

CHAPTER 8  
MOTOR VEHICLE AND TRAFFIC  
ARTICLE I. IN GENERAL

Section 8-1 This Article is adopted pursuant to powers granted the Town by Section 46.2-1300, et seq. of the Code of Virginia, 1950, as amended.

Section 8-1-1 Adoption of state law

- (a) Pursuant to the authority of Section 46.2-13 13 of the Code of Virginia (1950), as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia, (Sections 46.2-100 et seq.) and all of the provisions and requirements of the laws of the state contained Article 2, Chapter 7, Title 18.2 of the Code of Virginia (Section 18.2-266 et seq.) except those provisions and requirements, the violations of which constitutes a felony, and except those provisions and requirements which, by their very nature, can have no application to or within the town, are hereby adopted and incorporated by reference and made applicable within the town. References to “highways and roadways of the state” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the town. Such provisions and requirements are hereby adopted mutatis mutandis and made a part hereof as though fully set forth at length herein, and it shall be unlawful for any person, within the Town, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 of the Code of Virginia or Article 2, Chapter 7, Title 18.2 of the Code of Virginia, as adopted hereby; provided, however 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 the Code of Virginia.
- (b) All definitions of words and phrases contained in the state law adopted by this section shall apply to such words and phrases, when used in this chapter, unless the context clearly indicates to the contrary.

Section 8-2-1 Penalty for violations of chapter

It shall be unlawful for any person to violate any of the provisions of this chapter, and unless otherwise stated, such violations shall constitute traffic infractions punishable by a fine of not more than two hundred (\$200.00) dollars.

Section 8-3 Disposition of Fines

All fines imposed pursuant to this ordinance shall be paid in to the treasury of the town.

Section 8-4 Ratification of existing traffic-control devices

All traffic control signs, signals, markings and devices lawfully in place, immediately prior to the effective date of this code, pursuant to authority of the town council, are hereby continued in full force and effect for the purposes for which they were, respectively, erected, painted, marked, or installed, and it shall continue to be unlawful for any person to violate or fail to comply with the notice or directive given by any such traffic-control sign, signal, marking, or device, except pursuant to a directive given by a police officer.

Section 8-5 Authority of firemen to direct traffic

Members of the fire department may direct or assist the police in directing traffic at or in the immediate vicinity of a fire and while so acting shall have all the authority of police officers. However, this section shall not grant any such fire department member authority over any lawfully empowered police officer, deputy, trooper or otherwise.

#### Section 8-6 Riding on portion of vehicle not intended for passengers

No person shall ride on any vehicle or upon any portion thereof not designated 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.

#### Section 8-7 Boarding or alighting from moving vehicles

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

#### Section 8-8 Riding bicycle or moped without using handlebars

No person shall ride a bicycle or moped upon the street without having his hand upon the handlebars.

#### Section 8-9 Reduction of weight limits for vehicles

- (a) The town council may decrease the weight limits prescribed in the Code of Virginia, Section 46.2-1122, et seq. for a total period not to exceed ninety (90) days in any calendar year, when an engineering study discloses that operation over highways or streets within the town, by reason of deterioration, rain, snow or other climatic conditions, will seriously damage such highways or streets unless such weights are reduced.
- (b) In all instances where the limits for weight have been reduced pursuant to this section, signs stating the weight permitted on such highway or street shall be erected at each end of the section of highway or street affected and no such reduced limits shall be effective until such signs have been posted.
- (c) It shall be unlawful for any person to operate a vehicle or combination of vehicles over or upon any highway, street or section thereof within the town when the weight exceeds the maximum posted by the authority of the town, pursuant to this section.
- (d) Any person convicted of a violation of any provision of this section shall be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) or be confined in jail for not less than one day nor more than six (6) months, or both a fine and a jail sentence in such ranges, and the vehicle or combination of vehicles involved in such violation may be held upon an order of the court until all fines and cost have been satisfied.
- (e) Any officer authorized to enforce the law under this section, having reason to believe that the weight of a vehicle and load is unlawful, is authorized to weigh the same. The officer may, and upon demand of the driver shall, require the vehicle to proceed to the location of the nearest loadometer. Any operator who fails or refused to drive his vehicle to such loadometer upon the request and direction of the officer so to do shall be subject to a civil penalty of twenty-five (\$25.00) dollars and a processing fee of twenty-five (\$25.00) dollars in addition to the other penalties prescribed by this ordinance. Should the officer find that the weight of any vehicle and its load is greater than that permitted by this section, he may require the driver to unload, at the nearest place where the property unloaded may be stored or transferred to another vehicle, such portion of the load as may be necessary to decrease the gross weight of the vehicle to the maximum therefore permitted by this section. Any property so unloaded shall be stored or cared for by the owner or operator of the overweight vehicle at the risk of such owner or operator.

