

TITLE 2

TOWN OF DAYTON

TRAFFIC AND STREETS; MOTOR VEHICLE LICENSES

CHAPTER 1 *Enactment and General*

Section

- 2-1. Severability of Title.
- 2-2. Repeal.

CHAPTER 2 *Traffic* *Part 1* *Application and Effect of Chapter*

- 2-3. Authority.
- 2-4. Application of Title.
- 2-5. Uniformity of Interpretation Between this Title and the Laws of the Commonwealth.

Part 2 *Authority and Adoption of State Law*

- 2-6. Adoption of State Law.

Part 3 *Rules of the Road*

- 2-7. Vehicles Entering Through Street Intersection.
- 2-8. Limitations on Backing.
- 2-9. Opening Door of and Entering and Emerging from Vehicle.
- 2-10. Stop when Traffic Obstructed.
- 2-11. Slow Moving Traffic.
- 2-12. Driving on Left Side of Road.
- 2-13. Stop Before Entering Public Highway or Sidewalk from Priv. Road, Yielding Right-of-Way.
- 2-14. Left Turns.
- 2-15. Right Turns.

- 2-16. Lights.
- 2-17. Fire Hoses.
- 2-18. Following Fire Trucks.
- 2-19. Supplemental Speed Limit.

Part 4

Parking, Stopping and Standing Regulations

- 2-20. Angle-Parking Signs or Markings.
- 2-21. Parking Vehicles with no State License.
- 2-22. Manner of Parking Generally.
- 2-23. Parking Rules and Regulations..
- 2-24. Stopping or Parking Prohibited in Specified Places.
- 2-25. Parking not to Obstruct Traffic.
- 2-26. Stopping, Standing or Parking in Alleys.
- 2-27. Parking for Certain Purposes Prohibited.
- 2-28. Stopping or Parking in Loading Zones.
- 2-29. Stopping or Parking in Restricted Parking Zone.
- 2-30. Parking of Commercial Vehicles Near Residences.

Part 5

Supplemental Traffic Control Regulations

- 2-31. Obedience to Police and Fire Department Officials.
- 2-32. Obedience to Official Traffic Control Devices.
- 2-33. Barriers or Signs Placed by Public Utilities or Town Departments.
- 2-34. Traffic Control Signs and Regulations.
- 2-35. When Traffic Devices Required for Enforcement Purposes.

Part 6

Supplemental Bicycle Regulations

- 2-36. Obedience to Traffic Control Devices.
- 2-37. Parking.
- 2-37.1. Unlawful to Operate Bicycle While Using Earphones.

Part 7

Miscellaneous Regulations

- 2-38. School Bus Stopping.
- 2-38.1. Passing Stopped School Buses; Penalty.
- 2-39. Driving Through Funeral or Other Procession.
- 2-40. Drivers and Participants in a Procession.
- 2-41. When Permits Required for Parades, Procession, and Sound Trucks.
- 2-42. Clinging to Vehicles.
- 2-43. Construction Must Prevent Escape of Contents.
- 2-44. Depositing Glass or Other Harmful Substances on Highway.
- 2-45. Railroad Cars Obstructing Street or Road; Standing Vehicle on Railroad Track.
- 2-46. Filling of Motor Vehicle Tanks With Gasoline While Motors are Running.
- 2-47. Offenses by Persons Owning or Controlling Vehicles.

Part 8
Penalties and Supplemental Arrest Procedures

- 2-48. Illegal Cancellation of Traffic Citations.
- 2-49. Disposition of Traffic Fines and Forfeitures.
- 2-50. Enforcement of Part 4 of Chapter 2.
- 2-51. Penalties for Misdemeanors or Other Traffic Violations.
- 2-52. Penalty for Driving under the Influence of Alcohol.
- 2-53. Failure to Comply with Summons.
- 2-54. Separate Offense.
- 2-55. Overtime Parking, Separate Offenses.

Part 9
Definitions

- 2-56. Generally.

CHAPTER 3
Streets

- 2-57. Paving of Streets.
- 2-58. Sidewalks.
- 2-59. Notice of Paving.
- 2-60. When Permit for Paving Required.
- 2-61. Injury to Sidewalk- Penalty.
- 2-62. Excavating in Streets and Sidewalks.
- 2-63. Warning Lights on Street Obstructions.
- 2-64. Snow Removal.
- 2-65. Removal of Vehicles from Streets During Snowfall.

