

Boyce Town Code

TITLE VI I: MOTOR VEHICLES AND TRAFFIC

CHAPTER

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CHAPTER 70: GENERAL PROVISIONS

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Statutory reference:

Motor vehicles and traffic; powers of local governments, see Code of Virginia §§

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46.2-1300 - 46.2-1314

GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

The words and phrases defined in Code of Virginia § 46.2-100, shall, when used in this chapter, have the meanings respectively ascribed to them in such section, except in those instances where the context clearly indicates a different meaning.

MOTOR VEHICLE LICENSE

§ 70.10 LICENSE FEE IMPOSED.

(A) Except as provided in § 70.16, the locality hereby levies and assesses taxes and charges license fees on motor vehicles, trailers, and semitrailers, in an amount as specified in the Schedule of Fees of the Town.. The amount of the license fee or tax imposed by the locality on any motor vehicle, trailer, or semitrailer shall not be greater than the amount of the license tax imposed by the Commonwealth on the motor vehicle, trailer, or semitrailer. The Town license year shall run from February 16th through February 15th of the following year.

(B) Upon payment of the license fee, the Town shall issue a Town license and decal for that motor vehicle, trailer, or semitrailer. Each Town decal shall bear at a minimum, the name "Town of Boyce", the Town license year for which it is issued, and the number thereof. The Town decal shall be affixed to the motor vehicle, trailer or semitrailer as specified on the decal. In the event the Town decal is lost or destroyed, a duplicate decal may be obtained from the Town upon payment of a fee as specified in the Schedule of Fees of the Town.

(C) In the event of a transfer of ownership of a Town licensed motor vehicle, trailer, or semitrailer, the transferring owner may transfer the Town license issued for the transferred motor vehicle, trailer, or semitrailer, to any other motor vehicle, trailer, or semitrailer owned by the transferring owner, provided that the Virginia registration card for the other motor vehicle, trailer, or semitrailer shall have first been exhibited to the Town, and that a transfer fee as specified in the Schedule of Fees of the Town shall have first been paid. Or, in the event of a transfer of ownership of a Town licensed motor vehicle, trailer, or semitrailer, the new owner may continue to use the Town decal on the Town licensed motor vehicle, trailer, or semitrailer, provided that the Virginia registration card for the Town licensed motor vehicle, trailer, or semitrailer issued to the new owner shall have first been exhibited to the Town, and that a transfer fee as specified in the Schedule of Fees of the Town shall have first been paid. Otherwise, the town tags

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are not transferable.

(Code of Virginia § 46.2-752)

§ 70.11 SENIORS DISCOUNT.

Any person who is 65 years old or older shall receive a 50% reduction in the fee charged for the issuance of any license issued for any vehicle owned or leased by that person. No such discount, however, shall be available for more than one vehicle owned or leased by the same person.

Statutory reference:

Authority, see Code of Virginia § 46.2-752

§ 70.12 DISPOSITION OF REVENUE.

The revenue derived from all taxes and license fees imposed on motor vehicles, trailers, or semitrailers under this subchapter shall be applied to general locality purposes.

(Code of Virginia § 46.2-752)

§ 70.13 PERSONAL PROPERTY TAXES; PAYMENT REQUIRED.

(A) No motor vehicle, trailer, or semitrailer shall be locally licensed until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the locality.

(B) No motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by the locality on any tangible personal property used or usable as a dwelling titled by the Department of Motor Vehicles and owned by the taxpayer have been paid.

(Code of Virginia § 46.2-752)

§ 70.14 DISPLAY OF CURRENT LICENSE REQUIRED.

It shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer to fail to obtain and display the local license required by the locality in which the vehicle is registered or to display upon a motor vehicle, trailer, or semitrailer any such local license after its expiration date.

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(Code of Virginia § 46.2-752) Penalty, see 70.99

§ 70.15 PURCHASE OF VEHICLE; GRACE PERIOD.

Purchasers of new or used motor vehicles shall be allowed at least a 30-day grace period, beginning with the date of purchase, during which to pay license fee.

(Code of Virginia § 46.2-752)

§ 70.16 LIMITATIONS ON IMPOSITION OF TAXES AND FEES.