#### Section 8-10 Authority of police to move vehicle involved in accident

Whenever a motor vehicle, trailer or semitrailer, involved in an accident, is found upon the highways or streets in the town and is so located as to impede the orderly flow of traffic, the police may remove

such motor vehicle, trailer or semitrailer from the highways or streets, to some point in the vicinity where such motor vehicle, trailer or semitrailer will not impede the flow of traffic.

#### Section 8-11 Display: state license plates required

It shall be unlawful for any person to operate or for the owner or person in control, to knowingly permit the operation of, on a highway of the town, any motor vehicle, trailer or semitrailer without having displayed thereon the license plates assigned by the Virginia Department of Motor Vehicles for the current registration year whenever such license plate is required by Section 46.2-6 13 of the Code of Virginia.

For similar state law, see Code of Virginia, Sections 46.2-613, 46.2-711, 46.2-715

#### Section 8-12 Same: 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 town, 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 through 46.2-1173 of the Code of Virginia of 1950, as amended.

#### Section 8-13 Inuring, tampering with, interfering with vehicle, etc.

- (a) No person shall 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; or when such motor vehicle, trailer or semitrailer be unattended shall attempt to manipulate any of the levers or starting crank or other device, brakes or mechanism 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.

#### Section 8-15 Noise

- (a) No vehicle shall be loaded with materials likely to create loud noises when striking together without using every reasonable effort to deaden the noise.
- (b) The use in, on or attached to any motor vehicle operating on any highway of the town of any radio, phonograph, musical instrument, bell, whistle, loud-speaker, amplifier or device of any kind whatsoever, whereby is cast on any highway, to promote or advertise the sale of goods, wares, merchandise or for the purpose of advertising auction sales, sporting events other businesses or things advertised thereby, is prohibited when such operation unreasonably interferes with the peace and quiet of the Town. The provisions in this subsection shall not apply to motor vehicles driven in a duly authorized parade. The use of a loud speaker in front of a property then being sold and entirely out-side of the business districts of the town shall not be construed as a violation of this subsection when such use is limited strictly to the selling at auction of such property.

- (c) It shall be unlawful for any person in operating a motor vehicle or motorcycle within the town to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise.
- (d) In operating a motor vehicle or motorcycle the following acts are declared to create loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive:
  - (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 combination 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/or explosive noise from the motor.
  - (4) In starting a motor vehicle or motorcycle from a standing position, the practice of grinding speed unnecessarily and quickly, 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.

NOTE: For state law as to illegality of muffler cutout, see Code of Virginia, Section 46.2-1047.

NOTE: For state law as to penalties for violations of traffic regulations, see Code of Virginia, Section 46.2-113.

**ARTICLE II.  
LOCAL VEHICLE LICENSE  
REPEALED JANUARY 1, 2009**

**ARTICLE II.A  
LOCAL VEHICLE LICENSE TAX**

Section 8-16. Exemptions from article.

This article shall not apply to a nonresident of the town who uses a motor vehicle exclusively for his personal transportation to and from a place of business in the town, nor shall this article apply to any person who, by state or federal law, is exempted from the provisions of this article.

