

Chapter 34 TRAFFIC AND MOTOR VEHICLES ^[1]

[Sec. 34-1. Inoperable vehicles within the corporate limits of the town.](#)

[Sec. 34-2. Signals required by railroad locomotives or diesel engines at crossings; exception.](#)

[Sec. 34-3. Adoption of Code of Virginia.](#)

[Sec. 34-4. Removal and disposition of unattended or immobile vehicles.](#)

[Sec. 34-5. Authority of town manager relative to parking.](#)

[Sec. 34-6. Parking in spaces reserved for persons with disabilities; penalty for violations.](#)

[Sec. 34-7. Parking in public metered spaces; penalty for violations.](#)

[Sec. 34-8. Parking near fire hydrants.](#)

[Sec. 34-9. Parking in fire lanes.](#)

[Sec. 34-10. Enforcement of sections 34-8 and 34-9.](#)

[Sec. 34-11. Parking on wrong side of street.](#)

[Sec. 34-12. Parking so as to block driveway of business, filling station, church or personal residence.](#)

[Sec. 34-13. Parking vehicle without valid license plates.](#)

[Sec. 34-14. Parking vehicle without valid state inspection sticker.](#)

[Sec. 34-15. Parking prohibited in specified places.](#)

[Sec. 34-16. Parking citations generally.](#)

[Sec. 34-17. Penalty for parking violation; late payment penalty; certification of contest of parking citation.](#)

[Sec. 34-18. Procedure for delinquent parking citations.](#)

[Sec. 34-19. Safety equipment required, moped operators and passengers.](#)

[Sec. 34-20. Helmets required, riders of bicycles and electric power-assisted bicycles.](#)

[Sec. 34-21. Town manager authority to reduce speed limit.](#)

[Sec. 34-22. Idling of vehicles; violation.](#)

[Sec. 34-23. Traffic calming program.](#)

[Sec. 34-24. Reimbursement of expenses incurred in responding to DUI and other traffic accidents or incidents.](#)

[Sec. 34-25. Loading zones.](#)

Sec. 34-1. Inoperable vehicles within the corporate limits of the town.

- (a) It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property within the corporate limits of the town any motor vehicle, trailer or semitrailer, as such are defined in Code of Virginia, § 46.2-100, which is inoperable; provided, however, only one such vehicle may be kept outside a fully enclosed building or structure, provided that it is shielded or screened from view. As used in this section, the term "inoperable motor vehicle" means any motor vehicle which is not in operating condition; or which, for a period of 60 days or longer, has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle or on which there

are no valid license plates or a valid inspection decal displayed. However, the provisions of this section shall not apply to a licensed business which, on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

- (b) As used in this section, the term "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which a subject vehicle is located. Placing an inoperable vehicle within an area completely enclosed by either a solid, rigid, opaque fence composed of standard fencing materials or a landscaped arrangement of non-deciduous trees, sufficient in height, spacing, density and circumference to ensure precluding visibility of the subject vehicle by someone standing at ground level from outside of the property on which the subject vehicle is located shall constitute shielding or screening from view the inoperable motor vehicle in compliance with the requirements of this article. The placing, draping or securing of a tarpaulin or other nonrigid cover over or around an inoperable vehicle shall not be sufficient to comply with the requirements of this section, unless the nonrigid cover is opaque, specifically designed for use as a car cover and is designed for use on the specific model of the vehicle being covered.
- (c) Any person who is the owner of property within the corporate limits of the town shall remove from such property any inoperable motor vehicles, trailers, or semitrailers that are not kept within a fully enclosed building or structure upon 72 hours notice by the town manager, chief of police or town ordinance officer. Upon the failure of the person to remove the same within the time fixed by such notice, the town, acting by its agents, the town manager, chief of police or town ordinance officer, may remove such inoperable motor vehicles, trailers or semitrailers. If the town, through its agents or employees, removes any such motor vehicles, trailers or semitrailers after having given reasonable notice to the owner, or owners, of the same, the town may dispose of the same after giving additional reasonable notice to the owner, or owners, of the vehicle, or vehicles, of such proposed disposition. The cost of any such removal and disposal shall be chargeable to the owner, or owners, of the vehicle, or vehicles, or the premises and may be collected by the town as taxes and levies are collected; and every cost authorized by this section for which the owner has been assessed shall constitute a lien against the property from which the vehicle, trailer or semitrailer was removed. Such lien shall continue until actual payment of such costs has been made to the town. Notwithstanding the other provisions of this subsection, if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.
- (d) Any person receiving notice of being in violation of this section and failing to comply with any notice given thereof and shall remain in violation for a period of 72 hours shall be guilty of a Class 1 misdemeanor, and prosecution therefore shall not bar the town from proceeding to remove the inoperable vehicles as herein defined as provided for in subsection (b) of this section.

