

## **Chapter 24 TRAFFIC AND VEHICLES**

### ***ARTICLE I. IN GENERAL***

#### **Sec. 24-1. Applicability.**

This chapter 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.

(Code 1988, § 2-4; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

#### **Sec. 24-2. Definitions.**

Words and phrases in this chapter shall have the meanings ascribed to them by Code of Virginia, § 46.2-100, unless the context clearly requires a different meaning.

(Code 1988, § 2-56; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Definitions, Code of Virginia, § 46.2-100.

#### **Secs. 24-3—24-22. Reserved.**

### ***ARTICLE II. ADMINISTRATION AND ENFORCEMENT***

#### ***DIVISION 1. GENERALLY***

#### **Secs. 24-23—24-47. Reserved.**

#### ***DIVISION 2. TRAFFIC CONTROL***

#### **Sec. 24-48. 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.

(Code 1988, § 2-31; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Stopping, standing, parking provisions, Code of Virginia, §§ 46.2-1220, 46.2-1300.

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**Sec. 24-49. 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 the town, unless at the time otherwise directed by a police officer.

(Code 1988, § 2-32; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Stopping, standing, parking provisions, Code of Virginia, §§ 46.2-1220, 46.2-1300.

**Sec. 24-50. Traffic control signs and regulations.**

The police chief 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.

(Code 1988, § 2-34; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

**Sec. 24-51. When traffic devices required for enforcement purposes.**

No provision of this division 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.

(Code 1988, § 2-35; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

**Secs. 24-52—24-75. Reserved.***DIVISION 3. PERMIT FOR PROCESSIONS***Sec. 24-76. Drivers and participants in a procession.**

All vehicles comprising a funeral or other procession shall proceed as near to the righthand edge of the roadway as practicable and shall follow the preceding vehicles in such procession as closely as is practicable and safe.

(Code 1988, § 2-40; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

**Sec. 24-77. 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 police chief 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 police chief or other designated officer. The police chief shall issue all such permits unless the activity proposed would cause undue inconvenience or annoyance to the townspeople or would present a safety hazard.

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(Code 1988, § 2-41; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

**Secs. 24-78—24-97. Reserved.**

***DIVISION 4. ENFORCEMENT AND PENALTIES***

**Sec. 24-98. 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 division.

(Code 1988, § 2-48; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

**Sec. 24-99. Disposition of traffic fines and forfeitures.**

All fines or forfeitures collected upon a finding of violations of this chapter, or upon the forfeiture of bail of any person charged with violation of any of the provisions of this chapter, shall be paid into the municipal treasury and deposited in the general fund. Fees shall be disposed of according to law.

(Code 1988, § 2-49; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-1308.

**Sec. 24-100. Enforcement.**

- (a) The police chief or other official shall cause the appropriate complaints, warrants, or summons to be issued for delinquent parking citations.
- (b) Unless otherwise provided in subsection (c) of this section, the fines for violations of this chapter shall be \$25.00, or \$50.00 if the fine is not paid in full within ten days.
- (c) The fines for violations of this chapter shall be as follows:

Fines for Violations

<i>Violations</i>	<i>Fine if Paid Within 10 Days</i>	<i>Fine if Paid After 10 Days</i>
Parking in a no parking zone.	\$20.00	\$40.00
Parking in a tow away zone	\$20.00	\$40.00
Blocking a private or public driveway	\$20.00	\$40.00
Parking on a yellow line	\$20.00	\$40.00
Parking within 15 feet of a fire hydrant	\$35.00	\$70.00
Parking on the wrong side of the street	\$20.00	\$40.00
Parking in a loading zone	\$20.00	\$40.00
Parking on a sidewalk	\$35.00	\$70.00

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Overtime parking	\$20.00	\$40.00
Parking a vehicle with no state tags	\$25.00	\$50.00
Double parking	\$20.00	\$40.00
Violation of official sign	\$20.00	\$40.00
Blocking traffic	\$20.00	\$40.00
Blocking an emergency entrance	\$35.00	\$70.00
Parking in a handicapped zone	\$100.00	\$200.00
Parking in a fire lane	\$30.00	\$60.00

- (d) In any prosecution charging a violation of this chapter, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant, was parked in violation of this chapter 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.