CHAPTER 4
Motor Vehicle License Tax

- 2-66. License Tax Imposed by Town.
- 2-67. Who Must Procure Town License.
- 2-68. Exceptions.
- 2-69. Payment of Personal Property Taxes Required.
- 2-70. (Repealed April 15, 2012.)
- 2-71. (Repealed April 15, 2012.)
- 2-72. Commencement and Expiration Dates of Town Licenses.
- 2-73. Amount of Tax.
- 2-74. Tax Reduced after Certain Periods.
- 2-75. (Repealed April 15, 2012.)
- 2-76. Penalties.

CHAPTER 1
Enactment and General

§ 2-1. Severability of Title. If any part or parts of this title are, for any reason, held to be invalid or unconstitutional, such holding shall not affect the validity or constitutionality of the remaining portions of this title. The Council hereby declares that it would have passed this title and each part or parts hereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

§ 2-2. Repeal. All other former traffic, street and motor vehicle license ordinances of this municipality are hereby repealed and all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this title are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this title.

CHAPTER 2
Traffic

Part 1
Application and Effect of Title

§ 2-3. This title is enacted pursuant to the authority vested in the town by §§ 15.2-101, 15.1-839, 15.2-1102, 46.2-1300 through 46.2-1305 and 46.2-1306.1 through 46.2-1313 of the Code of Virginia, and § 1 of the Charter of the Town of Dayton. Sections of this title may have additional authority as well. (Amended April 5, 1999).

§ 2-4. Application of Title. This title applies to every street, alley, sidewalk, driveway, park area, and every other way, within the corporate limits of this municipality, the use of which the municipality has the authority to regulate. (Amended April 5, 1999).

§ 2-5. Uniformity of Interpretation Between This Title and the Laws of the Commonwealth of Virginia. It is the purpose of this title that its provisions should adopt and make applicable to this municipality the laws of the Commonwealth of Virginia relating to the subjects for which provision is made herein, in order that uniformity of application and interpretation may be attained. No application or interpretation of this title, regardless of the wording of any section of this title, shall deviate from that uniformity of application and interpretation between comparable provisions of this title and the laws of the Commonwealth of Virginia, except where such deviation is required by differing governmental or administrative requirements.

Part 2
Authority and Adoption of State Law

§ 2-6. Adoption of State Law. All of the provisions of Title 46.2, and of Article 9 of Chapter 11 of Title 16.1 (§ 16.1-278 *et seq.*) and of Article 2 of Chapter 7 of Title 18.2 (§ 18.2-266 *et seq.*) of the Code of Virginia, 1950, as amended, other than those provisions thereof which plainly have no application within the Town, are incorporated by reference into this Chapter. Reference therein to “highways of the state” shall be deemed to include streets, highways, public parking lots and alleys within the Town. The mention of specific state law provisions does not preclude the incorporation of unmentioned provisions. Nevertheless, to the extent that § 15.2-1429 of the Code of Virginia prohibits the Town from incorporating those provisions of § 18.2-270 which provide for penalties greater than those for a class one misdemeanor, such provisions are not incorporated. (See Code of Virginia, § 46.2-1313). (Amended February 4, 1991; amended April 5, 1999; amended August 2, 2010; amended July 11, 2011).

Part 3
Rules of the Road
(See Generally Code of Virginia, § 46.2-1300.)

§ 2-7. **Vehicles Entering Through Street Intersection.** The driver of a vehicle shall stop at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection from the through street or which are approaching so closely on the through street as to constitute a hazard.

§ 2-8. **Limitations on Backing.** The driver of a vehicle shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic, and shall, in every case, yield the right-of-way to all moving traffic and also to pedestrians.

§ 2-9. **Opening Door of and Entering and Emerging From Vehicle.** No person shall open the door of, or enter or emerge from any vehicle in the path of any approaching vehicle unless such action be taken with due regard for safety of persons and property.

§ 2-10. **Stop When Traffic Obstructed.** No operator of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space beyond the intersection or crosswalk in the direction in which the vehicle is proceeding to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

§ 2-11. **Slow Moving Traffic.** No person shall drive any vehicle upon a highway in this town at such speed as to unnecessarily block, hinder, or retard the orderly and safe use of the highway or so as to cause congestion on the highway, provided that such speed is less than the prescribed maximum speed limit.

§ 2-12. **Driving on Left Side of Road.** Except as otherwise provided by law, on all highways of sufficient width, the driver of the vehicle shall drive on the right half of the highway, unless it is impractical to drive on such side of the highway, except for overtaking and passing another vehicle, subject to the provisions applicable to overtaking and passing as set forth in § 46.2-837 et seq. of the Code of Virginia. (See Code of Virginia, § 46.2-802). (Amended April 5, 1999).