(Code 1972, § 15-40; Code 1992, § 28-1; Ord. No. 2010-2, 5-18-2010)

State Law reference— Authority for above section, Code of Virginia, § 15.2-904.

Sec. 34-2. Signals required by railroad locomotives or diesel engines at crossings; exception.

Within the corporate limits of the town, the steam whistle or horn on each railroad locomotive or diesel engine passing upon the road of every railroad company shall be sharply sounded at least twice at a distance of not less than 275 yards, nor more than 300 yards, from the place where the railroad crosses upon the same level, as any public highway, street or crossing, and the bell on each such locomotive or diesel engine shall be rung, or whistle or horn sounded, continuously or alternately, until the engine has reached such highway crossing; however, the foregoing shall not apply to the highway crossing at Cambria Street (Virginia Route 111), at which such signals shall not be permitted.

(Code 1992, § 28-2; Ord. of 3-2-1976)

State Law reference— Vehicles to stop at grade crossings, Code of Virginia, § 46.2-885; authority of town regarding bells, horns or whistles to be sounded at crossings, Code of Virginia, § 56-414.

Sec. 34-3. Adoption of Code of Virginia.

- (a) Pursuant to the authority of Code of Virginia, §§ 1-220 and 46.2-1313, as amended, all of the provisions and requirements of the laws of the state contained in Code of Virginia, title 18.2, chapter 7, article 2, as amended, and Code of Virginia, title 16.1, chapter 11, article 9, as amended, and Code of Virginia, title 46.2, including any amendments to those statutes which may be adopted by the Virginia General Assembly in the future, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which, by their very nature, can have no application to or within the town, are adopted and incorporated in this chapter by reference and made applicable within the town.
- (b) The following articles of the Code of Virginia, title 46.2, are specifically excluded from such adoption and incorporation: article 2 of chapter 2; articles 6, 13, 14, 15, 16, 17, 18 and 19 of chapter 3; articles 4 and 5 of chapter 6; articles 2 and 23 of chapter 10; and chapter 14.
- (c) References to "Highways of the State" contained in the provisions and requirements hereby adopted and incorporated shall 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 of this chapter. It shall be unlawful for any person, within the town, to violate or fail, neglect or refuse to comply with any provisions or requirements of the Code of Virginia, title 46.2, as amended; Code of Virginia, title 18.2, chapter 7, article 2, as amended; or Code of Virginia, title 16.1, chapter 11, article 9, as amended, which is adopted by this section, and the penalty imposed for violation of any provision or requirement hereby adopted shall be the same penalty imposed for a similar offense under Code of Virginia, title 46.2; Code of Virginia, title 18.2, chapter 7, article 2, as amended; or Code of Virginia, title 16.1, chapter 11, article 9, as amended, unless otherwise stated herein.

(Code 1992, § 28-3; Ord. of 8-4-1998; Ord. No. 2006-3, 9-19-2006)

Sec. 34-4. Removal and disposition of unattended or immobile vehicles.