(A) The fees imposed under this subchapter shall not apply to any motor vehicle, trailer, or semitrailer when:

(1) A similar tax or fee is imposed by the county, city, or town wherein the vehicle is normally garaged, stored or parked;

(2) The vehicle is owned by a nonresident of the locality and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in division (C) of this section;

(3) The vehicle is:

(a) Owned by a nonresident; and

(b) Used for transporting into and within the locality, for sale in person or by his employees, wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream, or eggs produced or grown by him, and not purchased by him for sale;

(4) The motor vehicle, trailer, or semitrailer is owned by an officer or employee of the Commonwealth who is a nonresident of the locality and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;

(5) The motor vehicle, trailer, or semitrailer is kept by a dealer or manufacturer for sale or for sales demonstration; or

(6) The motor vehicle, trailer, or semitrailer is operated by a common carrier of persons or property operating between cities and towns in the Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places outside cities and towns.. As used in this section, common carrier of persons or property includes any person who undertakes, whether directly or by lease or any other arrangement, to transport passengers or household goods for the general public by motor vehicle for compensation over the highways of the Commonwealth, whether over regular or irregular routes, that has obtained the required certificate of public convenience and necessity from the Department of Motor Vehicles pursuant to Code of Virginia § 46.2-2075.

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(7) The vehicle is inoperative and is stored in a building or covered in a way so as to be not visible from ground level at the property edge.

(B) A license may be issued free of charge for any 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 as prescribed in Code of Virginia § 46.2-739.

(C) A license may be issued free of charge for any one vehicle owned or leased by an active member of a volunteer fire department, volunteer rescue squad, an auxiliary police officer, or an auxiliary deputy sheriff. Applications for such licenses shall be accompanied by written evidence of their active membership.

(D) No license tax or license fee or the requirement of a license tag, sticker or decal shall apply upon any daily rental vehicle, as defined in Code of Virginia § 58.1-2401, the rental of which is subject to the tax imposed by § 58.1-2402.

(Code of Virginia § 46.2-752 & 755)

ADMINISTRATION AND ENFORCEMENT

§ 70.50 UNCONTESTED VIOLATIONS; PAYMENT OF FINES.

(A) The Treasurer shall be responsible for the collection of traffic and parking citation fines and any fees for hearings.

(B) The owner or operator of a vehicle charged with an offense under this title shall appear before the office of the Treasurer during normal business hours on weekdays, or at the police department on weekends and after normal business hours on weekdays, and make payment of any uncontested citation, in accordance with the payment schedule as adopted by the Town Council.

(C) An owner or operator may elect to make such payment to the Treasurer by mail in lieu of a personal appearance.

§ 70.52 ENFORCEMENT AUTHORITY.

(A) The Chief Administrative Officer of the locality, or the Town Council if there is no Chief Administrative Officer, shall designate who shall be authorized, for good causes shown, to abrogate parking citations.

(B) The Treasurer or Town Sergeant shall cause summons and/or warrants to be issued for delinquent citations.

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§ 70.99 PENALTY.

Any person who violates any provision of this chapter shall be guilty of a Class 4 misdemeanor and subject to a fine of not more than \$50 unless otherwise specified. A late fee of \$10.00 or 50% of the license fee, whichever is less, shall be charged for licenses purchased after February 15th for all vehicles of record as of January 1st of each year, or more than 30 days after obtaining title. A violation of this chapter pertaining to motor vehicle licenses may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained.

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CHAPTER 71: TRAFFIC REGULATIONS

Section

71.01 Adoption of state law generally

§ 71.01 ADOPTION OF STATE LAW GENERALLY.

Pursuant to the authority of § 46.2-1313 of the Code of Virginia, 1950 as amended, all of the provisions and requirements of the laws of the state contained in title 46.2 of the Code of Virginia, and in effect on and after July 1, 2005, including the section numbers assigned in said title 46.2 to such provisions and requirements, except, however, those provisions and requirements which, by their very nature, can have no application to or within the Town, are hereby adopted and incorporated by this chapter by reference and made applicable within the Town. Reference to “highways of the state” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provisions of title 46.2 of the Code of Virginia, which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2 of the Code of Virginia.

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CHAPTER 72: PARKING REGULATIONS

Section

- 72.01 Stopping or parking generally
- 72.02 Emergencies; stopping or parking at
- 72.03 Prohibited parking
- 72.04 Parked vehicles; current license required
- 72.05 Parking for persons with disabilities; unauthorized use
- 72.06 Road construction workers; exemption
- 72.99 Penalty

Cross-reference:

Inoperable motor vehicles, see § 90.13

Statutory reference:

Limited authority of counties and certain localities to regulate parking, see Code of Virginia §§ 46.2-1220 through 46.2-1222

§ 72.01 STOPPING OR PARKING GENERALLY.