(Code 1988, § 2-50; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011; Ord. of 8-12-2019)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-1220.

### **Sec. 24-101. Violations of this chapter; penalties for misdemeanors or other traffic violations.**

- (a) Any person convicted of violating any provision of this chapter for which no other penalty is provided shall be guilty of a traffic infraction, punishable by a fine of not more than \$200.00. If it is found by the judge of a court of proper jurisdiction that the violation of any provision of this chapter was a serious traffic violation and that such violation was committed while operating a vehicle or combination of vehicles used to transport property that has either:

- (1) A gross vehicle weight rating of 26,001 or more pounds; or
- (2) 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.

- (b) 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;
- (2) Reckless driving;
- (3) A violation of a town ordinance related to motor vehicle traffic control arising in connection with a fatal traffic accident;
- (4) Improper or erratic traffic lane change; or
- (5) Following the vehicle ahead too closely.

- (c) For the purposes of this section, parking, vehicle weight, and vehicle defect violations shall not be considered traffic violations.

(Code 1988, § 2-51; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

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State law reference(s)—Traffic violations, Code of Virginia, § 46.2-113; serious traffic violations by commercial drivers, Code of Virginia, § 46.2-341.20.

**Sec. 24-102. Penalty for driving under the influence of alcohol.**

Any person convicted of driving under the influence of alcohol under section 24-124 (incorporating Code of Virginia, title 18.2, chapter 7, article 2 (Code of Virginia, § 18.2-266 et seq.) shall be punished in accordance with the analogous state law provision.

(Code 1988, § 2-52; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Driving under the influence of illegal levels of alcohol, Code of Virginia, § 18.2-270.

**Sec. 24-103. 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 chapter shall be fined not less than \$5.00, nor more than \$25.00 in addition to the punishment, if any, imposed for the charge for which the summons was issued.

(Code 1988, § 2-53; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

**Sec. 24-104. 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.

(Code 1988, § 2-54; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Parking, stopping and standing, Code of Virginia, § 46.2-1220.

**Sec. 24-105. 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.

(Code 1988, § 2-55; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Parking, stopping and standing, Code of Virginia, § 46.2-1220.

**Secs. 24-106—24-123. Reserved.**

***ARTICLE III. RULES OF THE ROAD***

***DIVISION 1. GENERALLY***

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## **Sec. 24-124. Adoption of state law.**

All of the provisions of Code of Virginia, title 46.2, Code of Virginia, title 16.1, chapter 11, article 9 (Code of Virginia, § 16.1-278 et seq.), and of Code of Virginia, title 18.2, chapter 7, article 2 (Code of Virginia, § 18.2-266 et seq.), other than those provisions thereof which plainly have no application within the town, are incorporated by reference into this article. 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 Code of Virginia, § 15.2-1429 prohibits the town from incorporating those provisions of Code of Virginia, § 18.2-270 which provide for penalties greater than those for a Class 1 misdemeanor, such provisions are not incorporated.

(Code 1988, § 2-6; Ord. of 2-4-1991; Ord. of 4-5-1999; Ord. of 8-2-2010; Ord. of 8-8-2010; Ord. of 7-11-2011; Ord. of 7-9-2012; Ord. of 7-8-2013; Ord. of 7-1-2019)

State law reference(s)—Authority to adopt Code of Virginia, title 46.2, Code of Virginia, § 46.2-1300; similar provision, Code of Virginia, § 46.2-1313.

## **Secs. 24-125—24-146. Reserved.**

### *DIVISION 2. SPEED LIMITS*

## **Sec. 24-147. Supplemental speed limit.**

(a) Those roadways under the jurisdiction of the town shall have the following maximum speed limits (except where an already lawfully established special limit differs from this section):

- (1) 25 miles an hour when passing a school during recess or while children are going to or leaving school;
- (2) 30 miles an hour in a business or residential district;
- (3) 35 miles an hour elsewhere in the town;

provided, however, the town manager, 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.