- (a) It is provided that removal for safekeeping of motor vehicles, trailers, semitrailers or parts thereof, to a storage area may be effected if any of the following conditions exist:
 - (1) It is left unattended on a public highway or other public property and constitutes a traffic hazard;
 - (2) It is illegally parked;
 - (3) It is left unattended for more than ten days, either on public property or on private property, without the permission of the property owner, lessee or occupant;
 - (4) It is immobilized on a public roadway by weather conditions or other emergency situation.
- (b) Removal shall be carried out by, or under the direction of, a town law enforcement officer. It is provided, however, that removal of motor vehicles, trailers, semitrailers, and parts thereof, from private property shall not be authorized without the written request of the owner, lessee or occupant of the premises. It is provided that the person at whose request the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer or semitrailer is removed from private property shall indemnify the town against any loss or expense incurred by reason of removal, storage or sale thereof. It shall be presumed that such motor vehicle, trailer, semitrailer, or part thereof, is abandoned if it:

- (1) Lacks either a current license plate or a current county, city, or town license plate or sticker; or a valid state safety inspection certificate or sticker; and
- (2) It has been in a specific location for four days without being moved.

As promptly as possible, each removal shall be reported to the office of the town manager and to the owner of the motor vehicle, trailer or semitrailer. Before obtaining possession of a motor vehicle, trailer or semitrailer, or part thereof, the owner shall pay, to the parties entitled thereto, all costs incidental to its removal and storage and locating the owner. If the owner fails or refuses to pay the cost, or if his identity or whereabouts is unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address, and to the holder of any lien of record with the office of the department of motor vehicles of the commonwealth of Virginia, against the motor vehicle, trailer or semitrailer, or part of a motor vehicle, trailer or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of the Code of Virginia, article 1 (Code of Virginia, § 46.2-1200 et seq.), as amended.

(Code 1992, § 28-4; Ord. of 2-1-2000; Ord. No. 2006-3, 9-19-2006)

State Law reference— Authority for above section, Code of Virginia, § 46.2-1213.

Sec. 34-5. Authority of town manager relative to parking.

- (a) The town manager, except as otherwise provided by this chapter and except as otherwise directed from time to time by the council, shall have power and is hereby authorized to regulate the parking of vehicles within the corporate limits of the town by the erection or placing of proper signs or markers indicating prohibited or limited parking; angle parking; the parking of buses, trucks and other vehicles of various weights; loading and unloading zones; and other signs or markers indicating the place and the manner of parking vehicles in the town.
- (b) The town manager, except as otherwise provided by this chapter and except as otherwise directed from time to time by the council, shall have power and is hereby authorized to designate bus stops and to erect signs prohibiting the parking of vehicles other than buses at such stops.
- (c) No person shall park a vehicle in violation of the directions contained on any sign or marker erected or placed in accordance with this section. In this chapter, the term "park" or "parking" shall mean the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.
- (d) The town manager is hereby authorized to determine the time limits for parking on the streets within the corporate limits of the town, including, but not limited to, parking meter limits, limitations provided by posted signs and limitations during peak travel times.
- (e) Persons parking motor vehicles in violation of limitations specified on posted parking signs shall be deemed to be in violation thereof for each separate one-hour period or more cited on each parking citation, and each case such citation shall be deemed a separate offense subject to penalties provided in this article.

(Code 1992, § 28-5; Ord. No. 2006-3, 9-19-2006)

State Law reference— Authority to delegate regulation of parking, Code of Virginia, § 46.2-1220.

Sec. 34-6. Parking in spaces reserved for persons with disabilities; penalty for violations.

- (a) It shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard or a temporary removable windshield placard issued under Code of Virginia, § 46.2-1241, as amended, or DV disabled parking license plates issued under Code of Virginia, § 46.2-739B, as amended, to be parked in a parking space in the town reserved for persons with disabilities that limit or impair their ability to walk or for a person who is not limited or impaired in his ability to walk, to park a vehicle in a parking space so designated, except when transporting a person with such a disability in the vehicle.
- (b) There is hereby assessed a fine of \$500.00 for violations of this section. The fine shall be paid within ten days after the citation or issuance of ticket for violation of the ordinance at the office of the treasurer of the town.
- (c) It shall be unlawful for any person to park in any loading zone of a space reserved for persons with disabilities. In this chapter, the term "loading zone of a space reserved for persons with disabilities" shall mean the lined or striped area adjacent to designated disabled parking spots, and often parking spots labeled or marked for van access. It is provided that there be, and there is, hereby assessed and to be retained a fine of \$500.00 for violations of this section. The fine shall be paid within ten days after the citation or issuance of ticket for violation of the ordinance at the office of the treasurer of the town.
- (d) It is hereby provided that a summons or parking ticket for the offense may be issued by law enforcement officers, volunteers serving in units established pursuant to Code of Virginia, § 46.2-1244, as amended, and other uniformed personnel employed by the locality to enforce parking regulations without the necessity of a warrant being obtained by the owner of the private parking area.
- (e) It is hereby provided that 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, together with proof that the defendant was, at the time, the registered owner of the vehicle, as required by Code of Virginia, chapter 6, § 46.2-600 et seq., as amended, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.
- (f) It is hereby provided that no violation of this chapter shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in Code of Virginia, § 36-99.11, as amended, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