§ 2-13. **Stop Before Entering Public Highway or Sidewalk From Private Road, Yielding Right-of-Way.** The driver of a vehicle entering a public highway or sidewalk from a private road, driveway, alley, or building shall stop immediately before entering such highway or sidewalk and yield the right-of-way to vehicles approaching on such public highway and to pedestrians or vehicles approaching on such public sidewalk.

The provisions of this section shall not apply to an intersection of public and private roads controlled by a traffic signal. At any such intersection, all movement of traffic into and through the intersection shall be controlled by the traffic signal. (See Code of Virginia, § 46.2-826). (Amended April 5, 1999).

§ 2-14. **Left Turns.** No person shall make a left turn without passing to the right of the center of the intersection, except as otherwise provided. (See Code of Virginia, § 46.2-846).

§ 2-15. **Right Turns.** No person shall make a right turn without keeping as close to the curb as is reasonably and safely possible. (See Code of Virginia, § 46.2-846).

§ 2-16. **Lights.** No person shall fail or refuse to control the lights of a vehicle by shifting, depressing, tilting or dimming the headlight beams thereof so as not to project, into the eyes of the driver of any oncoming vehicle, a glaring or dazzling light. (See Code of Virginia, § 46.2-1034).

§ 2-17. **Fire Hoses.** No person shall drive over any unprotected hose of a fire department when laid down on any street, highway or private driveway, to be used at any fire, or fire drill, or practice drill, without the consent of

the Fire Department Officers in command.

§ 2-18. Following Fire Trucks. No person shall follow at closer than 500 feet of any fire apparatus traveling in response to a fire alarm or park closer than 500 feet to a fire apparatus answering an alarm, unless such following or parking is done in furtherance of official business.

§ 2-19. Supplemental Speed Limit. Those roadways under the jurisdiction of the Town of Dayton shall have the following maximum speed limits (except where an already lawfully established special limit differs from this section): (a) twenty-five miles an hour when passing a school during recess or while children are going to or leaving school; (b) thirty miles an hour in a business or residential district; (c) thirty-five miles an hour elsewhere in the town; provided, however, the Town Superintendent, on all highways or streets maintained by the town, may increase or decrease the speed limits within its boundaries, provided such areas or points are clearly indicated by markers or signs and such designated speed is based upon an engineering and traffic investigation. Additionally, the Town Superintendent may reduce speed limits, without an engineering and traffic investigation, for a period not to exceed 60 days, in areas where the street or highway is under construction. (See Code of Virginia, § 46.2-1300).

Part 4
Parking, Stopping and Standing Regulations
(See Generally Code of Virginia, § 46.2-1220)

§ 2-20. Angle-Parking Signs or Markings. Upon those streets which have been signed or marked by the Chief of Police or other designated officer for angle parking, no person shall stop or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings. (Amended April 5, 1999).

§ 2-21. Parking Vehicles With No State License. It shall be unlawful to park any vehicle having no state license on any street.

§ 2-22. Manner of Parking Generally. Except upon highways designated by the Chief of Police (or other officer designated by the council) as one-way streets, no vehicle shall be stopped except close to and parallel to the right hand curb or edge of the roadway unless otherwise provided by rules and regulations made and promulgated by such designated officer; and upon highways designated by such officer as one-way streets, no vehicle shall be stopped except close to and parallel to either curb unless otherwise provided by rules and regulations or made and promulgated by such officer. With respect to parallel parking, the front and rear wheels of the vehicle nearest the curb shall not be more than twelve (12) inches from the curb or edge of the roadway and the front and rear of the vehicle shall not be closer than two (2) feet to other parked vehicles. No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the handbrake, cutting off and locking the ignition, and turning the front wheels into the curb or side of the highway.

§ 2-23. Parking Rules and Regulations Promulgated by Chief of Police or Other Designated Officer. The Chief of Police or other officer designated by the council is hereby authorized and directed to make, promulgate, and enforce rules and regulations for the parking or stopping of vehicles upon the highways; to classify vehicles with reference to parking or stopping; to designate the time, length of time, the place and the manner such vehicles may be allowed to park or stop on the highways; to designate areas for bus stops, taxicab stands, and loading zones; and to revoke, alter or amend such rules and regulations at any time when, in his opinion, traffic conditions and use of the highways require. It shall be unlawful for any person to fail, refuse or neglect to observe and comply with any such rule or regulation made and promulgated by such designated officer; provided, however, no such rule or regulation shall be deemed to have been violated unless appropriate and adequate signs, markers, or other devices are erected to inform ordinarily observant persons using the highway of such rule or regulation. Such signs, markers or other devices shall be so placed that they may be readily seen.

