

Chapter 175 Vehicles And Traffic

Table of Contents

Chapter 175 Vehicles And Traffic.....	3
General References.....	3
Code of Virginia References.....	3
Article I Administration and Enforcement.....	3
§ 175-1. Violations and penalties.	3
§ 175-2. Adoption of state law by reference.....	4
§ 175-3. Power of Sheriff to establish parking regulations; violations deemed unlawful.	4
§ 175-4. Regional Compact for Cross-Jurisdictional Enforcement of Local Motor Vehicle Licensing.....	4
Requirements.....	5
Article II Traffic Regulations.....	5
§ 175-5. Boarding or alighting from moving vehicles.....	5
§ 175-6. Unlawful riding.....	5
§ 175-7. Tailgates on vehicles.....	5
§ 175-8. Backing.....	5
§ 175-9. Blocking intersection.....	5
§ 175-10. Temporary removal and disposition of vehicles involved in accidents.....	6
§ 175-11.Reimbursement of Expenses Incurred in Response to DUI and Other Traffic Incidents.....	6
Amendments Chapter 175-Article II.....	7
Article III Stopping, Standing and Parking.....	8
§ 175-12. Parking vehicles without state license on highway.....	8
§ 175-13. Parking on private property.....	8
§ 175-14. Parking in No Parking Area.....	8
§ 175-15. Issuance of citation for parking violation.....	8
§ 175-16. General penalty for parking violation.....	8
§175-17. Procedure for delinquent parking citation.....	8
§ 175- 18. Presumption in prosecution of parking violation.....	9
Amendments Chapter 175-Article III.....	9
Article IV Solicitation activities on public highways, roadways, and medians prohibited.....	9
§ 175- 19. Code of Virginia References.....	9

§ 175- 20. Solicitation activities on public highways, roadways, and medians..... 9
Amendments Chapter 175-Article IV..... 10

Chapter 175 Vehicles And Traffic

[HISTORY: Adopted by the Board of Supervisors of Clarke County 01-19-1988 as Secs. 8-1, 8-2, 8-3, 8-8, 8-9, 8-11, 8-13, 8-14, 8-15, 8-56, 8-60 and 8-62 of the 1987 Code. Amendments noted where applicable.]

General References

Chapter 120 Noise, Article I Noise

Chapter 171 Vehicles, Abandoned

Code of Virginia References

§ 46.2-600. - Owner to secure registration and certificate of title or certificate of ownership.

§ 46.2-888. - Stopping on highways; general rule.

§ 46.2-1212. - Authority to provide for temporary removal and disposition of vehicles involved in accidents.

§ 46.2-1221 Authority of county to regulate parking on county-owned or leased property or on county highways; parking meters; presumption as to violation of ordinances.

§ 46.2-1224. - County ordinances prohibiting certain parking in streets and highways.

§ 46.2-1231. - Ticketing, removal, or immobilization of trespassing vehicles by owner or operator of parking or other lot or building; charges

§ 46.2-1234. - Liability of persons furnishing free parking accommodations as to motor vehicles and property left therein.

§ 46.2-1300 et seq. - Powers of local authorities generally; erection of signs and markers; maximum penalties.

Article I Administration and Enforcement

§ 175-1. Violations and penalties.

- A. It shall be unlawful for any person to violate any of the provisions of this chapter.
- B. Unless otherwise stated, every person convicted of a violation of any of the provisions of this chapter shall be guilty of a traffic infraction punishable by a fine of not more than \$200.

[Amended 03-16-1993]

§ 175-2. Adoption of state law by reference.

[Amended 08-21-1990; 06-18-1991]

Pursuant to the authority of § 46.2-1313 of the Code of Virginia, all of the provisions and requirements of the laws of the state contained in Title 46.2 Motor Vehicles and in Title 18.2 Crimes and Offenses

Generally, Chapter 7 Crimes Involving Health and Safety, Article 2 Driving Motor Vehicle, etc., While Intoxicated of the Code of Virginia, 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 county, are hereby adopted mutandis and incorporated herein by reference and made applicable within the county. References 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 county. Such provisions and requirements are made a part of this chapter as fully as those set forth at length herein, and it shall be unlawful for any person within the county to violate or fail, neglect or refuse to comply with the provisions of Titles 46.2 Motor Vehicles or of Title 18.2 Crimes and Offenses Generally, Chapter 7 Crimes Involving Health and Safety, Article 2 Driving Motor Vehicle, etc., While Intoxicated, which are 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 46.2 Motor Vehicles or under Title 18.2 Crimes and Offenses Generally, Chapter 7 Crimes Involving Health and Safety, Article 2 Driving Motor Vehicle, etc., While Intoxicated, of the Code of Virginia.

§ 175-3. Power of Sheriff to establish parking regulations; violations deemed unlawful.

- A. The Sheriff may, with reference to county-owned property and with reference to county-maintained roads and streets, classify vehicles with reference to parking and may designate the time, place and manner such vehicles may be allowed to park on county-owned property and on county-maintained roads and streets and may make and enforce such additional rules and regulations as parking conditions may require. When any parking regulation is established pursuant to this section, the Sheriff shall cause to be erected appropriate signs or markers so that an ordinarily observant person who may be affected by such regulation will be aware of such regulation.
- B. When any regulation is made pursuant to this section and when appropriate signs or markers have been erected as required by this section, it shall be unlawful for any person to violate any such regulation.