(Code 1992, § 28-5; Ord. No. 2001-6, 11-20-2001)

State Law reference— Similar provisions, Code of Virginia, § 46.2-1241.

Sec. 34-7. Parking in public metered spaces; penalty for violations.

No person shall park a vehicle or permit it to stand, whether attended or unattended, in a public metered parking space without paying the specified parking meter amount for the respective time desired. In addition to a fine for a violation of the section, a subsequent fine shall be assessed for each violation in excess of two hours.

(Code 1992, § 28-6; Ord. No. 2002-1, 1-15-2002; Ord. No. 2006-3, 9-19-2006)

Sec. 34-8. Parking near fire hydrants.

No person shall park a vehicle or permit it to stand, whether attended or unattended, within 15 feet of any fire hydrant or within 15 feet access to such hydrant as defined by the fire marshal or the entrance to a fire station, within 15 feet of the entrance to a plainly designated building housing rescue squad equipment or ambulances, or within 20 feet from the intersection of curb lines or, if none, then within 15 feet of the intersection of property lines at any highway intersection.

(Code 1992, § 28-7; Ord. No. 2006-3, 9-19-2006)

State Law reference— Parking in certain locations, Code of Virginia, § 46.2-1239.

Sec. 34-9. Parking in fire lanes.

It shall be unlawful for any person to park any motor vehicle in a designated fire lane.

(Code 1992, § 28-8; Ord. No. 2006-3, 9-19-2006)

State Law reference— Authority to enforce the Fire Prevention Code including fire lanes, Code of Virginia, § 27-98.

Sec. 34-10. Enforcement of sections 34-8 and 34-9.

- (a) In addition to town police and other law enforcement officers, the fire marshal is hereby authorized to enforce the provisions of sections 34-8 and 34-9.
- (b) In addition to any penalty provided for a violation of sections 34-8 and 34-9, any motor vehicle parked in violation of either section may be moved to a garage or parking lot for storage, at the expense of the owner of the vehicle.

(Code 1992, § 28-9; Ord. No. 2006-3, 9-19-2006)

Sec. 34-11. Parking on wrong side of street.

It shall be unlawful for any person to park any motor vehicle on the wrong or opposite side of the street so as to be facing oncoming traffic.

(Code 1992, § 28-10; Ord. No. 2006-3, 9-19-2006)

Sec. 34-12. Parking so as to block driveway of business, filling station, church or personal residence.

It shall be unlawful for any person to park any vehicle so as to block any driveway of any business establishment, filling station, church or personal residence. In addition to the penalties applied by this article, any motor vehicle parked in violation of this section may be moved to a garage or parking lot for storage, at the expense of the owner of the vehicle. Furthermore, the fire marshal is hereby authorized to enforce the provisions of this section.

(Code 1992, § 28-11; Ord. No. 2006-3, 9-19-2006)

State Law reference— Prohibiting parking in certain locations, Code of Virginia, § 46.2-1239.

Sec. 34-13. Parking vehicle without valid license plates.

It shall be unlawful for any person to park or stand any vehicle on any street within the town unless valid license plates are displayed on such vehicle.

(Code 1992, § 28-12; Ord. No. 2006-3, 9-19-2006)

Sec. 34-14. Parking vehicle without valid state inspection sticker.

It shall be unlawful for any person to park or stand any vehicle on any street within the town unless there is displayed on such vehicle a valid state inspection sticker.