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

(B) No person shall leave any vehicle, attended or unattended, upon the paved, improved or main-traveled portion of any highway or town street within a business or residence district, when it is practicable to leave such vehicle in off street parking or standing off the paved, improved or main-traveled portion of such highway or town street. In no instance shall such vehicle be parked with the rear wheels farther than six inches from the curb or with any portion of the vehicle resting on a sidewalk.

(C) No person shall leave any vehicle, attended or unattended, within Town of

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Boyce public rights of way of less than 30 feet.

(D) Except when actually loading or unloading in areas where loading and unloading are permitted, no vehicle shall be stopped except close to and parallel to the right-hand edge of the curb or roadway, except that a vehicle may be stopped close to and parallel to the left-hand curb or edge of the roadway on one-way streets or may be parked at an angle, where permitted.

Penalty, see § 72.99

Statutory reference:

Similar provisions, see Code of Virginia § 46.2-888

§ 72.02 EMERGENCIES; STOPPING OR PARKING AT.

(A) No vehicle shall be stopped at or in the vicinity of a fire, vehicle or airplane accident or other area of emergency, in such a manner as to create a traffic hazard or interfere with the necessary procedures of police, firefighters, rescue workers or others whose duty it is to deal with such emergencies.

(B) Any vehicle found unlawfully parked in the vicinity of such a fire, accident or area of emergency may be removed by order of a police officer, at the risk and expense of the owner, if such vehicle creates a traffic hazard or interferes with the necessary procedures of police, firefighters, rescue workers or others whose assigned duty it is to deal with such emergencies.

(C) Vehicles being used by accredited information services, such as press, radio and television, when being used for the gathering of news, shall be exempt from the provisions of this section, except when actually obstructing the police, firefighters and rescue workers dealing with such emergencies.

Penalty, see § 72.99

§ 72.03 PROHIBITED PARKING.

(A) It shall be unlawful to park any motor vehicle, trailer, or semitrailer on the public streets or public grounds unattended by the owner or operator, in such a manner as to constitute a hazard to traffic.

(B) (1) It shall be unlawful to park any motor vehicle, trailer, or semitrailer on the public streets or public grounds in violation of official permanent or temporary “No Parking” signs.

(2) Official temporary “No Parking” signs erected to facilitate emergency repairs, special events or like activities, shall be erected 24 hours before the initiation of any enforcement action. Official temporary “No Parking” signs shall be

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erected in a uniform manner as prescribed by traffic engineering and shall be marked on the reverse side with the date and the date signs were erected. Any motor vehicle, trailer, or semitrailer parked in violation of this section is subject to ticketing and towing.

(C) It shall be unlawful to park any motor vehicle, trailer, or semitrailer, whether attended or unattended, so as to prevent the use of a curb ramp located on public property or on privately-owned property which is open to the public. A summons for the offense may be issued by police department employees without the necessity of a warrant being obtained by the owner of any private property.

Penalty, see § 72.99

§ 72.04 PARKED VEHICLES; CURRENT LICENSE REQUIRED.

It shall be unlawful for any person to park, keep, or permit to be parked or kept any motor vehicle, trailer, or semitrailer in or on any public highway, street, alley, public easement, or other public thoroughfare in the locality, unless:

(A) The motor vehicle shall be currently inspected and approved in accordance with the provisions of the laws of the state;

(B) The vehicle shall be currently registered and licensed to be operated upon the highways of the state in accordance with the provisions of the laws of the state; and

(C) The vehicle shall be currently licensed to be operated upon the highways of the locality in accordance with the laws of the locality.

Penalty, see § 72.99

§ 72.05 PARKING FOR PERSONS WITH DISABILITIES; UNAUTHORIZED USE.

(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, or DV disabled parking license plates issued under Code of Virginia § 46.2-739, to be parked in a parking space 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) A summons or parking ticket for an offense under this section may be issued by law-enforcement officers, volunteers serving in units established pursuant to Code of Virginia § 46.2-1244, and other uniformed personnel employed by the locality to enforce parking regulations without the necessity of a warrant's being obtained by the owner of the private parking area.

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(C) In any prosecution charging a violation of this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Code of Virginia § 46.2-600 et seq., shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

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

(Code of Virginia § 46.2-1242) Penalty, see § 72.99

§ 72.06 ROAD CONSTRUCTION WORKERS; EXEMPTION.

The provisions of this chapter shall not apply to any vehicle owned or controlled by the state Department of Highways and Transportation or the locality, while actually engaged in the construction, reconstruction or maintenance of highways.

§ 72.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no other specific penalty is provided shall be guilty of a Class IV misdemeanor and subject to a fine of not more than \$50.

(B) Any person who violates § 72.05 shall be subject to a fine of not less than \$100 nor more than \$500.