(b) Additionally, the town manager 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.

(Code 1988, § 2-19; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Authority to establish speed limits, Code of Virginia, § 46.2-1300.

## **Secs. 24-148—24-177. Reserved.**

### *DIVISION 3. STOPPING, STANDING, PARKING LIMITS<sup>1</sup>*

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<sup>1</sup>State law reference(s)—Stopping, standing and parking, Code of Virginia, § 46.2-1220.

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### **Sec. 24-178. Angle parking signs or markings.**

Upon those streets which have been signed or marked by the police chief 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.

(Code 1988, § 2-20; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Angle parking authorized, Code of Virginia, § 46.2-889.

### **Sec. 24-179. Parking vehicles with no state license.**

It shall be unlawful to park any vehicle having no state license on any street.

(Code 1988, § 2-21; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

### **Sec. 24-180. Manner of parking generally.**

Except upon highways designated by the police chief (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 12 inches from the curb or edge of the roadway and the front and rear of the vehicle shall not be closer than two 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.

(Code 1988, § 2-22; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Location of parked vehicles, Code of Virginia, § 46.2-889.

### **Sec. 24-181. Parking rules and regulations promulgated by police chief or other designated officer.**

The police chief 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.

(Code 1988, § 2-23; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

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**Sec. 24-182. 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:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within 15 feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within 20 feet of a crosswalk at an intersection;
- (7) Within 30 feet of any flashing traffic beacon, stop sign, or traffic-control signal;
- (8) 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;
- (9) Alongside or opposite any street or highway excavation or obstruction when such stopping or parking would obstruct traffic;
- (10) On the roadway side of any vehicle, stopped or parked, at the edge or curb of a street;
- (11) At any place where official signs prohibit stopping or parking.

(Code 1988, § 2-24; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Authority to establish parking regulations, Code of Virginia, § 46.2-1220; parking in certain locations prohibited, Code of Virginia, § 46.2-1239.

**Sec. 24-183. 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 ten feet of the width of any roadway for free movement of vehicular traffic.

(Code 1988, § 2-25; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

**Sec. 24-184. 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.

(Code 1988, § 2-26; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

**Sec. 24-185. 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:

- (1) Displaying such vehicle for sale;



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- (2) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency;
  - (3) Displaying advertising;
  - (4) Selling merchandise from such vehicle except in a duly established marketplace, or when so authorized or licensed under the ordinances of the town;
  - (5) Storage, or as junk or dead storage, for more than 72 hours.

(Code 1988, § 2-27; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

#### **Sec. 24-186. Stopping or parking in loading zones.**

- (a) Except as specified in subsection (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.

(Code 1988, § 2-28; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

#### **Sec. 24-187. 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.

(Code 1988, § 2-29; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

#### **Sec. 24-188. 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: any areas zoned for residential use or 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.

(Code 1988, § 2-30; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

#### **Secs. 24-189—24-214. Reserved.**

### ***ARTICLE IV. BICYCLES<sup>2</sup>***

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<sup>2</sup>State law reference(s)—Authority to regulate bicycles, Code of Virginia, § 46.2-1315.

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### **Sec. 24-215. 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 turn, left turn, 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.

(Code 1988, § 2-36; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

### **Sec. 24-216. Means of 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.

(Code 1988, § 2-37; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Parking regulations, Code of Virginia, § 46.2-1220.

### **Sec. 24-217. 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, the term "earphones" shall mean any device worn on or in both ears which converts electrical energy to soundwaves 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.

(Code 1988, § 2-37.1; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-1078.

### **Secs. 24-218—24-242. Reserved.**

## ***ARTICLE V. GOLF CARTS AND UTILITY VEHICLES<sup>3</sup>***

### **Sec. 24-243. Definitions.**

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

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

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<sup>3</sup>State law reference(s)—Authority to permit operation of golf carts and utility vehicles on town streets, Code of Virginia, § 46.2-916.2.