(Code 1992, § 28-13; Ord. No. 2006-3, 9-19-2006)

Sec. 34-15. Parking prohibited in specified places.

- (a) No person shall stand, stop or park a motor vehicle on any town-owned or town-leased property except within properly marked and designated parking spaces in compliance with all authorized signs or markings posted on such property.
- (b) 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. In this chapter, the term "sidewalk" means any walkway, pathway, pedestrian way, footpath or other area along the side of a street especially intended for pedestrian use, including all areas between the curbing or street line and the lot line whether paved or unpaved.
 - (2) In front of a public or private driveway.
 - (3) Within an intersection.
 - (4) On a crosswalk.
 - (5) Within 20 feet from the intersection of curblines or, if none, then within 15 feet of the intersection of property lines at any highway intersection.
 - (6) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
 - (7) Between a safety zone and the adjacent curb or within 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.
 - (8) Within 15 feet in either direction of the entrance to a fire station, or within 15 feet of the entrance to a building housing rescue squad equipment or ambulances, provided such buildings are plainly designated.
 - (9) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
 - (10) On the roadway side of any vehicle parked at the edge or curb of a street.
 - (11) Upon any bridge or other elevated structure upon a street or highway or within a tunnel.
 - (12) At any place where official signs or markings prohibit parking or where the curbs are painted yellow.

- (13) In any public alley. In this chapter, the term "public alley" means a public right-of-way through the middle of a block to give access to the rear or side of lots or buildings.
 - (14) Within 15 feet of a driveway entrance except in designated parking spaces.
 - (15) In a non-metered space in excess of the posted time limit.
 - (16) More than 18 inches off the curb or edge of the street. When lines indicating parking stalls are designated on the surface of a street, no person shall park, stand or stop any vehicle, unless such vehicle is entirely within the limits of such parking stall.
- (c) No person, other than a police officer, shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle, or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.
 - (d) The chief of police is authorized by order in writing supporting use of this procedure to cause the removal of any motor vehicle found on the public streets, including public alleys, unattended by its owner or operator and improperly parked in such a way as to constitute a violation of law and in such a way as to cause traffic hazard or impediment. If such power is employed, the chief of police shall cause such motor vehicle to be removed for safekeeping to a storage garage or other area and the chief of police, or his designee, shall immediately thereafter cause the order of such removal to be filed among the public records of the police department.

(Code 1992, § 28-14; Ord. No. 2006-3, 9-19-2006)

Sec. 34-16. Parking citations generally.

- (a) Any law enforcement officer or other officer charged with enforcing this chapter or other parking regulations of the town shall attach, in plain view, to any vehicle parked in violation of this chapter or any other parking regulation, a citation notifying the owner or operator that such vehicle has been parked in violation of a provision of this chapter or other parking regulation and instructing such owner or operator when and where to report with reference to the violation.
- (b) It is hereby provided that a summons or parking ticket for the violation of provisions contained in this chapter may be issued by law enforcement officers and other uniformed personnel employed by the locality to enforce parking regulations without the necessity of a warrant being obtained.
- (c) It is hereby provided that in any prosecution charging a violation of any provision of this chapter, proof that the vehicle described in the complaint, summons, parking ticket, citation or warrant was parked in violation of this chapter, together with proof that the defendant was, at the time, the registered owner of the vehicle, as required by Code of Virginia, chapter 6, § 46.2-600 et seq., as amended, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

(Code 1992, § 28-15; Ord. No. 2006-3, 9-19-2006)

State Law reference— Enforcement and presumption as to parking violations, Code of Virginia, § 46.2-1220.

Sec. 34-17. Penalty for parking violation; late payment penalty; certification of contest of parking citation.

- (a) Unless otherwise provided, any person violating the provisions of this chapter shall, upon conviction, be punished by such fine provided by resolution of town council for the provision violated, as the

same may be amended from time to time, provided that a copy of the most current version of such resolution shall be on file in the office of the town treasurer during regular office hours for public inspection. Any violation for which a fine is not specified by such resolution shall be punishable by a fine of \$10.00.

