

## Chapter 13

### MOTOR VEHICLES AND TRAFFIC

#### Article I. In General

- Sec. 13-1. Short title.
- Sec. 13-2. Required compliance with chapter.
- Sec. 13-3. Chapter applicable to - Drivers of publicly owned vehicles.
- Sec. 13-4. Same - Bicycle riders; riders and drivers of animals.
- Sec. 13-4.1 Bicycle helmet required.
- Sec. 13-5. Chapter not applicable within incorporated towns.
- Sec. 13-6. Definitions.
- Sec. 13-7. Adoption of state law.
- Sec. 13-8. Injuring, tampering with, interfering with, etc., vehicles.
- Sec. 13-9. Parades and processions - Permit required, exceptions; regulations generally.
- Sec. 13-10. Same - Identification of vehicles in funeral processions.
- Sec. 13-11. Same - Driving through funeral or other processions; manner of driving in funeral processions.
- Sec. 13-12. Boarding or alighting from moving vehicles.
- Sec. 13-13. Unlawful riding.
- Sec. 13-14. Unnecessary noise in the operation of motor vehicles; permits to operate sound trucks.
- Sec. 13-4.1. Bicycle helmet required.
- Sec. 13-15. Traffic light signal violation monitoring systems; enforcement and penalty.
- Sec. 13-16. Tail gates on vehicles.
- Sec. 13-17. Riding bicycle without using handle bars.
- Sec. 13-18. Backing.
- Sec. 13-19. Blocking intersection.
- Sec. 13-20. Display of state license plates required.
- Sec. 13-21. State inspection sticker required.
- Sec. 13-22. Duty of driver to stop, etc., in event of accident; duty of occupant; reports additional to other accident reports required by state law.
- Sec. 13-23. Persons at scene of accident to leave upon order of police officer.
- Sec. 13-24. Temporary removal and disposition of vehicles involved in accidents.
- Sec. 13-25. Security of cargos; spilling, leaking, scattering from vehicles prohibited.
- Sec. 13-26. Pedestrians on roadways; keeping to left; soliciting rides.
- Sec. 13-26.1. Operation of certain vehicles on public or private property.
- Sec. 13-27. Penalties not elsewhere provided for certain violations which also constitute misdemeanors under state motor vehicle law.

#### Article II. Driving Automobiles, Etc., While Intoxicated or Under the Influence of any Drug

- Sec. 13-28. Adoption of state law, generally.
- Sec. 13-29. Recovery of expenses for emergency response.
- Secs. 13-30-33. Reserved.

Supp. No. 23, 12-07

### Article III. Stopping, Standing, and Parking

- Sec. 13-36. County administrator authorized to regulate parking and to erect signs, etc.
- Sec. 13-37. Parking vehicle without state license on highway.
- Sec. 13-38. Washing, greasing, etc., vehicle on highway or sidewalk.
- Sec. 13-39. Parking for commercial purposes.
- Sec. 13-40. Manner of parking generally.
- Sec. 13-40.1. Parking spaces reserved for handicapped.
- Sec. 13-40.2. Parking in the state secondary system of highways.
- Sec. 13-40.3. Parking in fire lanes or near fire hydrants.
- Sec. 13-40.4. Parking without a valid license plate decal.
- Sec. 13-40.5. Issuance of citation; amount and pre-payment of fines; protest.
- Sec. 13-40.6. Conditions precedent to issuance of summons for violation of parking ordinance.
- Sec. 13-41. Stopping on traveled portion of highway; school bus discharging children.
- Sec. 13-42. Stopped vehicle not to endanger others or impede traffic; removal of vehicles in violation.
- Sec. 13-43. Flares and other signals when vehicle disabled in highway after dark.
- Sec. 13-44. When red reflector flares or electric lanterns required.
- Sec. 13-45. When red flags required instead of flares, etc.
- Sec. 13-46. Reserved.
- Sec. 13-47. Removal and disposition of unattended vehicles generally.
- Sec. 13-48. Contracts with private persons for removal, etc., of vehicles under preceding section.
- Sec. 13-49. Sale of personal property found in unattended, etc., vehicle.
- Sec. 13-49.1. Removal or immobilization of motor vehicles against which there are outstanding parking violations.
- Sec. 13-49.2. Reserved.
- Sec. 13-50. Parking on private property generally.
- Sec. 13-51. Leaving vehicles upon private property prohibited; removal and disposition thereof; notice of disposition.
- Sec. 13-52. Presumption where vehicle illegally parked.
- Secs. 13-53 - 13-59. Reserved.

### Article IV. Designation of Public Highways for Golf Cart or Utility Vehicle Use

- Sec. 13-60. Use of golf carts or utility vehicles on public highways.
- Sec. 13-61. Definitions.
- Sec. 13-62. Designation of public highways for golf cart and utility vehicle operations.
- Sec. 13-63. Limitations on golf cart and utility vehicle operations on designated public highways.
- Sec. 13-64. Application procedure.
- Sec. 13-65. Penalty.
- Sec. 13-66. Revocation of designation.
- Sec. 13-67. Reserved.

## ARTICLE I. IN GENERAL\*

### Sec. 13-1. Short title.

This chapter shall be known and may be cited as the Traffic Ordinance.

### Sec. 13-2. Required compliance with chapter.

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

(Ord. of 8-3-53, § 1)

### Sec. 13-3. Chapter applicable to-Drivers of publicly owned vehicles.

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

(Ord. of 8-3-53, § 2)

**State law reference**-For similar provisions relating to state motor vehicle laws, see Code of Va., § 46.2-801.

### Sec. 13-4. Same-Bicycle riders; riders and drivers of animals.

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

(Ord. of 8-3-53, § 4; Ord. No. 66A-11, 8-8-83)

#### Sec. 13-4.1. Bicycle helmet required.

a) Every person 14 years of age or younger shall wear a protective helmet which meets the standards promulgated by the American National Standards Institute or the Snell Memorial Foundation whenever riding or being carried on a bicycle on any highway (as defined in § 46.2-100, Code of Virginia), street, sidewalk, or bicycle path.

---

\***Cross reference**-Requirements relating to certain vehicles used in the business of garbage and refuse disposal, § 10-5.

**State law references**-Roads and highways, Code of Va., Title 33.1; state law as to motor vehicles, Code of Va., Title 46.2; traffic signs, lights and markings, Code of Va., § 46.2-830 et seq.; authority of counties relative to parking regulations generally, Code of Va., § 46.2-1219 et seq.; authority of county to adopt ordinances to regulate the operation of vehicles on highways, etc., generally, Code of Va., § 46.2-1300 et seq.; authority of county to adopt ordinances reserving parking spaces for the handicapped, Code of Va., § 46.2-1237; authority to designate stop and yield right-of-way intersections, Code of Va., § 46.2-1301; authority to regulate operation of vehicles in snow, sleet, etc., Code of Va., § 46.2-1302; authority of county to regulate trucks and carriers, Code of Va., § 46.2-1304.