Section 8-16.1 Free Issues

A local vehicle license shall be issued by the Clerk, to persons otherwise required to purchase a Town decal, free of the fees imposed herein, for following vehicles:

1. Vehicles powered by clean special fuels as defined in Section 58.1-201 of the Code of Virginia, 1950, as amended, including dual fuel and bi-fuel vehicles.
2. Vehicles owned by volunteer rescue squads.
3. Vehicles owned by volunteer fire departments.
4. Vehicles owned by active members of volunteer rescue squads (as verified by the lists of members of such squads).
5. Vehicles owned by active members of volunteer fire departments (as verified by the lists of members of such departments).
6. Vehicles owned by former members of volunteer rescue squads and former members of volunteer fire departments, where the owner thereof has served at least ten (10) years in the local squad or department.
7. Vehicles owned by surviving spouses of persons qualified to receive special license plates under Section 46.2-739 of the Code of Virginia, 1950, as amended.

Section 8-16.2 Only One Free Issue Per Year

No person shall be issued more than one license per year free of charge for vehicles described in Section 8-16.1 hereof.

Section 8-17 Levy and amount of license tax

- (a) For each year, there is hereby levied, subject to the applicable provisions of state law, and shall be collected, a license tax for each motor vehicle, trailer, or semitrailer owned, kept or used by any person within the corporate limits of the Corporation Town of Floyd, and not subject to such fee in any other jurisdiction. The amount of license tax levied by this section shall be as follows: to-wit:

(1)for each motor vehicle	\$25.00
(2)for each motorcycle	\$25.00
(3)for each motor vehicle with a farm (F) license plate	\$15.00
(4)for each trailer or semitrailer less than 1500 lbs.	\$10.00

Section 8-18 When tax due and payable

- (a) The license tax levied by this Article shall due by April 15<sup>th</sup> of each year for the tax year beginning January 1<sup>st</sup> and ending December 31<sup>st</sup> of that year and will be billed on or about March 1<sup>st</sup> of the year.

- (b) If a nonresident of this state procures a state license under the motor vehicle laws of this state he shall immediately apply for pay therefore the tax prescribed by this article.
- (c) All vehicles identified on the tax records as belonging to such person on January 1<sup>st</sup> of that year shall be subject to the tax.

Section 8-19 Failure to procure town motor vehicle license

Any person who fails to pay the town motor vehicle license tax in accordance with the provisions of this article shall pay the same penalties and interest as imposed on delinquent real estate taxes and shall be billed along with all accumulated penalties and interest.

Section 8-20 Payment of personal property tax prerequisite to license

- (a) No motor vehicle, trailer or semitrailer shall be licensed under this Article II unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes upon the vehicle to be licensed have been paid, and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the Town.
- (b) No motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by the town on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid.
- (c) Upon adoption of an agreement with the County of Floyd all property taxes assessed by either the County of Floyd or this Town on any vehicle must be paid before the licensure of such vehicle by the town. By the adoption of this Section 8, Article II, the Mayor of this town is authorized to enter into an agreement with the County of Floyd concerning this reciprocal collection of personal property taxes as contemplated by Section 46.2-725(c) of the Code of Virginia, 1950, as amended, which authority shall be continuing.
- (d) Should multiple decals be required by the collection by other governing bodies of sums owed to them for license fees pursuant to Section 46.2-752(E), the Mayor of the town is hereby authorized to enter in and execute any agreements necessary to require that not more than one license decal be displayed in addition to the state plate, which authority shall be continuing.

Section 8-21 Situs.

- (a) The situs for the imposition of the licensing tax describe shall in all cases, except as hereinafter provided, by the county, city or town, in which the motor vehicle, trailer or semi-trailer is normally garaged, stored or parked, If it cannot be determined where such personal property is normally garaged, stored or parked, the situs shall be the domicile of it's owner.
- (b) In the event the owner of a the motor vehicle is a student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

ARTICLE III  
OPERATION OF VEHICLES GENERALLY

Section 8-30 Stop and yield intersections

The town council may designate intersections at which vehicles shall come to a full stop or yield the right-of-way and may cause to be erected appropriate signs or markers at such intersections.

### Section 8-31 One-way streets

Whenever the town council designates certain streets as one-way streets, upon which vehicles are required to proceed only in a certain designated direction, then there shall be erected signs indicating "One-Way Street" having arrows indicating the direction in which vehicles are required to proceed, at the entrances to such streets, and it shall then be unlawful for the driver of any vehicle to enter or to proceed upon any such street except in the required direction.