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*Public highway* means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the town, including streets, roads, and alleys.

*Utility vehicle* means a motor vehicle that is designed for off-road use, powered by a motor, and used for general maintenance, security, agricultural, or horticultural purposes. The term "utility vehicle" does not include riding lawn mowers.

(Code 1988, § 2-78; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

#### **Sec. 24-244. Required safety equipment.**

All safety equipment required for inspection under section 24-247 must remain on golf carts or utility vehicles at all times when operated on any public highway or town property.

(Code 1988, § 2-79; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

#### **Sec. 24-245. General operation regulated.**

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

(Code 1988, § 2-80; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011; Ord. of 8-13-2012)

#### **Sec. 24-246. Designation of town public highways for golf cart or utility vehicle operation; posting of signs.**

- (a) Pursuant to Code of Virginia, § 46.2-916.2, the town council may authorize, by ordinance, the operation of golf carts and utility vehicles on designated public highways within the town after:
  - (1) Considering the speed, volume and character of motor vehicle traffic using such street; and
  - (2) Determining that golf cart or utility vehicle operation on particular town public highways is compatible with state and local transportation plans and consistent with the commonwealth's statewide pedestrian policy.
- (b) No town public highway shall be designated for use by golf carts or utility vehicles if such golf cart or utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic, or if the public highway's speed limit is greater than 25 miles per hour. After considering such factors, the town council has determined that all public highways within the town limits with a speed limit of 25 miles per hour or less shall be considered designated for golf cart or utility vehicle use.

(Code 1988, § 2-81; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011; Ord. of 8-13-2012; Ord. of 6-8-2013)

#### **Sec. 24-247. Safety inspection.**

- (a) Golf carts and utility vehicles shall pass an annual safety inspection conducted by a reputable mechanic. Such safety inspection shall only cover the following items:
  - (1) Headlights, taillights, brake lights and turn signals.
  - (2) Rubber or equivalent tires.
  - (3) Speed limiter limiting vehicle speed to less than 20 miles per hour.

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- (4) Adequate steering gear, brakes, emergency or parking brake, one mirror, adequately fixed driver's seat.
  - (5) All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks.
- (b) Once per year, the owner/operator of the golf cart or utility vehicle shall be responsible for obtaining the completion of an inspection certification by a reputable mechanic on a form to be approved by the town. The owner/operator shall be required to bring the completed inspection certification, executed by the mechanic, to the town, along with proof of insurance and proof of payment of the town's vehicle license tax, and obtain a sticker to be placed in plain view on the driver's side front portion of the golf cart or utility vehicle.

(Code 1988, § 2-82; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

### **Sec. 24-248. Insurance required.**

Every golf cart or utility vehicle and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in Code of Virginia, § 46.2-472, and provide coverage during the operation of the golf cart or utility vehicle upon public highways.

(Code 1988, § 2-83; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Liability insurance requirements, Code of Virginia, § 46.2-472.

### **Sec. 24-249. Operation on public highways.**

It is unlawful to operate a golf cart or utility vehicle on a public highway within the town unless the following requirements are met:

- (1) No person shall operate a golf cart or utility vehicle on a town public highway unless that public highway is designated for golf cart or utility vehicle operations.
- (2) No golf cart shall be driven across any public highway where the public highway being crossed has a posted speed limit of more than 25 miles per hour unless the public highway intersection is controlled by a traffic light and has a posted speed limit of no more than 35 miles per hour.
- (3) Golf carts and utility vehicles shall be operated on public highways only between sunrise and sunset unless equipped with such lights as required in article 3 (Code of Virginia, § 46.2-1010 et seq.) of chapter 10 of title 46.2 of the Code of Virginia, for different classes of vehicles.
- (4) No person may operate a golf cart or utility vehicle on public highways or town property unless he has in his possession a valid driver's license and then, only in accordance with such driver's license.
- (5) Golf carts and utility vehicles must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages.
- (6) Only the number of people the golf cart or utility vehicle is designed to seat may ride on a golf cart or utility vehicle. Additionally, passengers shall not be carried on the part of a golf cart designed to carry golf bags.
- (7) Golf carts and utility vehicles shall not be operated on any bicycle trails or sidewalks within the town limits.
- (8) Golf carts and utility vehicle shall not be operated on any walking trails and must remain on roadways or parking areas while operated within town parks.