- (b) All uncontested parking citations paid under this section shall be accounted for by the town treasurer. The contest, by any person, of a parking citation shall be certified in writing, upon an appropriate form, to the general district court by the town treasurer, or the town treasurer's designee.
- (c) Any person receiving three or more parking citations issued in a consecutive seven-day period shall be punished by a fine of \$100.00 for such third offense and any subsequent offense within a consecutive seven-day period.
- (d) Failure to pay an uncontested parking citation within ten days of its issuance shall be punishable by a fine of \$10.00 in addition to each original fine imposed.
- (e) In the event that the town treasurer is advised that any person desires to contest any parking citation, the town treasurer shall certify such fact, in writing, in an appropriate form, to the clerk of the general district court.

(Code 1992, § 28-16; Ord. No. 2006-3, 9-19-2006)

Sec. 34-18. Procedure for delinquent parking citations.

- (a) The town treasurer or police department shall cause a complaint or summons to be issued for delinquent parking citations.
- (b) Every action to collect unpaid parking citation penalties imposed for violation of an ordinance regulating parking under this chapter shall be commenced within three years of the date upon which such penalty became delinquent or within such time as otherwise provided by Code of Virginia.

(Code 1992, § 28-17; Ord. No. 2006-3, 9-19-2006)

State Law reference— Enforcement provisions in city or county parking ordinances, Code of Virginia, § 46.2-1225.

Sec. 34-19. Safety equipment required, moped operators and passengers.

- (a) Every person operating a moped on a public street or highway of the town shall wear a face shield, safety glasses or goggles approved by the Virginia State Police Superintendent, or shall have the moped equipped with safety glass or a windshield at all times while operating it; and any operator and any passengers thereon, if any, shall wear on their heads protective helmets of a type approved by the Virginia State Police Superintendent.
- (b) Any person who violates this section shall be guilty of a traffic infraction and shall be subject to a fine of not more than \$50.00.
- (c) A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership or maintenance of a moped, nor shall anything in this section change any existing law, rule or procedure pertaining to any civil action.

(Code 1992, § 28-18; Ord. No. 2009-2, 1-20-2009)

Sec. 34-20. Helmets required, riders of bicycles and electric power-assisted bicycles.

(a) Definitions.

Bicycle, for the purpose of this section, means a device propelled solely by human power, upon which a person may ride either on, or astride, a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. A bicycle shall be a vehicle while operated on the highway.

Electric power-assisted bicycle, for the purpose of this section, means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with:

- (1) Pedals that allow propulsion by human power; and
- (2) An electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the rider.

An electric power-assisted bicycle shall be a vehicle when operated on a highway.

Highway, for the purpose of this section, 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 commonwealth, including the streets and alleys, and the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased or controlled by the town.

(b) Every person 14 years of age or younger shall wear a protective helmet on their head that at least meets the consumer product safety commission standard whenever riding or being carried on a bicycle, or an electric power-assisted bicycle on any highway, sidewalk or public bicycle path.

- (1) Violation of this section shall be punishable by a fine of \$25.00. However, such fine shall be suspended:
 - a. For first-time violators; and
 - b. For violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by this section.
- (2) Violation of this section shall not constitute negligence, or assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation of any bicycle or electric power-assisted bicycle, nor shall anything in this section change any existing law, rule or procedure pertaining to any civil action.

(Code 1992, § 28-19; Ord. No. 2009-4, 5-19-2009; Ord. No. 2009-5, 8-4-2009)

State Law reference— Authority to require riders to wear helmets, Code of Virginia, § 46.2-906.1.

Sec. 34-21. Town manager authority to reduce speed limit.

The town manager is authorized to reduce, for a temporary period not to exceed 60 days, without engineering or traffic investigation, the speed limit on any portion of any highway or road of the town on which work is being done or where the highway or road is under construction or repair.

(Ord. No. 2011-3, § 28-20, 8-2-2011)

Sec. 34-22. Idling of vehicles; violation.