Supp. No. 26, 6-09

b) Violation of this section shall be punishable by a fine of \$25.00. However, with respect to any person riding or being carried on a bicycle, such fine shall be suspended for any person who meets both of the following criteria: (i) is a first-time violator and (ii) purchases a helmet of the type required by this section subsequent to the violation but prior to imposition of the fine.

c) Violation of this section shall not constitute negligence or assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

(Ord. No. 66A-44, 10-12-99)

**State law reference** - Code of Va., § 46.2-906.1.

### **Sec. 13-5. Chapter not applicable within incorporated towns.**

The provisions of this chapter shall not be applicable within the corporate limits of any incorporated town in the county.

**State law reference**-Applicability of county traffic ordinance within incorporated towns, Code of Va., § 46.2-1311.

### **Sec. 13-6. Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

*Business district.* The territory continuous to a highway where 75 per centum or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway is occupied by land and buildings actually in use and operation for business purposes shall constitute a business district for purposes of this chapter.

*Highway.* The entire width between the boundary lines of every public road, street, way or place open to the use of the public for purposes of vehicular travel in the county. For law enforcement purposes only, "highway" shall include all private roads, streets or other access ways located within any residential development containing 100 or more lots.

*Residence district.* The territory contiguous to a highway, not comprising a business district, where 75 per centum or more of the property contiguous to such highway, on either side of the highway, for a distance of 300 feet or more along the highway is occupied by dwellings and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or buildings in use for business purposes shall constitute a residence district for the purposes of this chapter.

(Ord. of 8-3-53, § 7; Ord. No. 66A-31, 6-21-93)

**State law reference**-For similar definitions relating to state motor vehicle laws, Code of Va., § 46.2-100 and § 46.2-1307.

### **Sec. 13-7. Adoption of state law.**

(a) Pursuant to the authority of section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in title 46.2 of the Code of Virginia, as amended, and in force on July 1, 2009, except those provisions and requirements the violation of which constitutes a felony, and

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. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any provision of title 46.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia.

(b) It is the intent of the board of supervisors that all future amendments to sections of the Code of Virginia incorporated by reference in the provisions of this article be included in this article automatically upon their effective date, without formal amendment of this article by the board of supervisors.

(Ord. of 11-25-74; Ord. No. 66A-11, 8-8-83; Ord. No. 66A-16, 12-2-85; Ord. No. 66A-18, 7-7-86; Ord. No. 66A-20, 6-1-87; Ord. No. 66A-22, 6-6-88; Ord. No. 66A-24, 6-5-89; Ord. No. 66A-26, 11-6-89; Ord. No. 66A-27, 6-4-90; Ord. No. 66A-29, 6-17-91; Ord. No. 66A-30, 6-15-92; Ord. No. 66A-31, 6-21-93; Ord. No. 66A-32, 6-20-94; Ord. No. 66A-34, 12-19-94; Ord. No. 66A-36, 6-19-95; Ord. No. 66A-38, 6-11-96; Ord. No. 66A-40, 7-8-97; Ord. No. 66A-41, 6-9-98; Ord. No. 66A-43, 6-22-99; Ord. No. 66A-45, 6-27-00; Ord. No. 66A-46, 6-26-01; Ord. No. 66A-47, 6-25-02; Ord. No. 66A-50, 6-24-03; Ord. No. 66A-51, 6-22-04; Ord. No. 66A-52, 6-28-05; Ord. No. 66A-54, 6-13-06; Ord. No. 66A-58, 6-26-07; Ord. No. 66A-62, 6-24-08; Ord. No. 66A-64, 6-9-09)

**State law reference**-Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

### **Sec. 13-8. Injuring, tampering with, interfering with, etc., vehicles.**

(a) No person shall individually or in association with one or more others willfully break, injure, tamper with or remove any part of any motor vehicle, trailer or semitrailer for the purpose of injuring, defacing or destroying such motor vehicle, trailer or semitrailer or temporarily or permanently preventing its useful operation, or for any purpose, against the will or without the consent of the owner of such motor vehicle, trailer or semitrailer, nor shall any person in any other manner willfully or maliciously interfere with or prevent the running or operation of such motor vehicle, trailer or semitrailer.

(b) No person shall, without the consent of the owner or person in charge of a motor vehicle, trailer or semitrailer, climb into or upon such motor vehicle, trailer or semitrailer with intent to commit any crime, malicious mischief or injury thereto; or while a motor vehicle, trailer or semitrailer is at rest and unattended shall attempt to manipulate any of the levers or starting crank or other device, brakes or mechanism thereof or to set such motor vehicle, trailer or semitrailer in motion; except, that the foregoing provision 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 the performance of any other official duty.

**State law references**-Tampering with vehicles, etc., Code of Va., §§ 18.2-146, 18.2-147.

### **Sec. 13-9. Parades and processions-Permit required; exceptions; regulations generally.**

No funeral procession or parade, excepting the armed forces of the United States and the military forces of the state, shall occupy, march or proceed along any highway in the county except in accordance with a permit issued by the governing body or its duly authorized agent, and such other regulations as are prescribed by this County Code which may apply.

**State law reference**-Right-of-way of troops as parade, Code of Va., § 46.2-827.

**Sec. 13-10. Same-Identification of vehicles in funeral processions.**

All motor vehicles participating in a funeral procession, when proceeding to any place of burial, shall display illuminated head lamps thereon and such other identification as the county administrator may prescribe.

**Sec. 13-11. Same-Driving through funeral or other processions; manner of driving in funeral processions.**

(a) No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession except when otherwise directed by a police officer. This provision shall not apply to authorized emergency vehicles, as defined in section 46.2-920 of the Code of Virginia.

(b) Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe.  
(Ord. No. 66A-26, 11-6-89)

**Sec. 13-12. Boarding or alighting from moving vehicles.**

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

**Sec. 13-13. Unlawful riding.**

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision 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

**Sec. 13-14. Unnecessary noise in the operation of motor vehicles; permits to operate sound trucks.**

(a) No vehicle shall be loaded with materials likely to create loud noises by striking together, without using every reasonable effort to deaden the noise.

(b) The use in, upon or attached to any motor vehicle operating on any highway of the county of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound therefrom is cast upon any highway to promote or advertise the sale of goods, wares or merchandise, or for the purpose of advertising auction sales, sporting events or other businesses or things advertised thereby, is prohibited; provided, that the provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade; and provided further, that the board of supervisors may grant permits for the use of loudspeaker and sound amplifying devices in, on or attached to motor vehicles under such terms and conditions as may be deemed appropriate for the general welfare, which shall be stated in each such permit.

(c) It shall be unlawful for any person in operating a motor vehicle or motorcycle within the county to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise.

Supp. No. 26, 6-09

(d) In operating a motor vehicle or motorcycle, the following acts, among others, are declared to create loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:

- (1) The use of a motor vehicle or motorcycle so out of repair as to cause thereby loud and unnecessary grating, grinding, rattling or any of such noises, or any other unnecessary noise.
- (2) The practice of unnecessarily racing the motor of a motor vehicle or motorcycle while standing or moving thereby causing unnecessary noise from such motor.
- (3) The practice of unnecessarily retarding the spark to the motor of a motorcycle and thereby causing unnecessary, loud and explosive noise from the motor.
- (4) In starting a motor vehicle or motorcycle from a standing position, the practice of gaining speed unnecessarily quickly and thereby causing unnecessary and loud noise from the motor and the screeching of tires, or either of such noises.
- (5) The practice of coming to an unreasonably quick stop with a motor vehicle or motorcycle and thereby causing unnecessary grinding of brakes and screeching of tires or either of such noises.

