleading, or if any term, condition or restriction of the permit has been substantially violated.

(Code 1995, § 22-367; Ord. No. 1102, § 2, 3-27-2007)