§ 2-24. Stopping or Parking Prohibited in Specified Places. No person shall stop, stand or park a

vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (a) On a sidewalk;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within 15 feet of a fire hydrant; (See Code of Virginia, § 46.2-1306);
- (e) On a crosswalk;
- (f) Within 20 feet of a crosswalk at an intersection;
- (g) Within 30 feet of any flashing traffic beacon, stop sign, or traffic-control signal;
- (h) Within 15 feet of the driveway entrance to any fire or rescue squad station, and when so posted, on the side of a roadway opposite the entrance to any fire station, within 75 feet of the entrance; (See Code of Virginia, § 46.2-1239).
- (i) Along side or opposite any street or highway excavation or obstruction when such stopping or parking would obstruct traffic;
- (j) On the roadway side of any vehicle, stopped or parked, at the edge or curb of a street;
- (k) At any place where official signs prohibit stopping or parking.

§ 2-25. *Parking Not to Obstruct Traffic.* No person shall park any vehicle upon a street, in such a manner or under such conditions as to leave available less than 10 feet of the width of any roadway for free movement of vehicular traffic. (Amended April 5, 1999).

§ 2-26 *Stopping, Standing or Parking in Alleys.*

- (a) No person shall stop or park a vehicle within an alley in a business district except for the expeditious loading or unloading of materials.
- (b) No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.

(Amended April 5, 1999).

§ 2-27. *Parking for Certain Purposes Prohibited.* No person shall park a vehicle upon any street or within any municipal parking lot for the principal purpose of:

- (a) Displaying such vehicle for sale;
- (b) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency;
- (c) Displaying advertising;
- (d) Selling merchandise from such vehicle except in a duly established marketplace, or when so authorized or licensed under the ordinances of this municipality;

- (e) Storage, or as junkage or dead storage, for more than 72 hours.

§ 2-28. Stopping or Parking in Loading Zones.

- (a) Except as specified in paragraph (b) of this section, no person shall stop or park a vehicle for any purpose or length of time other than for the expeditious unloading or loading of materials, in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect.
- (b) The driver of a vehicle may stop temporarily at a place marked as a loading zone for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.

§ 2-29. Stopping or Parking in Restricted Parking Zone. No person shall stop or park a vehicle, for any purpose or length of time, in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.

§ 2-30. Parking of Commercial Vehicles Near Residences. It shall be unlawful for the owner, operator, or driver of any motor vehicle of over three-fourths-ton capacity to park such vehicle or to permit it to be parked on any street, alley, or other public way in the town for longer than 30 minutes in the following areas: (1) any areas zoned for residential use or (2) in front of or adjacent to any portion of any lot upon which any residence is constructed. The provisions of this section shall not apply to any vehicle while actually engaged in loading or unloading.

Part 5

Supplemental Traffic Control Regulations

§ 2-31. Obedience to Police and Fire Department Officials. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, or member of the fire department at the scene of a fire, who is invested by law or ordinance with authority to direct, control, or regulate traffic. (See Code of Virginia, §§ 46.2-1220, 46.2-1300.)

§ 2-32. Obedience to Official Traffic-Control Devices. No driver of a vehicle shall disobey the instructions of any traffic-control device placed in accordance with the provisions of the ordinances of this municipality, unless at the time otherwise directed by a police officer. (See Code of Virginia, §§ 46.2-1220, 46.2-1300.)

§ 2-33. (Repealed April 5, 1999.)

§ 2-34. Traffic Control Signs and Regulations. The Chief of Police or other officer designated by the council is authorized to erect and maintain such appropriate signs, markers, semaphores, signals or other devices as may be deemed necessary by him to enforce any rules and regulations concerning vehicular traffic and travel upon highways by pedestrians, and to execute the provisions of this chapter.

§ 2-35. When Traffic Devices Required for Enforcement Purposes. No provision of this chapter for which signs or markings are required shall be enforced against an alleged violator, if, at the time and place of the alleged violation, an official sign or marking is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

Part 6
Supplemental Bicycle Regulations
(See Generally Code of Virginia, § 46.2-1300.)

§ 2-36. Obedience to Traffic-Control Devices:

- (a) All persons operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- (b) Whenever authorized signs are erected indicating that no right, or left, or U turn is permitted, no persons operating a bicycle shall disobey the direction of any such signs, except where such persons dismount from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

§ 2-37. Parking. Every person who shall stand or park a bicycle upon a street shall do so in such a manner as to afford the least obstruction to pedestrian traffic. (See Code of Virginia, § 46.2-1220).