### Section 8-32 Identification of vehicles in funeral processions~ right-of-way

- (a) 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 town council may prescribe.
- (b) All motor vehicles designated in accord with this section 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 town and may proceed through a stop sign or signalized intersection with proper caution and safety.

### Section 8-33 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.
- (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 closely as is practicable and safe.

### Section 8-34 Driving on street where fire department assembled to fight fires

It shall be unlawful, without the authority of the officer in command, for any person to drive a vehicle or ride through the streets in which the fire department assembles for the purpose of extinguishing a fire.

### Section 8-35 Limitation on backing

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

### Section 8-36 Blocking intersections or crosswalks

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.

### Section 8-37 Truck Routes

Whenever the town council designates certain streets to be used by trucks passing through the town, the town council shall have placed "Truck Route" signs along such streets, and it shall then be unlawful for the driver of any truck passing through the town to proceed along any street not so designated as a truck route, except in cases of emergency or to load or unload cargo.

ARTICLE IV  
STOPPING, STANDING, AND PARKING

Section 8-38 Parking prohibited in specified places

- (a) No person shall 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 fifteen (15') feet of a fire hydrant;
  5. On a crosswalk
  6. Within twenty (20') feet from the intersection of curblines or, if none, then within fifteen (15') feet from the intersection of property lines at an intersection of highways;
  7. Within thirty (30') feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
  8. Between a safety zone and the adjacent curb or within thirty (30') feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings;
  9. Within fifteen (15') feet in either direction of the entrance of a fire station, or within fifteen (15') feet of the entrance to a building housing rescue squad equipment or ambulances, provided such buildings are plainly designated;
  10. Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
  11. On the roadway side of any vehicle parked at the edge or curb of a street;
  12. Upon any bridge or other elevated structure upon a street or highway;
  13. At any place where official signs prohibit parking or where the curbs are painted yellow.
- (b) No person, other than a police officer, shall move a vehicle into any such prohibited area or away from a curb any distance as is unlawful.

Section 8-38A Parking Prohibited for specified reasons:

- (a) No peddler, vendor or canvasser shall have any exclusive right to any location on public property; nor shall he or she, except by special permit issued by the Town:
1. Operate at any location within the town until he possesses a license to operate his business which has been approved by the local health department and a current Town of Floyd Business License;
  2. Be permitted a stationary location on any sidewalk unless at least five feet of the sidewalk remains clear for pedestrian traffic;



3. Be permitted a stationary location closer than ten feet from any crosswalk, intersection, entrance to a building, taxi stand, or other vendor's stationary location;
  4. Be permitted to occupy a space greater than ten feet long, five feet wide, and eight feet high on a sidewalk, excluding umbrellas;
  5. Display any sign visible to vehicular traffic if operating from a stationary location on a street, sidewalk, or other public place, except for signs that are actually imprinted on the exterior body of a licensed motor vehicle;
  6. Make any sale or delivery to any person while such person is standing in the roadway;
  7. Make any sale, offer or delivery to any driver or passenger in a motor vehicle while the motor vehicle is stopped at a red light or while in a moving traffic lane;
  8. Conduct business from any highway service road or center median strip of any street;
  9. Restrict access to any legally parked vehicle;
  10. Operate in any other way that would restrict the flow of pedestrian or vehicular traffic;
  11. Conduct any business on any public street or sidewalk between the hours of 8:00 p.m. and 7:00 a.m.; or
  12. Leave any cart or table unattended on any public street or sidewalk between the hours of 8:00 p.m. and 7:00 a.m.
- (b) Each peddler, vendor, or canvasser shall provide receptacles for the disposal of waste materials or other litter created in the immediate area of any stationary location from which sales, offers of sales or deliveries are taking place, and they shall request customers to place all waste and litter in the receptacles and they shall remove and dispose of the waste materials and litter.
- (c) Peddlers, vendors, or canvassers are required to conspicuously display their permits at their vehicles or temporary stands or if they have none, to exhibit their permits or exemption letter upon request.