**State law reference**-Prohibition of muffler cutouts etc., Code of Va., § 46.2-1047.

#### **Sec. 13-15. Traffic light signal violation monitoring systems; enforcement and penalty.**

(a) *Definitions.* The following words and terms used in this section shall have the following meanings:

*Owner.* The registered owner of such vehicle on record with the Virginia Department of Motor Vehicles.

*Traffic light signal violation monitoring system.* A vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video or other recorded images of each vehicle at the time a vehicle is used or operated in violation of Code of Virginia Sections 46.2-833, 46.2-835 or 46.2-836, which are incorporated herein by reference. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.

(b) *Installation and operation of traffic light signal photo-monitoring systems.* Traffic light signal violation monitoring systems may be installed and operated at no more than one intersection for every 10,000 residents within the county, at any one time.

(c) *Monetary penalty; effect of conviction.* The operator of a vehicle shall be liable for a monetary penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within the county. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. No monetary penalty imposed under this section shall exceed \$50.00, nor shall it include court costs.

(d) *Proof; certificate.* Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system. A certificate, sworn to or affirmed by a law enforcement officer employed by the county authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to this section.

(e) *Evidence of violation; presumption.* In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle:

- (i) files an affidavit by regular mail with the clerk of the general district court that he or she was not the operator of the vehicle at the time of the alleged violation; or
- (ii) testifies in open court under oath that he or she was not the operator of the vehicle at the time of the alleged violation.

Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation.

(f) *Summons.* A summons for a violation of this section may be executed pursuant to the Code of Virginia, Section 19.2-76.2. Notwithstanding the provisions of the Code of Virginia Section 19.2-76, a summons for violation of this section may be executed by mailing by first class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of the Department of Motor Vehicles; in the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of:

- (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection (e); and
- (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent.

If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in the Code of Virginia Section 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for a violation of this section shall provide to the person summoned at least 60 business days from the mailing of the summons to inspect information collected by a traffic light signal violation monitoring system in connection with the violation.

(g) *Admissibility of evidence.* Information collected by a traffic light signal violation monitoring system installed and operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations.

(h) *Private entities.* On behalf of the county, a private entity may not obtain records regarding the registered owners of vehicles, which fail to comply with traffic light signals. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not:

- (i) be open to the public;
- (ii) be sold or used for sales, solicitation, or marketing purposes;
- (iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or
- (iv) be used in court in a pending action or proceeding unless the action or proceeding relates to a violation of Virginia Code Sections 46.2-833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction.

A private entity may enter into an agreement with the county to be compensated for providing the traffic light signal violation monitoring system or equipment, and all related support services, to include consulting, operations and administration. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If a summons for a violation of this section has not been executed within 10 business days, all information collected pertaining to that suspected violations shall be purged within 2 business days. The traffic light signal violation monitoring system shall be annually certified in compliance with Virginia Code section.

(Ord. No. 66A-57, 4-24-07)

**State law reference** - Code of Va., § 15.2-968.1.

#### **Sec. 13-16. Tail gates on vehicles.**

It shall be unlawful for the operator of any truck, trailer or other vehicle equipped with a tail gate to lower or open the tail gate thereon, or to suffer or permit such tail gate to be lowered or opened, except during the time the vehicle is being loaded or unloaded, and except during the time the load on the vehicle necessitates a lowered or opened tail gate as a support for the load. It shall be the duty of the operator of any such vehicle to see that the tail gate on such vehicle is kept closed or raised, except during the times hereinbefore specified. Any person who shall violate the provisions of this section shall be punished by a fine of not less than \$5.00 for each offense.

#### **Sec. 13-17. Riding bicycle without using handle bars.**

No person shall ride a bicycle upon any highway in the county without having his hands upon the handle bars.

#### **Sec. 13-18. Backing.**

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

Supp. No. 22, 6-07

**Sec. 13-19. Blocking intersection.**

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.

**Sec. 13-20. Display of state license plates required.**

It shall be unlawful for any person to operate, or for the owner or person in control thereof to knowingly permit the operation of, upon a highway of the county, any motor vehicle, trailer or semitrailer without having displayed thereon the license plate or plates assigned thereto by the state division of motor vehicles for the current registration year, whenever such license plate or plates are required by section 46.2-613 of the Code of Virginia. (Ord. No. 66A-26, 11-6-89)

**Sec. 13-21. State inspection sticker required.**

Except as otherwise expressly provided by state law, it shall be unlawful for any person to operate or cause or permit the operation of a motor vehicle, trailer or semitrailer upon the highways of this county unless there is properly displayed thereon a valid state inspection sticker showing that such vehicle, trailer or semitrailer has been inspected and approved under the provisions of sections 46.2-1157 to 46.2-1175.1 of the Code of Virginia. (Ord. No. 66A-26, 11-6-89)

**Sec. 13-22. Duty of driver to stop, etc., in event of accident; duty of occupant; reports additional to other accident reports required by state law.**

(a) The driver of any vehicle involved in an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged shall immediately stop as close to the scene of the accident as possible without obstructing traffic and report forthwith to either the county police department or the state police authority, and, in addition, to the person struck and injured if such person appears to be capable of understanding and retaining the information, or to the driver or some other occupant of the vehicle collided with or to the custodian of other damaged property, his name, address, driver's license number and the registration number of his vehicle. The driver shall also render reasonable assistance to any person injured in such accident, including the carrying of such injured person to a physician, surgeon or hospital for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

Where, as a result of the injuries sustained in the accident, the driver is prevented from complying with the above provision, the driver shall, as soon as reasonably possible, make the required report to either the county police department or the state police authority and make a reasonable effort to locate the person struck, or the driver or some other occupant of the vehicle collided with, or the custodian of the damaged property and report to such person or persons his name, address, driver's license number and the registration number of his vehicle.

(b) If the driver fails to stop and make the report required by paragraph (a) of this section, every person 16 years of age or older in the vehicle with the driver at the time of the accident who has knowledge of the accident shall have a duty to ensure that a report is made within 24 hours from the time of the accident to the county police department, giving his name, address and such other information within his knowledge as the driver must report pursuant to paragraph (a) of this section.

(c) The driver of any vehicle involved in an accident in which no person is killed or injured but in which an unattended vehicle or other unattended property is damaged shall make a reasonable effort to find the owner or custodian of such property and shall report to the owner or custodian the information which the driver must report pursuant to paragraph (a) of this section if such owner or custodian is found. If the owner or custodian of such damaged vehicle or property cannot be found, the driver shall leave a note in a conspicuous place at the scene of the accident and shall report the accident in writing within 24 hours to either the county police department or state police. Such note and written report shall contain the information which the driver must report pursuant to paragraph (a) of this section and such written report shall state in addition to the date, time and place of the accident and the driver's estimate of the property damage.

Where, as a result of the injuries sustained in the accident, the driver is prevented from complying with the above provisions, the driver shall, as soon as reasonably possible, make the required report to either the county police department or state police and make a reasonable effort to find the owner or custodian of the unattended vehicle or property and report to such person or persons such information as is required to be reported pursuant to paragraph (a) of this section.