§ 2-37.1. Unlawful to Operate Bicycle While Using Earphones. It shall be unlawful for any person to operate a bicycle while using earphones on or in both ears. For the purposes of this section, earphones shall mean any device worn on or in both ears which converts electrical energy to sound waves or which impairs or hinders the person's ability to hear, but shall not include any prosthetic device which aids the hard-of-hearing. Any person violating this section shall be guilty of a class 4 misdemeanor. (See Code of Virginia, § 46.2-1078). (Enacted April 5, 1999).

Part 7
Miscellaneous Regulations
(See Generally Code of Virginia, § 46.2-1300.)

§ 2-38. School Bus Stopping. Every school bus shall stop as far to the right off the street as possible before discharging or loading passengers and, when possible, shall not stop where the visibility is obscured for a distance of 200 feet either way from the bus. (See Code of Virginia, § 46.2-893).

§ 2-38.1. Passing Stopped School Buses; Penalty. The driver of a motor vehicle approaching from any direction of a clearly marked school bus which is stopped on any highway or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who fails to stop and remain stopped until all such persons are clear of the highway or school highway, shall be subject to a civil penalty of \$250 and any such prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions. A prosecution or proceeding under this section shall be a bar to a prosecution or proceeding for the same act under § 46.2-859 of the Code of Virginia and vice versa.

In any prosecution for which a summons charging a violation of this section was issued within 10 days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) of the Code of Virginia, shall give rise to a rebuttable presumption that such registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, such violation occurred. (See Code of Virginia § 46.2-844). (Enacted April 5, 1999).

§ 2-39. Driving Through Funeral or Other Procession. No operator of a vehicle shall drive between the vehicles, persons, or animals comprising a funeral or other authorized procession when such procession vehicles

are properly identified by pennants or other authorized insignia and while such funeral or procession is in motion except when otherwise directed by a police officer.

§ 2-40. Drivers and Participants in a Procession. All vehicles comprising a funeral or other procession shall proceed as near to the right-hand edge of the roadway as practicable and shall follow the preceding vehicles in such procession as closely as is practicable and safe.

§ 2-41. When Permits Required for Parades, Processions, and Sound Trucks. No funeral or other procession or parade, excepting the forces of the United States Armed Services, the Military Forces of this State, and the forces of the police and fire departments, shall occupy, march, or proceed along any street or roadway except in accordance with a permit issued by the Chief of Police or other officer designated by the council and such other regulations as are set forth herein which may apply. No sound truck or other vehicle equipped with amplifier or loudspeaker shall be driven upon any street for the purpose of selling, offering for sale, or advertising in any fashion except in accordance with a permit issued by the Chief of Police or other designated officer. The Chief of Police shall issue all such permits unless the activity proposed would cause undue inconvenience or annoyance to the townspeople or would present a safety hazard.

§ 2-42. Clinging to Vehicles. No person riding upon any bicycle, moped, motorcycle, motor-driven cycle, coaster, sled, roller skates, or any toy vehicle shall attach the same or himself to any vehicle upon any street.

§ 2-43. Escape of Vehicle Contents. No vehicle shall be operated or moved on any highway unless such vehicle is so constructed as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom. (See Code of Virginia, §§ 15.2-1102 and 46.2-1300).

§ 2-44. Depositing Glass or Other Harmful Substance on Highway. No person shall throw, place, or cause to be placed upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle. Any person dropping such material on any highway shall immediately remove or cause the same to be removed, and any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

§ 2-45. Railroad Cars Obstructing Street or Road; Standing Vehicle on Railroad Track. It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct, for a longer period than five minutes, the free passage on any street or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers. A passway shall be kept open to allow normal flow of traffic. Provided, however, that when a train has been uncoupled, so as to make a passway, the time necessarily required, not exceeding three minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such cars or trains were standing across such street or road; nor shall it be lawful to stand any wagon or other vehicle on the track of any railroad which will hinder or endanger moving trains. Any such railroad company, receiver or trustee, or driver of any such wagon or vehicle, violating any of the provisions of this section shall be fined not less than \$10.00 nor more than \$500.00.

§ 2-46. Filling of Motor Vehicle Tanks With Gasoline While Motors Are Running. No one shall fill any motor vehicle with gasoline or other fuel while the motor is running, and all operators of motor vehicles shall stop their motors while tanks are being filled with gasoline. (See Code of Virginia, § 15.2-1113).

§ 2-47. Offenses by Persons Owning or Controlling Vehicles. Neither the owner, nor any person employing or otherwise directing the driver of any vehicle, shall require or knowingly permit the operation of such vehicle upon a street of this municipality in any manner contrary to law.