Section 8-39 Parking for more than twenty-four hours

It shall be unlawful for any person to allow any motor vehicle, house trailer, camping trailer, trailer designated for the transportation of any freight or goods or livestock, or any other trailer or apparatus of any kind whatsoever designed to be attached to or pulled by a motor vehicle, to remain in the same location on any street in the town for a longer period of time than twenty-four (24) hours.

Section 8-40 Limitation on parking of vehicle containing livestock

It shall be unlawful for any person to park any vehicle containing livestock on any street for more than one (1) hour. A vehicle shall be considered parked for one (1) hour if it is not moved at least one block within that period.

Section 8-41 Parking vehicle without town license decal

- (a) It shall be unlawful for any person required by Section 8-17 to obtain and display a motor vehicle license decal to park any motor vehicle having no current town license decal displayed thereon, on any street in town.

#### Section 8-42 Washing, greasing, etc. vehicle on street or sidewalk

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

#### Section 8-43 Backing to curbs

No vehicle shall be backed up to a curb, except during time actually engaged in loading or unloading merchandise there from.

#### Section 8-44 Manner of using loading zones

Where a loading and unloading zone has been set apart by the town council, 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 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 three (3) 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 actually engaged in, loading or unloading passengers or bundles when such stopping does not interfere with any vehicle used for the transportation of material which is waiting to enter or is about to enter such loading space.

#### Section 8-45 Manner of using bus stops and taxicab stands

Where a bus stop or taxicab stand has been set apart in the town the following regulations shall apply as to the use thereof. No person shall stop, stand, or park a vehicle other than a taxicab in a taxicab stand when such stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading and unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such place.

#### Section 8-46 General regulations governing 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 area, contiguous or adjacent to a street, 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 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.

#### Section 8-47 Parking spaces reserved for handicapped persons

- (a) It shall be unlawful for the operator of a motor vehicle not displaying a disabled parking license plate, organizational windshield placard, permanent removable windshield placard, or temporary removable windshield placard issued under Section 46.2-731 of the Code of Virginia, 1950, or DV disabled parking license plates issued under Section 46.2-739, Code of Virginia, 1950, as amended, to park such motor vehicle in a parking space reserved for the handicapped on public property or at privately owned parking areas in the town.
- (b) The violation of subsection (a) of this section shall constitute a class 4 misdemeanor punishable by a fine of not more than Two Hundred Fifty (\$250.00) dollars.

- (c) A summons for violation of subsection (a) of this section may be issued by any law enforcement officer and where appropriate, such summons may be issued without the necessity of a warrant being obtained by the owner of such private parking area.

Section 8-48 Penalty for parking violations-ticketing procedures- etc.

When voluntarily paid in accord with the provisions of subsection (b) below, the penalty for parking violations shall be as follows:

- (1) Parking in a designated parking space continuously for more than two (2) hours: twenty (\$20.00) dollars;
  - (2) Parking on yellow line: twenty-five (\$25.00) dollars;
  - (3) Improper parking: twenty-five (\$25.00) dollars;
  - (4) Parking in a fire lane: two hundred (\$200.00) dollars;
  - (5) Parking in violation of Section 8-40: fifteen (\$15.00) dollars;
  - (6) All other parking violations for which no penalty is specifically imposed: Twenty (\$20.00) dollars.
- (b) Each police officer charged with the duty of enforcing this article shall take the registration number of any vehicle found parked in violation of any provision of this article and may take any other information displayed on the vehicle which may identify its owner. Such officer shall conspicuously affix to such vehicle a ticket stub, with an envelope attached thereto, in a form provided by the town council instructing the owner of the vehicle that he may to avoid prosecution for a traffic infraction, with five (5) calendar days following the date of the citation, place funds to pay the penalty indicated in subsection (a) above in the envelope and mail or deliver same to the town clerk or he will be assessed the additional sum of five (\$5.00) dollars. The ticket stub made by such officer shall be kept in the police department. Upon failure of any such owner, within seventy-two (72) hours, to pay the penalty indicated in subsection (a) above in the envelope displayed on the vehicle and deliver such envelope to the town clerk, the town shall send to such owner a law enforcement notice advising him of the violation and warning him that, in the event the penalty plus the sum of five (\$5.00) dollars is not paid within ten (10) days, a summons will be issued.