(d) If the driver fails to stop and make a reasonable search for the owner or custodian of an unattended vehicle or property or to leave a note for such owner or custodian as required by paragraph (c) of this section, any person 16 years of age or older in the vehicle with the driver at the time of the accident who has knowledge of the accident shall report within 24 hours from the time of the accident to the county police department or state police, his name, address and other such facts within his knowledge as are required by paragraph (c) of this section to be reported by the driver.

(e) The reports required by this section are in addition to other accident reports required by state law and shall be made irrespective of the amount of property damage involved.

(f) The provisions of this section shall apply irrespective of whether such accident occurs on the public streets or highways or on private property.

(Ord. of 8-3-53, § 9; Ord. No. 66A-5, 10-23-78; Ord. No. 66A-11, 8-8-83; Ord. No. 66A-16, 12-2-85)

**State law references**-Duty of driver to stop, etc., in event of accident, Code of Va., § 46.2-894; duty of occupant, Code of Va., § 46.2-895; reports additional to other accident reports required, Code of Va., § 46.2-898.

**Sec. 13-23. Persons at scene of accident to leave upon order of police officer.**

No person shall refuse to move away from the scene of a traffic accident when such person is directed to do so by a police officer or, in the absence of a police officer, by the order of the uniformed fire or rescue officer in charge. (8-3-53, § 44; Ord. No. 66A-16, 12-2-85)

**Sec. 13-24. Temporary removal and disposition of vehicles involved in accidents.**

Whenever a motor vehicle, trailer or semitrailer involved in an accident is found upon a highway in the county and is so located as to impede the orderly flow of traffic, the police may at no cost to the owner or operator remove such motor vehicle, trailer or semitrailer from the highway to some point in the vicinity where such motor vehicle, trailer or semitrailer will not impede the flow of traffic.

**State law reference**-Authority of counties to provide by ordinance for the removal and disposition of vehicles involved in accidents, Code of Va., § 46.2-1212.

**Sec. 13-25. Security of cargos; spilling, leaking, scattering from vehicles prohibited.**

No vehicle shall be operated or moved on any highway unless such vehicle is so constructed, maintained and loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom; provided, however, that no provision of this section shall apply to any:

- (1) Motor vehicle which is used exclusively for agricultural purposes and which is not operated on or over any public highway for any other purpose other than for the purpose of operating it across a highway or along a highway from one point of the owner's land to another part thereof irrespective of whether or not the tracts adjoin;
- (2) To any agricultural vehicle, tractor or other vehicle exempted from registration and licensing requirements pursuant to sections 46.2-663 to 46.2-674 of the Code of Virginia; or
- (3) To any motor vehicle transporting poultry or livestock.  
(Ord. No. 66A-16, 12-2-85; Ord. No. 66A-26, 11-6-89)

**State law reference**-Similar provisions, Code of Va., § 46.2-1156.

**Sec. 13-26. Pedestrians on roadways; keeping to left; soliciting rides.**

Pedestrians shall not use the roadways or streets, other than the sidewalk thereof, for travel, except when necessary to do so because of the absence of sidewalks reasonably suitable and passable for their use, in which case, if they walk upon the hard surface, or the main traveled portion of the roadway, they shall keep to the extreme left side or edge thereof, or where the shoulders of the highway are of sufficient width to permit, they may walk on either shoulder thereof.

Pedestrians shall not stand or stop in any roadway or street for the purpose of soliciting rides.

**State law reference**-Similar state law, Code of Va., § 46.2-928.

**Sec. 13-26.1. Operation of certain vehicles on public or private property.**

It shall be unlawful for any person to operate or permit to be operated any motor vehicle, motorcycle, mini-bike, go-kart, trail bike, dune buggy, motor scooter or other form of transportation propelled by an internal combustion engine upon private property of another or upon public property, other than school property, which is not held open to the public for vehicular use. It shall be unlawful for any person to operate any motor vehicle, motorcycle, mini-bike, go-kart, trail bike, dune buggy or motor scooter upon the grounds or parking lot of any property owned by the county or the school board of the county.

Supp. No. 22, 6-07

This section shall not apply to the following:

- (a) The operation of any vehicle by persons driving upon such property with the written consent of the owner or person in lawful possession of such real property, or to the owner himself, his family, employees, agents or lessees.
  - (b) The operation of emergency and governmental vehicles upon such property as is described in this section.
  - (c) The operation of any licensed vehicle upon school property open to vehicular use by teachers, students or members of the school staff for the purpose of attending school sessions or other related school functions.
  - (d) The operation of any licensed vehicle authorized by the principal of that particular school property on which the vehicle is being operated.
- (Ord. of 5-10-76)

**Sec. 13-27. Penalties not elsewhere provided for certain violations which also constitute misdemeanors under state motor vehicle law.**

Any person convicted of an act or omission in violation of any provision of this chapter, which act or omission also constitutes a misdemeanor under any provision of chapters 1 through 14, inclusive, of title 46.2 of the Code of Virginia, and for which no other penalty is provided in this chapter or in title 46.2 of the Code of Virginia, shall be deemed guilty of a traffic infraction punishable by a fine of not more than \$100.00. (Ord. No. 66A-5, 10-23-78; Ord. No. 66A-26, 11-6-89)

**ARTICLE II. DRIVING AUTOMOBILES, ETC., WHILE INTOXICATED  
OR UNDER THE INFLUENCE OF ANY DRUG\***

**Sec. 13-28. Adoption of state law generally.**

Article 9 (section 16.1-278 et seq.) of chapter 11 of title 16.1 and article 2 (section 18.2-266 et seq.) of chapter 7 of title 18.2, Code of Virginia, as amended and in force July 1, 2009, are hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with any section of the Code of Virginia as adopted by this section.

(Ord. No. 66A-15, 6-10-85; Ord. No. 66A-18, 7-7-86; Ord. No. 66A-20, 6-1-87; Ord. No. 66A-22, 6-6-88; Ord. No. 66A-24, 6-5-89; Ord. No. 66A-27, 6-4-90; Ord. No. 66A-29, 6-17-91; Ord. No. 66A-30, 6-15-92; Ord. No. 66A-31, 6-21-93; Ord. No. 66A-32, 6-20-94; Ord. No. 66A-34, 12-19-94; Ord. No. 66A-36, 6-19-95; Ord. No. 66A-38, 6-11-96; Ord. No. 66A-40, 7-8-97; Ord. No. 66A-41, 6-9-98; Ord. No. 66A-43, 6-22-99; Ord. No. 66A-45, 6-27-00; Ord. No. 66A-46, 6-26-01; Ord. No. 66A-47, 6-25-02; Ord. No. 66A-50, 6-24-03; Ord. No. 66A-51, 6-22-04; Ord. No. 66A-52, 6-28-01; Ord. No. 66A-54, 6-13-06; Ord. No. 66A-58, 6-26-07; Ord. No. 66A-62, 6-24-08; Ord. No. 66A-64, 6-9-09)

**State law reference**-Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

---

\***State law reference**-Authority to adopt state law on the subject, Code of Va., § 46.2-1313.