Any person who idles a vehicle or allows a vehicle to idle in any residential district, as defined in the zoning ordinance, for a period exceeding 15 minutes in any 24-hour period, except for construction or maintenance equipment for construction or maintenance projects and for safety or emergency operations purposes, shall be guilty of a Class 4 misdemeanor for the first offense and a Class 3 misdemeanor for all subsequent offenses and shall be punishable as provided in section 1-11.

(Ord. No. 2011-4, § 28-21, 10-18-2011)

Sec. 34-23. Traffic calming program.

- (a) The town traffic calming program, as may be amended from time to time, is a program designed to protect residential neighborhoods from excessive speeds and volumes of motor vehicles; increase safety, access, comfort and convenience for pedestrians, bicyclists, and motorists; and promote a partnership between town staff and neighborhood residents in the development of traffic calming measures.
- (b) Pursuant to the procedures set forth in the traffic calming program, an individual, neighborhood or neighborhood association may identify areas of traffic related concerns, bring those concerns to the attention of the town, and provide suggestions for traffic calming measures.
- (c) Pursuant to the traffic calming program procedure, concerns will be evaluated and traffic calming recommendations will be developed as appropriate.
- (d) All recommended traffic calming measures shall require approval by the town council, except those implemented pursuant to the authority of the town manager and town engineer, as set forth in the traffic calming program and/or as authorized by state and local law.
- (e) No provision in the traffic calming program shall be interpreted to be in conflict with other provision of the town code, or limit in any way the authority granted to the town pursuant to the Virginia Code or its Charter to control its streets, sidewalks, and right-of-ways and regulate traffic and motor vehicles within the town.

(Ord. No. 2012-7, § 28-22, 8-21-2012)

Sec. 34-24. Reimbursement of expenses incurred in responding to DUI and other traffic accidents or incidents.

- (a) A person convicted of violating any of the following provisions shall, at the time of sentencing or in a separate civil action, be liable for restitution of reasonable expenses incurred by the town, its police department or by any volunteer fire or rescue squad, or any combination thereof, when providing an appropriate emergency response to any accident, incident or when issuing any arrest warrant or summons related to the following:
 - (1) The provisions of Code of Virginia, §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02 or 46.2-341.24, as amended, or a similar town ordinance, if any, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;
 - (2) The provisions of Code of Virginia, § 46.2-852 et seq., as amended, relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;
 - (3) The provisions of Code of Virginia, § 46.2-300 et seq., as amended, related to driving without a license or driving with a suspended or revoked license; and

- (4) The provisions of Code of Virginia, § 46.2-894, as amended, relating to improperly leaving the scene of an accident.
- (b) Personal liability under this section for reasonable expenses of an appropriate emergency response, pursuant to subsection (a) of this section, shall not exceed \$1,000.00 in the aggregate for a particular accident, arrest or incident occurring in the town. In determining reasonable expenses, the town may bill a flat fee of \$350.00 or a minute-by-minute accounting of the actual costs incurred. As used in this section, the term "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, rescue and emergency medical services. The court may order as restitution the reasonable expenses incurred by the town for responding law enforcement, firefighting, rescue and emergency medical services. The provisions of this section shall not limit any remedy available to the town or volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle or other conduct as set forth herein.
- (c) The police department shall compile a report of the reasonable expenses of the appropriate emergency response for each accident, arrest warrant, summons or incident and forward that information to the commonwealth's attorney's office or the accounting department for appropriate proceedings. The fire department and rescue squad shall have the same reporting requirements, except for accidents, arrest warrants, summons or incidents for which restitution is sought in the underlying criminal case.

(Ord. No. 2012-12, § 28-23, 12-18-2012)

Sec. 34-25. Loading zones.

Where a loading and unloading zone has been set apart, the following regulations shall apply with respect to the use of such areas:

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

FOOTNOTE(S):

--- (1) ---

State Law reference— Municipal powers as to the use of streets, Code of Virginia, §§ 15.2-967, 15.2-2013, 15.2-2029; limited-access streets in municipalities, Code of Virginia, § 15.2-2026; motor vehicles, Code of Virginia, § 46.2-100 et seq.; local regulation of parking, Code of Virginia, § 46.2-1220 et seq.; local regulation of traffic, Code of Virginia, § 46.2-1300 et seq. ([Back](#))