Part 8
Penalties and Supplemental Arrest Procedures

§ 2-48. *Illegal Cancellation of Traffic Citations.* It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this chapter.

§ 2-49. *Disposition of Traffic Fines and Forfeitures.* All fines or forfeitures collected upon a finding of violations of ordinance, or upon the forfeiture of bail of any person charged with violation of any of the provisions of this ordinance, shall be paid into the Municipal Treasury and deposited in the general fund. (See Code of Virginia, § 46.2-1308).

§ 2-50. *Enforcement of Part 4 of Chapter 2.*

(a) All uncontested parking fines shall be paid to and accounted for by the Town Treasurer within 72 hours after the issuance of the parking citation. If payment is not received by that time, a surcharge of five percent (5%) shall be added to the fine.

(b) When a fine is contested, the Chief of Police or other official shall certify the matter to the General District Court of Rockingham County.

(c) The Chief of Police or other official shall cause the appropriate complaints, warrants, or summons to be issued for delinquent parking citations.

(d) Unless otherwise provided in each individual ordinance, the fines for violations of Part 4 shall be five dollars (\$5.00) except for the violation or regulation regarding the maximum length of time which a car may be parked, which shall be one dollar (\$1.00).

(e) The fines for violations of Part 4 shall be as follows:

(1)	Parking in a no parking zone	\$ 5.00
(2)	Parking in a tow away zone	\$ 5.00
(3)	Blocking a private or public driveway	\$ 5.00
(4)	Parking on a yellow line	\$ 5.00
(5)	Parking within 15 feet of a fire hydrant	\$ 20.00
(6)	Parking on the wrong side of the street	\$ 5.00
(7)	Parking in a loading zone	\$ 5.00
(8)	Parking on a sidewalk	\$ 15.00
(9)	Overtime parking	\$ 5.00
(10)	Parking a vehicle with no state tags	\$ 20.00
(11)	Double Parking	\$ 5.00
(12)	Violation of official sign	\$ 10.00
(13)	Blocking traffic	\$ 10.00
(14)	Blocking an emergency entrance	\$ 20.00
(15)	Parking in a handicapped zone	\$ 50.00

(f) In any prosecution charging a violation of an ordinance in Part 3, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant, was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation. (See Code of Virginia, § 46.2-1220).

(Amended April 5, 1999).

§ 2-51. Violations of this Title: Penalties for Misdemeanors or Other Traffic Violations. Any person convicted of violating any provision of this title for which no other penalty is provided shall be guilty of a traffic infraction, punishable by a fine of not more than two hundred dollars (\$200.00).

If it is found by the judge of a court of proper jurisdiction that the violation of any provision of this title was a serious traffic violation and (i) that such violation was committed while operating a vehicle or combination of vehicles used to transport property that either:

- (a) has a gross vehicle weight rating of 26,001 or more pounds; or
- (b) has a gross combined weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross weight rating of more than 10,000 pounds, the judge may assess, in addition to any other fines he assessed, a further monetary amount not exceeding \$500.00.

For the purposes of this section, the following offenses, if committed in a commercial motor vehicle, are serious traffic violations:

- 1. driving at a speed of 15 or more miles per hour in excess of the posted speed limits; or
- 2. reckless driving; or
- 3. a violation of a town ordinance related to motor vehicle traffic control arising in connection with a fatal traffic accident; or
- 4. improper or erratic traffic lane change; or
- 5. following the vehicle ahead too closely.

For the purposes of this section, parking, vehicle weight, and vehicle defect violations shall not be considered traffic violations. (See Code of Virginia, §§ 46.2-113 and 46.2-341.20). (Amended April 5, 1999).

§ 2-52. Penalty for Driving Under the Influence of Alcohol. Any person convicted of driving under the influence of alcohol under § 2-6 (incorporating Article 2, Chapter 7 of Title 18.2 of the Code of Virginia) shall be punished in accordance with the analogous state law provision. (See Code of Virginia, § 18.2-270). (Amended April 5, 1999).

§ 2-53. Failure to Comply With Summons. Any person who willfully fails to appear when required to do so by summons issued for a violation of this title shall be fined not less than five dollars (\$5.00), nor more than twenty-five dollars (\$25.00) in addition to the punishment, if any, imposed for the charge for which the summons was issued.

§ 2-54. Separate Offense. Each day that a vehicle is permitted to stop, stand or park in a place, zone, or area in violation of parking regulations shall constitute a separate offense. (See Code of Virginia, § 46.2-1220).