**Section 13-29. Recovery of expenses for emergency response.**

(a) Any person who is convicted of violating any of the following provisions shall be liable for restitution at the time of sentencing or in a separate civil action to the county or to any responding volunteer fire or rescue squad, or both, for reasonable expenses incurred by the county for responding law enforcement, firefighting, rescue and emergency services, including by the sheriff's office of the county or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to any accident or incident related to such violation:

(1) The provisions of Virginia Code Sections 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, or 29.1-738.02 when such operation of a motor vehicle, engine, train, or watercraft while so impaired is the proximate cause of the accident or incident;

(2) The provisions of Virginia Code Section 46.2-852 et seq. relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;

(3) The provisions of Virginia Code Section 46.2-300 et seq. relating to driving without a license or driving with a suspended or revoked license;

(4) The provisions of Virginia Code Section 46.2-894 relating to improperly leaving the scene of an accident.

(b) Personal liability under this section for reasonable expenses of an appropriate emergency response shall not exceed \$1,000 in the aggregate for a particular accident or incident occurring in the county. In determining the "reasonable expenses" at the time of sentencing, the county's flat fee shall be \$250 unless the county otherwise provides a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services. In addition to the foregoing, the court may order as restitution the reasonable expenses incurred by the county for responding law enforcement, fire-fighting, rescue and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the commonwealth, to the county, or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle, or other conduct as set forth herein.

(Ord. No. 66A-46, 6-26-01; Ord. No. 66A-53, 10-11-05; Ord. No. 66A-55, 9-12-06)

**State law reference** - Code of Va., § 15.2-1716.

**Secs. 13-30 - 13-35. Reserved.**

### **ARTICLE III. STOPPING, STANDING AND PARKING\***

#### **Sec. 13-36. County administrator authorized to regulate parking and to erect signs, etc.**

The county administrator or his designee may classify vehicles, and restrict or prohibit parking with reference to parking upon county-owned property, county-maintained roads and streets, and roads part of the state secondary system within the county, and may designate the time, place and manner such vehicles may be allowed to park thereon; and he may make and enforce such additional rules and regulations as parking conditions may require. When any parking regulation is established, pursuant to this section, the county administrator shall cause to be erected appropriate signs or markers so that an ordinarily observant person, who may be affected by such regulations, will be aware of such regulation.

When any regulation is made pursuant to this section and when appropriate signs or markers have been erected as required by this section, it shall be unlawful for any person to violate any such regulation. (Ord. No. 66A-11, 8-8-83; Ord. No. 66A-61, 2-12-08)

**State law reference**-Authority of county to enact this section, Code of Va., §§ 46.2-1220, 46.2-1221, 46.2-1222.

#### **Sec. 13-37. Parking vehicle without state license on highway.**

It shall be unlawful for any person to park any vehicle having no current state license on any highway in the county.

#### **Sec. 13-38. Washing, greasing, etc., 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.

**State law reference**-Authority of county to prohibit parking for commercial purposes, Code of Va., § 46.2-1224.

#### **Sec. 13-39. Parking for commercial purposes.**

(a) It shall be unlawful for any person to park any automobile, truck or other automotive equipment on or alongside any road, highway or street of the county or of the state in the county, when such person is parking any such automobile, truck or automotive equipment in pursuance of any commercial purpose.

(b) The provisions of this section shall not apply to motor vehicle carriers when picking up or discharging passengers.

(c) Violation of the provisions of this section shall be a misdemeanor.

**State law reference**-Authority of county to enact this section, Code of Va., § 46.2-1224.

---

\***State law reference**-Authority of county with regard to regulation of abandoned vehicles and parking, Code of Va., § 46.2-1200 et seq.

**Sec. 13-40. Manner of parking generally.**

No vehicle shall be stopped except close to and parallel to the right-hand edge of the curb or roadway, except that a vehicle may be stopped close to and parallel to the left-hand curb or edge of roadway on one-way streets or may be parked at an angle where permitted by the state highway and transportation board or the board of supervisors with respect to streets and highways under its jurisdiction.

(8-3-53, § 42; Ord. No. 66A-16, 12-2-85)

**State law reference**-Similar provisions, Code of Va., § 46.2-889.

**Sec. 13-40.1. Parking spaces reserved for handicapped.**

(a) It shall be unlawful for any person to park a vehicle in a parking space identified by an above-grade sign as reserved for the handicapped, except:

- (1) A person with a disability that limits or impairs his or her ability to walk who is driving a motor vehicle displaying state disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under section 46.2-1241 of the Code of Virginia, or a person using a motor vehicle displaying such license plate or placard described above who is transporting a person with a disability that limits or impairs his or her ability to walk; or
- (2) A disabled veteran driving a motor vehicle displaying special license plates issued pursuant to subsection B of section 46.2-739 of the Code of Virginia or a person transporting a disabled veteran in a motor vehicle displaying such special license plates.

(b) The owner or duly authorized agent of a private parking space, or an agent of a public authority having control of a public space, which space is properly designated and marked for handicapped parking, shall have authority to have any vehicle not displaying handicapped parking permits or plates as described in paragraph (a) removed and stored. Possession may be regained by payment to the person who removed the vehicle of all reasonable costs for the removal and storage. The vehicle owner may contest the removal in the manner provided by section 46.2-1246(B) of the Code of Virginia.

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

(Ord. No. 66A-9, 5-10-82; Ord. No. 66A-11, 8-8-83; Ord. No. 66A-23, 9-12-88; Ord. No. 66A-26, 11-6-89; Ord. No. 66A-39, 10-23-96; Ord. No. 66A-48, 8-13-02; Ord. No. 66A-48, 8-13-02)

**State law reference**-Authority of county to regulate parking in spaces reserved for persons with disabilities, Code of Va., § 46.2-1242.

**Sec. 13-40.2. Parking in the state secondary system of highways.**

(a) It shall be unlawful for any person to park a vehicle on any highway which is part of the state secondary system of highways within James City County which has been designated and marked a no parking zone.

(b) The prohibition set forth in this section shall have no application when a vehicle is parked or stopped in compliance with the order of a law enforcement officer or a traffic-control device, or in case of vehicular breakdown, or in an emergency which renders it necessary.  
(Ord. No. 66A-19, 7-7-86; Ord. No. 66A-48, 8-13-02)

**Sec. 13-40.3. Parking in fire lanes or near fire hydrants.**

No person shall park a vehicle or permit it to stand, whether attended or unattended, in a designated fire lane, on a highway in front of a private driveway, within fifteen feet of a fire hydrant or the entrance to a fire station, within fifteen feet of the entrance to a plainly designated building housing rescue squad equipment or ambulances, or within twenty feet from the intersection of curb lines or, if none, then within fifteen feet of the intersection of property lines at any highway intersection.  
(Ord. No. 66A-19, 7-7-86; Ord. No. 66A-48, 8-13-02)

**State law reference**—Code of Va., § 46.2-1239.

**Sec. 13-40.4. Parking without a valid license plate decal.**

It shall be unlawful for any owner of a vehicle required to have a license plate decal to park his or her vehicle (including motorcycles, motor-bikes and minibikes), trailer or semitrailer on any highway which is part of the state secondary system of highways within James City County without having obtained a valid license plate decal which is displayed on such vehicle (including motorcycles, motorbikes and minibikes), trailer or semitrailer.