Section 8-49 Presumption in prosecution for parking violations

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 4 (Section 46.2-600 et seq.) of title 46.2 of the Code of Virginia, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was in fact the owner and driver of such vehicle at the time during which, such violation occurred.

Section 8-50 Effect of division on other parking regulations

Nothing in this subsection shall alter or effect any existing ordinance, rule or regulation, or any ordinance, rule or regulation hereafter adopted, relating to traffic or parking on any street, alley, lane or highway within the town, other than those included within the parking zones herein established.

Section 8-51 Parking zones established

The following described parts of streets and parking lots in the town are hereby established as parking zones:

- (1) Locust Street, (Virginia Primary Route 8) beginning with the intersection with Main Street (both sides) to the intersection with Penn Avenue north of the center of town and beginning with the

intersection with Main Street (U.S. 221, both sides) to the intersection with Baker Street south of the center of town.

- (2) Main Street, (U.S. 221) beginning with the intersection with Locust Street (Virginia Primary Route 8, both sides) to the intersection with Maple Street west of the center of town and beginning with the intersection with Locust Street (Virginia Primary Route 8, both sides) to the intersection with Clearview Street, east of the center of town.
- (3) Any town parking lots or other town designated parking areas.

#### Section 8-52 Marking and use of parking spaces

- (a) The town council, or such officers and employees of the town as they shall designate, shall place lines or markings on the curb or on the streets or parking lot pavement about or alongside of each parking space to designate the parking space to be used by each vehicle.
- (b) It shall be unlawful for any person to park any vehicle in the spaces referred to in this section except within the lines and markings so established.
- (c) When a parking space in any parking zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of such vehicle shall be facing in the direction of traffic for that side of the street.

#### Section 8-53 When Section 8-50 effective

The provisions of Section 8-50 shall apply to parking only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday; 8:00 a.m. and 1:00 p.m. Saturdays. No hours are posted for Sundays.

#### Section 8-54 Waiver of the provisions of Section 8-50 by council resolution

- (a) Council may, by resolution, waive the provisions of Section 8-47 with respect to any or all of the parking zones, or parts thereof, established in Section 8-50 for such period of time set forth in said resolution. Any such resolution must state the parking zones or parts thereof, for which the provisions of Section 8-47 are waived.
- (b) Where the provisions of Section 8-47 are waived in accord with the provisions of subsection (a) above, signs or notices advising the public of such waiver shall be conspicuously posted in the parking zones, or parts thereof, so affected.

#### Section 8-55 Use of space for loading or unloading, delivery vehicles for receiving or discharging passengers

Operators of delivery vehicles may use any parking space during the actual loading and unloading of such delivery vehicles. Operators of passenger vehicles, commercial or private, may use a parking space for the purpose of promptly receiving or discharging a passenger.

#### Section 8-56 Reckless driving; general rule

Irrespective of the maximum speeds herein provided, any person who drives a vehicle upon the highway recklessly or at a speed or in a manner so as to endanger life, limb or property shall be guilty of reckless driving; provided that the driving of a motor vehicle at a speed twenty (20) or more miles per hour in excess of any speed limit provisions of Sections 46.2-870, et seq. of the Code of Virginia, 1950, may constitute ground for prosecution for reckless driving under this section.

Section 8-57 Same: specific instances

A person shall be guilty of reckless driving who shall:

- (a) Drive a vehicle when not under proper control or with inadequate or improperly adjusted brakes upon any highway of this town;
- (b) While driving a vehicle, overtake and pass another vehicle proceeding in the same direction, upon or approaching the crest of a grade or upon or approaching a curve in the highway, where the overtaking vehicle is being operated on a highway having two or more designated lanes of roadway for each direction of travel or on a designated one-way street or highway;
- (c) Drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle;
- (d) Pass or attempt to pass two other vehicles abreast, moving in the same direction, except on highways having separate roadways of three or more lanes for each direction of travel, or on designated one-way streets or highways; however, this subsection shall not apply to a motor vehicle passing two other vehicles, in accordance with provisions of this chapter, when one or both such other vehicles is a bicycle or moped; nor shall this subsection apply to a bicycle or moped passing two other vehicles in accordance with the provisions of this chapter;
- (e) Drive any motor vehicle, including any motorcycle, so as to be in and parallel to another vehicle in a lane designed for one vehicle, or drive any motor vehicle, including any motorcycle, so as to travel parallel to any other vehicle traveling in a lane designed for one vehicle; provided, however, this subsection shall not apply to any validly authorized parade, motorcade or motorcycle escort; nor shall it apply to a motor vehicle traveling in the same lane of traffic as a bicycle or moped;
- (f) Overtake or pass any other vehicle proceeding in the same direction at any steam, diesel or electric railway grade crossing or at any intersection of highways unless such vehicles are being operated on a highway having two or more designated lanes of roadway for each direction of travel or unless such intersection is designated and marked as a passing zone pursuant to the provisions of Section 46.2-837 and 46.2-838 of the Code of Virginia or on a designated one-way street or highway, or while pedestrians are passing or about to pass in front of either of such vehicles, unless permitted so to do by a traffic light or police officer;
- (g) Fail to stop, when approaching from any direction, a school bus, whether publicly or privately owned, which is stopped on any highway or school driveway for the purpose of taking on or discharging children, elderly, mentally, or physically handicapped persons, and to remain stopped until all children, elderly, mentally or physically handicapped persons are clear of the highway or school driveway and the bus is put to motion. The driver of a vehicle, however, need not stop upon approaching a school bus when such school bus is stopped on the other roadway of a divided highway, access road, or driveway and is separated from the roadway on which he is driving by a physical barrier or an unpaved area. The driver of a vehicle also need not stop upon approaching a school bus which is loading or discharging passengers from or onto property immediately adjacent to a school if such driver is directed by a police officer or other duly authorized uniformed school crossing guard to pass such school bus. This subsection shall apply to school busses which are equipped with warning devices prescribed in Section 46.2-1090 of the Code of Virginia, 1950, and are painted yellow with the words "School Bus, Stop, State Law" in black letters at least six inches high on the front and rear thereof. If space is limited on the front, the words, "School Bus" may be in letters at least four inches high. Only school buses are defined in Title 46.2 of the Code of Virginia, 1950, which are painted yellow and equipped with the required lettering and warning devices shall be identified as school buses;

- (h) Fail to give adequate and timely signals of intention to turn, partly turn, slow down or stop, as required by Section 46.2-848 through 46.2-85 1 of the Code of Virginia;
- (i) Exceed a reasonable speed under the circumstances and traffic conditions existing at the time regardless of any posted speed limit;
- (j) Drive a motor vehicle upon the highways of this State at a speed of twenty (20) or more miles per hour in excess of the applicable maximum speed limits prescribed in Sections 46.2-870 et seq. of the Code of Virginia, 1950, or in excess of eighty (80) miles per hour regardless of the posted speed limit;
- (k) Fail to bring his vehicle to a stop immediately before entering a highway from a side road when there is traffic approaching upon such highway within five hundred feet of such point of entrance, unless a “Yield Right-of-Way” sign is posted; or where such sign is posted, fail, upon entering such highway, to yield the right-of-way to the driver of a vehicle approaching on such highway from either direction;
- (l) Drive or operate any automobile or other motor vehicle upon any driveway or premises of a church or school, or of any recreational facilities or of any business property open to the public, or on the premises of any industrial establishment providing parking space for customers, patrons, or employees, or upon any highway under construction or not yet open to the public, recklessly or at a speed or in a manner so as to endanger the life, limb or property of any person;
- (m) Engage in a race between two or more motor vehicles on the highways in the Commonwealth or any driveway or premises of a church, school, recreational facility, or business property open to the public in the town shall be guilty of reckless driving unless authorized by the owner of the property or his agent;
- (n) If the owner of a motor vehicle is convicted of racing such vehicle in a prearranged, organized, and planned speed competition in violation of Section 8-56, or is present in the vehicle which is being operated by another in violation of Section 8-56, and knowingly consents to the racing, the vehicle shall be seized and disposed of in the manner provided in Title 4.1 of the Code of Virginia, 1950, for seizure and forfeiture of conveyances of vehicles used in the illegal transportation of alcoholic beverages. Such section shall apply mutatis mutandis;
- (o) The penalties imposed by this section are in addition to any other penalty imposed by law.