§ 2-55. Overtime Parking, Separate Offenses. Whenever parking is limited to a specified length of time, it shall be a separate offense for each period in excess of that authorized that a vehicle is permitted to stand in the same parking space during the same day; provided, however, that no more than three violations for overtime parking shall be charged against the driver of a vehicle for permitting it to stand in the same parking place during the same day. (See Code of Virginia, § 46.2-1220).

Part 9
Definitions

§ 2-56. Generally. Words and phrases in Chapter 2 shall have the meanings ascribed to them by § 46.2-100 of the Code of Virginia, 1950, as amended, unless the context clearly requires a different meaning. (Amended April 5, 1999).

CHAPTER 3
Streets

§ 2-56.1. Limitation of Chapter. Unless expressly provided to the contrary, the provisions of this chapter shall not apply to any streets, sidewalks, or land within the confines of State Secondary System of highways. This chapter shall apply, however, to any streets, sidewalks, or land which lies beyond the the State Secondary System. Further, this chapter shall apply within the State Secondary System to the extent the Town acts with the concurrence of the Virginia Department of Transportation. (See 1982-1983 Op. Atty. Gen. Va. 272.)

§ 2-57. Paving of Streets. No streets are to be paved at the expense of the town unless agreed to by the council. It shall be unlawful to attempt to grade, pave, light, clean or otherwise improve at the expense of the town, any street hereafter dedicated to the public by the owner of private property, unless the same shall have been accepted by the council and under its direction, laid out by the Town Superintendent or other duly delegated authority.

§ 2-58. Sidewalks.

- (a) The owners of property, in front of which the sidewalks are not paved, shall whenever the Town Council, by ordinance, determines that such sidewalk be paved and upon notice to that effect by the Town Superintendent, pay 50% of the cost of paving to the Town Treasurer.
- (b) If such owner shall neglect, after 30 days notice to him from the Town Superintendent, to pay 1/2 the cost of paving, then 1/2 of the cost of the paving shall be certified by the Town Superintendent to the Town Treasurer, who shall record the same. The Treasurer shall record the name of the owner and street upon which his property abuts, and the frontage of the property on the street. The amount of the landowner's liability (1/2 of the total cost) shall be a lien on property and shall be collected by the Town Treasurer in the same manner that he collects taxes. The notice required by this section may be served on the owner in person, or if he be a non-resident, by mailing to him at his last known address, the notice by registered mail, or by publication in a local newspaper for two successive weeks.

§ 2-59. Notice of Paving. Before the council shall, in accordance with § 2-58, order landowners to pave a sidewalk, the council shall first publish for two weeks in a local newspaper weekly notices inviting all persons interested to appear before the council to be heard on the matter.

§ 2-60. When Permit for Paving Required. No person shall pave a sidewalk within the town without first obtaining a permit from the Town Superintendent. Any permit shall designate the material and foundation to be used, the width of the pavement, and such other matters as may be relevant. The actual paving shall be done under the supervision of the Town Superintendent. Violation of this section shall constitute a class 4 misdemeanor.

§ 2-61. Injury to Sidewalk - Penalty. Any person injuring any sidewalk, shall, when required by the Town Superintendent, pay the Town Treasurer such amount as is estimated by the Superintendent to be necessary to repair the injury. The Superintendent shall then have the sidewalk repaired. If the person causing the injury fails to pay repair costs to the Town Treasurer within 15 days, the costs shall be collected in accordance with § 2-58(b).

§2-62. Excavating in Streets and Sidewalks.

- (a) No person, firm or corporation shall dig up any street, lane, alley, or park for any purpose without

first obtaining written permission therefor from the Town Superintendent.

(b) Any person, firm, or corporation violating this section shall be guilty of a class 4 misdemeanor.

§ 2-63. *Warning Lights on Street Obstructions.* Any person, firm, or corporation who shall break or dig up any street or deposit any material thereon shall place as many lights as may be necessary to warn passers by of the obstruction in the streets, so long as such breach or obstruction shall remain in the streets. Violation of this section shall constitute a class 3 misdemeanor.

§ 2-64. *Snow Removal from Sidewalks.* All persons occupying, owning, or having charge of any property within the town shall be required to remove the snow from the entire sidewalk in front of such property, within six daylight hours after the snow has ceased to fall.

If any property owner or tenant fails to clean snow from his sidewalk after six daylight hours from the time snow ceases to fall, the Town Superintendent may have the snow cleaned off and the cost of that cleaning charged to the owner or tenant, such charge to be collected by the Treasurer in any manner provided by law for the collection of state or local taxes.

This section shall apply throughout the Town, within and without the State Secondary System, notwithstanding § 2-56.1. (See Code of Virginia, § 15.2-1115.)