(Ord. No. 66A-19, 7-7-86; Ord. No. 66A-48, 8-13-02; Ord. No. 66A-49, 11-12-02; Ord. No. 66A-56, 12-12-06)

**Sec. 13-40.5. Issuance of citation; amount and pre-payment of fines; protest.**

(a) Any law enforcement officer of James City County may issue a citation charging a person parking in violation of this article, or if such person is not known, then the registered owner of the motor vehicle parked in violation of this article. Such citations may be posted on the windshield or other conspicuous place of each vehicle found illegally parked.

(b) Except as otherwise noted in this article, violation of any provision of this article shall be a traffic infraction punishable by a fine according to the following schedule:

<b>Type of violation:</b>	<b>Fine paid within 5 days of violation:</b>	<b>Fine paid more than 5 days after violation:</b>
Sec. 13-40.1 (handicapped parking)	\$100	\$200
Sec. 13-40.3 (fire lanes/near fire hydrants)	\$50	\$100
Other violations of this Article	\$10	\$20

Supp. No. 22, 6-07

(c) Fines assessed pursuant to this article that are paid before the issuance of a summons pursuant to section 13-40.6 shall be collected and accounted for by the county treasurer.

(d) Every person charged with a violation of any provision of this Article or of any parking provision of this chapter may, before the issuance of a summons pursuant to section 13-40.6, elect to contest the charge by filing a written protest and a copy of the relevant traffic citation with the county treasurer. Such protest shall identify the charge by traffic citation number and date of issue and shall be signed by the party charged. All parking citations contested pursuant to this section shall be certified in writing, upon an appropriate form, to the clerk of the general district court for the county by the county treasurer. The clerk shall thereupon establish a hearing date and give written notification of the date and time of the hearing to the protestor, the county treasurer, and the law enforcement officer who issued the citation. If the general district court finds the protestor guilty, the fine imposed shall be as specified herein as applicable to payment made more than five days after the date of the violation, and the protestor shall pay all court costs resulting from the proceeding.

(e) Whenever a reply mail envelope is used for transmitting cash, check, draft or money order by mail to the county treasurer's office pursuant to the provisions of this section, the responsibility for receipt of the cash, check, draft or money order by the treasurer shall be that of the registered owner of the vehicle on which the citation was placed.

(Ord. No. 66A-19, 7-7-86; Ord. No. 66A-23, 9-12-88; Ord. No. 66A-48, 8-13-02; Ord. No. 66A-49, 11-12-02)

**Sec. 13-40.6. Conditions precedent to issuance of summons for violation of parking ordinance.**

(a) Before a summons shall issue for prosecution of a violation of any provisions in this chapter regulating parking, the treasurer shall first cause to be sent to the violator a notice, as required by section 46.2-941 of the Code of Virginia, which notice shall require the violator to pay the fine provided by section 13-40.5 for such violation within five days of receipt of such notice..

(b) If the violator shall fail to pay such fine within such five-day period, the treasurer shall cause the appropriate law enforcement officer to issue a summons to the violator requiring such violator's appearance in the general district court for the county to be tried for the offense charged thereunder.

(Ord. No. 66A-19, 7-7-86; Ord. No. 66A-48, 8-13-02)

**Sec. 13-41. Stopping on traveled portion of highway; school bus discharging children.**

No vehicle or part thereof, other than a school bus when discharging children who must cross the highway, shall be stopped on the traveled portion of any highway for the purpose of taking on or discharging cargo or passengers unless the operator cannot leave the traveled portion of the highway with safety. A school bus stopping on the highway shall be stopped at a point where it can be clearly seen from a safe distance from both directions.

(8-3-53, § 43; Ord. No. 66A-11, 8-8-83)

**State law reference**-Similar provisions, Code of Va., § 46.2-893.

**Sec. 13-42. Stopped vehicle not to endanger others or impede traffic; removal of vehicles in violation.**

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case the emergency flashing lights of such vehicle should be turned on if the vehicle is equipped with such lights and such lights are operating, and a report shall be made to the nearest police officer as soon as practicable and the vehicle shall be removed from the highway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay. If the vehicle is not promptly removed, such removal may be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

(8-3-53, § 42; Ord. No. 66A-11, 8-8-83; Ord. No. 66A-16, 12-2-85)

**State law reference**-Similar provisions, Code of Va., § 46.2-888.

**Sec. 13-43. Flares and other signals when vehicle disabled on highway after dark.**

(a) Whenever any bus, truck, trailer, house trailer or mobile home is disabled and stops upon any portion of the traveled portion of any highway in this county, except within the corporate limits of cities or upon streets or highways which are artificially lighted at night, at any time during which lights are required upon motor vehicles by section 46.2-1030 of the Code of Virginia, the operator of such bus, truck, trailer, house trailer or mobile home shall place or cause to be placed on the roadway three red reflector flares or torches of a type approved by the superintendent of state police. One of the flares or torches shall be placed in the center of the lane of traffic occupied by the disabled bus, truck, trailer, house trailer or mobile home and not less than 100 feet therefrom in the direction of traffic approaching in that lane; one not less than 100 feet from such bus, truck, trailer, house trailer or mobile home in the opposite direction; and one at the traffic side of such bus, truck, trailer, house trailer or mobile home not closer than ten feet from the front or rear thereof; provided, that if such bus, truck, trailer, house trailer or mobile home is disabled within 500 feet of a curve or crest of a hill, or other obstruction to view, the flares or torches in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than 500 feet from the disabled vehicle. Red reflectorized triangular warning devices of a type approved by the superintendent of state police may be used in lieu of flares or torches.

(b) The exception provided herein with respect to highways within the corporate limits of cities or upon streets or highways which are artificially lighted at night shall not apply to any portion of any interstate highway within the corporate limits of any city.

(Ord. of 8-3-53, § 45; Ord. No. 66A-26, 11-6-89)

**State law references**-Similar state law, Code of Va., § 46.2-111; lighted headlamps and illuminating devices required from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons or vehicles on the highway are not clearly discernible at a distance of 500 feet, Code of Va., § 46.2-1030.

**Sec. 13-44. When red reflector flares or electric lanterns required.**

If any vehicle mentioned in the preceding section is used for the transportation of inflammable liquids in bulk, whether loaded or empty, or for transporting inflammable gases, red reflector flares or red electric lanterns of a type approved by the superintendent of state police shall be used in lieu of flares. Such reflectors or lanterns shall be lighted and placed upon the roadway in the manner provided above for the placing of flares.

(Ord. of 8-3-53, § 46; Ord. No. 66A-16, 12-2-85)

**State law reference**-Similar state law, Code of Va., § 46.2-111.

Supp. No. 22, 6-07

**Sec. 13-45. When red flags required instead of flares, etc.**

During such time as lights on motor vehicles are not required, red flags not less than 12 inches both in length and width shall be used in the place of flares, torches, reflectors or lanterns. The flags shall be placed upon the roadway in the manner prescribed in sections 13-43 and 13-44 for flares, torches, reflectors and lanterns, except that no flag shall be required to be placed at the side of such vehicle; but if the disablement of such vehicle continues into the period when lights on motor vehicles are required, flares, torches, reflectors or lanterns shall be placed as required by sections 13-43 and 13-44. Red reflectorized triangular warning devices of a type approved by the superintendent of state police may be used in lieu of flags.