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- (9) Golf carts and utility vehicles shall not be operated during inclement weather, for example, snow, sleet, or ice-related conditions; nor when visibility is impaired by weather, smoke, fog or other conditions.
  - (10) Every golf cart or utility vehicle whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with Code of Virginia, § 46.2-1081.
  - (11) The police chief, or his designee, may prohibit the operation of golf carts or utility vehicles on any public highway if the chief, or his designee, determines that the prohibition is necessary in the interest of safety.

(Code 1988, § 2-84; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

### **Sec. 24-250. Exceptions.**

The limitations set forth in section 24-249 shall not apply to golf carts or utility vehicles being operated to the extent necessary for town employees, operating only upon public highways located within the town, to fulfill a governmental purpose, provided the golf cart or utility vehicle is not operated on a public highway with a posted speed limit over 35 miles per hour in accordance with Code of Virginia, § 46.2-916.3(B)(2).

(Code 1988, § 2-85; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Maximum speed limits, Code of Virginia, § 46.2-916.3(B)(2).

### **Sec. 24-251. Local vehicle license.**

No golf cart or utility vehicle shall be operated on public highways or town property until the owner has:

- (1) Obtained a vehicle license. No vehicle license shall be issued to the owner of the golf cart or utility vehicle until the vehicle license fee has been paid to the town.
- (2) Presented evidence that the golf cart or utility vehicle is insured in accordance with the requirements of section 24-248.
- (3) Received and passed an annual safety inspection of the golf cart or utility vehicle as required by section 24-247.

(Code 1988, § 2-86; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

### **Sec. 24-252. Liability disclaimer.**

The ordinance from which this article is derived is adopted to address the interest of public safety. Golf carts and utility vehicles are not designed or manufactured to be used on the public highways and the town in no way advocates or endorses their operation on public highways. The town, by regulating such operation, is merely trying to address obvious safety issues, and adoption of the ordinance from which this article is derived is not to be relied upon as a determination that operation on public highways is safe or advisable if done in accordance with this article. All persons who operate or ride upon golf carts or utility vehicles on public highways do so at their own risk and peril, and must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The town has no liability under any theory of liability and the town assumes no liability for permitting golf carts or utility vehicles to be operated on the public highways under the special legislation granted by the Virginia General Assembly. Any person who operates a golf cart or utility vehicle is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart or utility vehicle on the public highway.

(Code 1988, § 2-87; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

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**Sec. 24-253. Violations.**

Any person convicted of violating any provision of this article shall be guilty of a traffic infraction, punishable by a fine of not more than \$200.00.

(Code 1988, § 2-88; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

**Secs. 24-254—24-284. Reserved.**

***ARTICLE VI. RAILROADS***

**Sec. 24-285. 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 \$100.00 for each minute beyond the permitted time, not to exceed a total fine of \$500.00, and provided the total fine shall not be less than \$100.00 nor more than \$500.00. This section shall not apply when the train is stopped due to breakdown, mechanical failure or emergency.

(Code 1988, § 2-45; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Similar provisions, Code of Virginia, § 56-412.1.

**Secs. 24-286—24-303. Reserved.**

***ARTICLE VII. VEHICLES***

**Sec. 24-304. 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.

(Code 1988, § 2-46; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

State law reference(s)—Authority to prohibit dangerous activity, Code of Virginia, § 15.2-1113.

**Sec. 24-305. 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 town in any manner contrary to law.

(Code 1988, § 2-47; Ord. of 4-5-1999; Ord. of 8-8-2010; Ord. of 7-11-2011)