§ 2-65. *Removal of Vehicles From Streets During Snowfall.* Whenever snow accumulates on any street to a depth of two or more inches, the owners or operators of motor vehicles parked on that street shall remove the vehicles no later than two hours after the snow has accumulated to two inches without waiting for the snow to cease. Any person violating this section shall pay a fine of \$5.00 for each offense.

CHAPTER 4

Motor Vehicle License Tax

§ 2-66. *License Tax Imposed By Town.* There is imposed by the council of the Town of Dayton, Virginia, a license tax upon every motor vehicle, trailer, and semi-trailer regularly garaged, stored, or parked in the Town of Dayton, and used or intended to be used upon the streets and highways of this town. The term "motor vehicle" includes but is not limited to automobiles, trucks and motorcycles. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space shall be considered a part of a motor vehicle. For the purposes of this section, neither a bicycle nor a moped shall be deemed to be a motor vehicle. Moped is defined in this section as it is defined in § 46.2-100 of the Code of Virginia. (See Code of Virginia §§ 46.2-100 and 46.2-752). (Amended April 5, 1999).

§ 2-67. *Who Must Procure Town License.* Every firm, corporation, partnership or any other business entity or combination thereof or person who owns a motor vehicle, trailer, or semi-trailer which is normally garaged, stored or parked in the Town of Dayton, shall make application for and procure a motor vehicle license from the town. If it cannot be determined where the motor vehicle, trailer, or semi-trailer is normally garaged, stored or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time 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. (See Code of Virginia § 46.2-752). (Amended April 5, 1999).

§2-68. *Exceptions.* This title shall not apply to:

(a) Motor vehicles, trailers, or semi-trailers owned by a nonresident and used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation.

- (b) Motor vehicles, trailers, or semi-trailers owned by a nonresident and used for transporting into and within the town for sale in person or by his employees of wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream, or eggs produced or grown by him, and not purchased by him for sale.
- (c) Motor vehicles, trailers, or semi-trailers owned by an officer or employee of the Commonwealth of Virginia who is a nonresident of the town and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use.
- (d) Motor vehicles, trailers, or semi-trailers kept by a dealer or manufacturer for sale or for sales demonstration.
- (e) Motor vehicles, trailers, or semi-trailers operated by a common carrier of persons or property operating between cities and towns in the Commonwealth of Virginia and not in intra-city transportation or between cities and towns on the one hand and points and places outside cities and towns on the other and not in intra-city transportation. For purposes of this section, the term “common carrier” is defined as it is defined in § 46.2-755 of the Code of Virginia.
- (f) A maximum of one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran’s exemption from the Department of Motor Vehicles and has been issued a disabled veteran’s motor vehicle license plate.
- (g) Any daily rental passenger car (as defined in § 58.1-2401 of the Code of Virginia), the rental of which is subject to the tax imposed by § 58.1-2402 A 4 of the Code of Virginia.
- (h) Motor vehicles, trailers, or semi-trailers when a similar tax or fee is imposed by the county, city, or town wherein the vehicle is normally garaged, stored or parked.

(See Code of Virginia, § 46.2-755). (Amended April 5, 1999).

§ 2-69. *Payment of Personal Property Taxes Required.* No motor vehicle, trailer or semi-trailer shall be licensed unless and until the applicant for such license produces before the town treasurer satisfactory evidence that all personal property taxes upon the motor vehicle, trailer or semi-trailer to be licensed have been paid which have been properly assessed or are assessable against the applicant by this town . (See Code of Virginia, § 46.2-752)

§ 2-70. (Repealed April 15, 2012.)

§ 2-71. (Repealed April 15, 2012.)

§ 2-72. *Commencement and Expiration Dates of Town Licenses.* The town license year under the terms of this section shall commence on the 16th day of April, and shall expire on the 15th day of April of the following calendar year.

§ 2-73. *Amount of Tax.* The amount of such annual license tax shall be as established by the council from time to time.

§ 2-74. Tax Reduced after Certain Periods. The following amounts shall be collected when licenses are issued for less than the full license year:

<u>Period Issued</u>	<u>Amount of Tax</u>
October 1- January 15	One-half
After January 15	One-third

(See Virginia Code § 46.2-752).

§ 2-75. (Repealed April 15, 2012.)

§ 2-76. Penalties. Any violation of this chapter shall constitute a misdemeanor and be punishable by a fine not exceeding twenty dollars. Purchasers of new or used motor vehicles shall be allowed a ten (10) day grace period, beginning with the date of purchase, during which to pay license fees charged by the town under this chapter. (See Code of Virginia, §§ 46.2-752 and 46.2-765). (Amended April 5, 1999).