(8-3-53, § 47)

**State law reference**-Similar state law, Code of Va., § 46.2-111.

**Sec. 13-46. Reserved.**

**Sec. 13-47. Removal and disposition of unattended vehicles generally.**

(a) It shall be unlawful for any person to leave any motor vehicle, trailer or semitrailer, or part thereof, on the paved or improved surface of any highway or adjacent thereto or on public grounds, unaccompanied by the owner or operator thereof, if such motor vehicle, trailer or semitrailer constitutes a hazard in the use of the highway by reason of its position thereon, or has been unattended longer than ten days. Additionally, it shall be unlawful for any person to abandon any motor vehicle, trailer or semitrailer, or part thereof, on such highway, surfaces or public grounds. The chief of police, discovering or having a report of same, shall remove it or have it removed to the nearest storage garage for safekeeping; however, no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof, and that fact shall be immediately reported to the division of motor vehicles or some officer or agent of the division and to the owner of such motor vehicle, trailer or semitrailer, as promptly as possible, and such owner, before obtaining the possession of such motor vehicle, trailer or semitrailer, shall pay to the parties entitled thereto all reasonable, necessary costs incidental to the removal or storage of such motor vehicle, trailer or semitrailer. In any case of a violation of the provisions of this section the owner of such motor vehicle, trailer or semitrailer, or part thereof, shall be presumed to be the person committing the violation; provided, that such presumption shall be rebuttable by competent evidence; provided further, that where it is shown to the satisfaction of the court that such vehicle was stolen or illegally used by a person other than the owner without authorization of the owner thereof, expressed or implied, such vehicle shall be forthwith returned to its innocent owner who shall be relieved of any payment of costs under the requirements of this section. In any case in which the identity of the person violating this section cannot be determined, or where it is found by the court of competent jurisdiction that this section was not violated, the costs incidental to the removal and storage of such vehicle shall be paid out of the county treasury. Should any owner found guilty of violating this section fail or refuse to apply such costs or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made or after notice to such owner at his address as indicated by the records of the division (and to the holder of any lien of record in the principal office of the division) against such motor vehicle, trailers or semitrailer, the chief of police or other officer designated by the governing body of the county may, after 30 days and after due notice of sale, dispose of the same at public sale and the proceeds from the sale shall be forwarded by the selling officer to the county treasurer; provided, that if the value of such motor vehicle, trailer or semitrailer be determined by three disinterested dealers or garagemen to be less than \$150.00 it may be disposed of by private sale or junked. The treasurer shall pay from the proceeds of the sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.

(b) If no claim has been made by the owner for the proceeds of such sale, after the payment of the above-mentioned costs, the funds may be deposited to the general fund or any special fund of the county. Any such owner shall be entitled to apply to the county within three years from the date of such sale, and, if timely application is made therefor, the county shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of such sale.

(c) It shall be presumed that any such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if:

- (1) It does not bear a current license plate or a current county sticker or a valid state inspection certificate or sticker; and,
- (2) It has been in a specific location for ten days without being moved.

(d) Whenever any motor vehicle, trailer, semitrailer, or part thereof, is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on the paved or improved surface of any highway or right-of-way, the chief of police, upon discovering or having a report of same, may move or have such vehicle removed to some reasonably accessible portion of the adjacent right-of-way; handling or disposition thereafter shall be effected by the authorities, and pursuant to the conditions provided by the provisions of paragraph (a) of this section.

(Ord. No. 66A-5, 10-23-78; Ord. No. 66A-8, 11-16-81; Ord. No. 66A-11, 8-8-83; Ord. No. 66A-16, 12-2-85)

**State law reference**-Similar provisions, Code of Va., § 46.2-1209.

**Sec. 13-48. Contracts with private persons for removal, etc., of vehicles under preceding section.**

The county administrator shall have the power to enter into contracts with the owner or operator of garages or places for the removal or storage of vehicles referred to in the preceding section. The contracts shall provide for the payment by the county of reasonable charges for the removal and storage of such vehicles. Said contracts shall also require such owners or operators to deliver such vehicles to the owners thereof, or their agents, upon furnishment of satisfactory evidence of identity, ownership (or agency) and payment of all charges resulting from the prior removal and storage of the vehicle involved. The owners or operators of such garages or places of storage will indemnify the owners of such vehicles for injury or damages thereto resulting from the negligent removal or storage thereof; such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnification.

(Ord. No. 66A-8, 11-16-81)

**Sec. 13-49. Sale of personal property found in unattended, etc., vehicle.**

Any personal property found in any unattended or abandoned vehicle, trailer or semitrailer may be sold incident to the sale of any such vehicle as authorized in section 13-47.

**State law reference**-Similar state law, Code of Va., § 46.2-1214.

**Sec. 13-49.1. Removal or immobilization of motor vehicles against which there are outstanding parking violations.**

(a) Any motor vehicle found parked upon the public streets or highways or public grounds against which there are three or more outstanding unpaid or otherwise unsettled parking violation notices may be removed or conveyed to a place designated by the chief of police for the temporary storage of such vehicles, or such vehicles may be immobilized in such manner as to prevent its removal or operation except by authorized officers or members of the police department. Such a removal, conveyance or immobilization shall be by, or under, the direction of an officer or member of the police department.

(b) It shall be the duty of the officer or member of the police department removing or immobilizing such motor vehicle, or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices for which or on account of which such vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed in such vehicle, in a conspicuous manner, a notice warning that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage thereto.

(c) The owner of an immobilized vehicle or any duly authorized person shall be allowed 24 hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within this time period shall result in the removal of such vehicle to a storage area for safekeeping under the direction of a member or officer of the police department.

(d) The owner of such removed or immobilized motor vehicle, or any duly authorized person, shall be permitted to repossess or secure the release of the vehicle by payment of outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all reasonable costs incidental to the immobilization, removal and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of such owner be unknown or unascertainable, such vehicle may be disposed of in accordance with subsection (a) of section 13-47.

(Ord. No. 66A-8, 11-16-81; Ord. No. 66A-12, 11-16-83)

**State law reference**-Similar provisions, Code of Va., § 46.2-1216.

**Sec. 13-49.2. Reserved.**

**Sec. 13-50. Parking on private property generally.**

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, thoroughfare or alley, indicating that 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 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.

**Sec. 13-51. Leaving vehicles upon private property prohibited; removal and disposition thereof; notice of disposition.**

It shall be unlawful for any person to leave any motor vehicle, trailer or semitrailer, or part thereof, on the private property of any other person without his consent.

Upon complaint of the owner of the property on which such motor vehicle, trailer or semitrailer, or part thereof, has been abandoned for more than 72 hours, such motor vehicle, trailer or semitrailer, or part thereof, may be removed by or under the direction of a police officer to a storage garage or area; provided, that the person at whose request such motor vehicle, trailer or semitrailer, or part thereof, is so removed shall indemnify the county against any loss or expense incurred by reason of removal, storage or sale thereof.

In the case of the removal of a motor vehicle, trailer or semitrailer, or part thereof, from private property, when the same cannot be readily sold, such motor vehicle, trailer or semitrailer, or part thereof, may be disposed of in such manner as the governing body of the county may provide.