#### ARTICLE V

#### DRIVING MOTOR VEHICLE, ETC., WHILE INTOXICATED

Section 8-58 through 8-62.1 Reserved.

#### ARTICLE VI.

#### ABANDONED VEHICLES

Section 8-65. Definitions.

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

Abandoned Motor Vehicle: A motor vehicle, trailer or semi-trailer or part thereof that:

- (1) Is inoperable and is left unattended on public property for more than forty-eight (48) hours;
- or

- (2) Has remained illegally on public property for a period of more than forty-eight (48) hours; or
- (3) Has remained, without consent, on private property, including but not limited to any commercial parking place, motor vehicle, storage, facility or establishment for the service, repair, maintenance or sale of motor vehicle, whether or not such vehicle was brought onto or left at such property with or without the consent of the owner or person in control of the property, for more than forty-eight (48) hours.

Demolisher: Any person whose business is to convert a motor vehicle, trailer or semitrailer into processed scrap or scrap metal or otherwise to wreck or dismantle such vehicles.

Section 8-66. Authority to impound; notice of impoundment.

(a) The Town police may take into custody any abandoned motor vehicle found within the Town and shall notify, within fifteen (15) days thereof, by registered or certified mail, return receipt requested, the owner of record of the motor vehicle and all persons having security interest therein of record, that the vehicle had been taken into custody. The notice shall describe year, make, model and serial number of the abandoned motor vehicle set forth the location of the facility where the motor vehicle is being held, inform the owner and any persons having security interests of right to reclaim the motor within three (3) weeks after the date of the notice, upon payment of all towing, preservations and storage charges resulting from placing the vehicle in custody, and the state that the failure of the owner or persons having security interests to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner, and all persons have any security interests, of all right, title, and interest in the vehicle, and consent to the sale of the abandoned motor vehicle at a public auction.

(b) If records of the state division of the motor vehicles contain no address for the owner or no address of any person shown by such records to a security interest, or if the identity and addresses of the owner and all persons having security interest cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice pursuant to this section as to any person who cannot be notified pursuant to the provision of the sub-section (a) of this section. Such notice by publication may contain multiple listings of abandoned vehicles. Any such notice shall be within the time requirements prescribed for notice by mail and shall have the same contents required for a notice by mail.

(c) The consequences and the fact of failure to reclaim any abandoned motor vehicle shall be set forth in a notice given in accordance with and pursuant to this section.

Section 8-67. Sale.

(a) If an abandoned motor vehicle has not been reclaimed as provided for in Section 8-66, the Town police shall notwithstanding the provision of Section 46.1-88 of the Code of Virginia or any provision of this Code or other ordinance, sell abandoned motor vehicle at public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free and clear of all liens and claims of ownership of others, shall receive a sales receipt at the auction and shall be entitled to, upon application therefore pursuant to Section 46.1-68 of the Code of Virginia, a certificate of title and registration card therefore.

(b) The sales receipt referred to in subsection (a) above shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking or dismantling, and in such case no further titling of the vehicle shall be necessary.

(c) From the proceeds of the sale of an abandoned motor vehicle, the Town, or whosoever may be authorized to conduct the sale, shall reimburse itself for the expenses of the auction, the cost of towing, preserving and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and the cost of giving notice or any publication. Any remainder from the proceeds of such sale shall be held for the owner of the abandoned motor vehicle or any person having security interests therein, as their interests may appear, for ninety (90) days, and then shall be deposited in the Town treasury.

Section 8-68. Disposition of inoperable vehicles.

When an abandoned motor vehicle is taken into custody pursuant to this division and such vehicle is, in the opinion of the Town police, inoperable and by virtue of its condition, cannot be feasible restored to operable condition, such vehicle may be disposed of to a demolisher, notwithstanding any other provision of this article or the provisions of Section 46.1-88 of the Code of Virginia.