In all other respects, the provisions of section 13-47 shall apply to such removals; provided, that disposal of a motor vehicle, trailer or semitrailer may at the option of the governing body be carried out under either the provisions of section 13-47 or under the provisions of this section, after a diligent search for the owner, after notice to him at his last known address and to the holder of any lien of record in the office of the division of motor vehicles of this state against such motor vehicle, trailer or semitrailer, and after the motor vehicle, trailer or semitrailer has been held at least 60 days.

The division of motor vehicles shall be notified of the disposition of any motor vehicle, trailer or semitrailer under section 13-47 or the provisions hereof.  
(Ord. No. 66A-16, 12-2-85)

**Sec. 13-52. Presumption where vehicle illegally parked.**

In any prosecution charging a violation of any parking regulation contained in this article, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such regulation, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by chapter 6 of title 46.2 of the Code of Virginia, shall give rise to a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

(Ord. No. 66A-16, 12-2-85; Ord. No. 66A-26, 11-6-89; Ord. No. 66A-98, 8-13-02)

**State law references**-Similar state law, Code of Va. §§ 46.2-1220, 46.2-1221, 46.2-1222.

**Secs. 13-53 - 13-59. Reserved.**

**ARTICLE IV. DESIGNATION OF PUBLIC HIGHWAYS  
FOR GOLF CART OR UTILITY VEHICLE USE**

**Sec. 13-60. Use of golf carts or utility vehicles on public highways.**

No person shall operate a golf cart or utility vehicle on or over any public highway in the county except as provided in this article.

(Ord. No. 66A-59, 10-23-07)

**State law reference** - Code of Va. § 46.2-916.1.

**Sec. 13-61. Definitions.**

For the purposes of this article, the following words shall have the meaning given herein:

*Chief of police:* The chief of the James City County Police Department or his designee.

*Golf cart:* A self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

*Highway:* The entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the county, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the board of supervisors and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

*Utility vehicle:* A motor vehicle that is (i) designed for off-road use, (ii) powered by an engine of no more than 25 horsepower, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include all-terrain vehicles as defined in section 46.2-100 of the Code of Virginia, riding lawn mowers, or any other vehicle whose definition is included in section 46.2-100 of the Code of Virginia.

(Ord. No. 66A-59, 10-23-07)

**State law reference** - Code of Va. § 46.2-100.

**Sec. 13-62. Designation of public highways for golf cart and utility vehicle operations.**

(a) No portion of the public highways may be designated for use by golf carts and utility vehicles unless the board of supervisors has reviewed and approved such highway usage.

(b) The board of supervisors may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within the county after (i) considering the speed, volume, and character of motor vehicle traffic using such highways, and (ii) determining that golf cart and utility vehicle operation on particular highways is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy provided for in section 33.1-23.03:001 of the Code of Virginia.

(c) No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.

(d) Signs alerting motorists that golf carts may be in operation shall be erected along all roads designated for golf cart and utility vehicle operation or in such locations as determined by the chief of police. The county shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles. The cost of the installation and continued maintenance of the signs on streets and highways designated for golf cart use shall be the responsibility of the organizations, individuals, homeowners associations or other entities requesting the designations. All costs incurred by the county for the installation and maintenance of the signs shall be assessed to and recovered from the organization, individual, or entity that requested the designation.

(Ord. No. 66A-59, 10-23-07)

**State law reference** - Code of Va. § 46.2-916.2.

### **Sec. 13-63. Limitations on golf cart and utility vehicle operations on designated public highways.**

(a) Golf cart and utility vehicle operations on designated public highways shall be in accordance with the following limitations:

- (1) A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is 25 miles per hour or less. No golf cart or utility vehicle shall cross any highway at an intersection where the highway being crossed has a posted speed limit of more than 25 miles per hour;
- (2) No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver's license;
- (3) Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with section 46.2-1081 of the Code of Virginia;
- (4) Golf carts and utility vehicles shall be operated upon the public highways only between sunrise and sunset, unless equipped with such lights as are required in Article 3 (section 46.2-1010 et seq.) of Chapter 10 of Title 46.2 of the Code of Virginia for different classes of vehicles; and
- (5) Golf carts and utility vehicles operating on designated streets and highways pursuant to this article shall be insured by a recreational vehicle policy of insurance with coverage of not less than \$50,000.00 per accident. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all times such golf cart or utility vehicle is in operation on a designated street or highway.

(b) The limitations of subsection (a)(1) above shall not apply to golf carts and utility vehicles being operated as follows:

- (1) To cross a highway from one portion of a golf course to another portion thereof or to another adjacent golf course; or to travel between a person's home and golf course if (i) the trip would not be longer than one-half mile in either direction, and (ii) the speed limit on the road is no more than 35 miles per hour;
- (2) To the extent necessary for local government employees, operating only upon highways located within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less; and

- (3) As necessary by employees of public or private two-year or four-year institutions of higher education if operating on highways within the property limits of such institutions, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less.  
(Ord. No. 66A-59, 10-23-07)

**State law reference** - Code of Va. § 46.2-916.3.

#### **Sec. 13-64. Application procedure.**

(a) Any individual, organization, or entity may apply to the clerk of the board of supervisors to have a qualifying public highway in the county designated for golf cart or utility vehicle use, provided, however, that:

- (1) If the public highway is located within a neighborhood with a homeowners association, whether mandatory or not, such application shall be in the name of the homeowners association and shall be signed by a duly-authorized representative of the homeowners association.
- (2) If the public highway is not located within a neighborhood with a homeowners association, or is otherwise located outside of a neighborhood, such application shall be accompanied by a petition affirmatively seeking such designation. Such petition shall include signatures representing at least 51% of the parcels adjacent to each of the public highways proposed for designation.

(b) At a minimum, each application shall include the following:

- (1) The full legal name of the individual, organization, or entity making the application;
- (2) The name and route number of each public highway to be designated;
- (3) A petition, if one is required by section 13-64(a)(2); and
- (4) An application fee of \$250.00.

(c) Upon receipt and acceptance of the application by the clerk of the board of supervisors, it shall be considered by the chief of police, who shall make a recommendation to the board of supervisors.

(d) Following a public hearing, the board of supervisors shall consider the recommendations of the affected property owners and the chief of police, the factors set forth in section 13-62(b), and the general merits of the application before making a determination.

(Ord. No. 66A-59, 10-23-07)

**State law reference** - Code of Va. § 46.2-916.3.

#### **Sec. 13-65. Penalty.**

A civil penalty in the amount of \$100.00 shall be assessed for any violation of this article. A civil penalty in the amount of \$250.00 shall be assessed for a repeated violation of this article. The imposition of civil penalties shall not preclude the use of injunctive relief.

(Ord. No. 66A-59, 10-23-07)

**State law reference** - Code of Va. § 46.2-916.3.

**Sec. 13-66. Revocation of designation.**

The board of supervisors may, at its sole discretion and upon recommendation of the chief of police, suspend the designation of any public highway for golf cart or utility vehicle use at any time.

(Ord. No. 66A-59, 10-23-07)

**State law reference** - Code of Va. § 46.2-916.3.

**Sec. 13-67. Reserved.**