§ 175-4. Regional Compact for Cross-Jurisdictional Enforcement of Local Motor Vehicle Licensing

Pursuant to § 46.2-752. (K) Taxes and license fees imposed by counties, cities, and towns; limitations on amounts; disposition of revenues; requiring evidence of payment of personal

property taxes and certain fines; prohibiting display of licenses after expiration; failure to display valid local license required by other localities; penalty of the

Requirements.

[Added 1995-04-16]

Code of Virginia, Clarke County shall be a member of the Regional Compact for Cross-Jurisdictional Enforcement of Local Motor Vehicle Licensing Requirements with the County of Frederick, the City of Winchester and the Towns of Berryville, Boyce, Middletown and Stephens City.

Article II Traffic Regulations

§ 175-5. Boarding or alighting from moving vehicles.

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

§ 175-6. Unlawful riding.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

§ 175-7. Tailgates on vehicles.

It shall be unlawful for the operator of any truck, trailer or other vehicle equipped with a tailgate to lower or open the tailgate thereon or to suffer or permit such tailgate to be lowered or opened while the vehicle is in operation on any public road in the county, except during the time the load on the vehicle necessitates a lowered or opened tailgate as a support for the load. It shall be the duty of the operator of any such vehicle to see that the tailgate on such vehicle is kept closed or raised, except during the times hereinbefore specified.

§ 175-8. Backing.

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

§ 175-9. Blocking intersection.

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

§ 175-10. Temporary removal and disposition of vehicles involved in accidents.

Whenever a motor vehicle, trailer or semi-trailer involved in an accident is found upon a highway or street in the county and is so located as to impede the orderly flow of traffic, the police may at no cost to the owner or operator remove such motor vehicle, trailer or semi-trailer from the highway or street to some point in the vicinity where such motor vehicle, trailer or semi-trailer will not impede the flow of traffic.

§ 175-11. Reimbursement of Expenses Incurred in Response to DUI and Other Traffic Incidents

(Pursuant to VA. Code Ann. §15.2-1716 [Added 2007-07-17; Amended 2010-11-16])

- A. A person convicted of violating any of the following provisions Reimbursement of Expenses Incurred In Responding to DUI and Other Traffic Incidents (pursuant to Va. Code Ann. §15.2-1716 [Added 2007-07-17; Amended 2010-11-16]) shall, at the time of sentencing or in a separate civil action, be liable to the county or to any responding volunteer fire or rescue squad, or both, for restitution of reasonable expenses incurred by the county for responding law enforcement, firefighting, rescue and emergency services, including by the county Sheriff's Department, or by any volunteer fire or rescue squad, or by any combination of the foregoing, when providing appropriate emergency response to any accident or incident related to such violation or when issuing any related arrest warrant or summons:
1. The provisions of Virginia Code §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; or a similar county ordinance, 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 Article 7 (Virginia Code §46.2-8.52 et seq.) of Chapter 8 of Title 46.2 of the Virginia Code, as amended, relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident; and
 3. The provisions of Article 1 (Virginia Code §46.2-300 et seq.) of Chapter 3 of Title 46.2 of the Virginia Code, as amended, relating to driving without a license or driving with a suspended or revoked license; and
 4. The provisions of Virginia Code §46.2-894 relating to improperly leaving the scene of an accident.
- B. Personal liability under subsection A for reasonable expenses of an appropriate emergency response shall not exceed \$1,000 in the aggregate for a particular accident or incident occurring in the county.

In determining the "reasonable expenses," the county may bill a flat fee of \$350 or a minute-by-minute accounting of the actual costs incurred.

As used in this section, “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 county for responding law enforcement, fire-fighting, rescue and emergency medical services.

The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the county or to any 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.

Amendments Chapter 175-Article II

2007-07-17

Chapter 175 Vehicle and Traffic Article II Add §175-11 Reimbursement of Expenses Incurred In Responding to DUI and Other Traffic Incidents to become effective upon passage. Renumber 175-11 thru 13 to 175-12 thru 14.

2010-11-16

Chapter 175 Vehicles and Traffic 175-11 Reimbursement of Expenses Incurred in Responding to DUI and other Traffic Incidents Correct content and typographical errors, to more closely track the language of the enabling legislation, and to update the flat fee amount from \$250 to \$350.

Article III Stopping, Standing and Parking

§ 175-12. Parking vehicles without state license on highway.

Except as otherwise provided by law, it shall be unlawful for any person to park any vehicle having no current state license on any highway in the county.

§ 175-13. Parking on private property.

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof.

§ 175-14. Parking in No Parking Area

No person shall park a vehicle, except in compliance with directions of a law enforcement officer, in an area on a Commonwealth of Virginia right away posted with a Virginia Department of Transportation "No Parking" sign or sign with the letter "P" enclosed in a circle with a diagonal line going through the "P".

§ 175-15. Issuance of citation for parking violation

Whenever any motor vehicle without driver is found parked, stopped, or standing in violation of any of the provisions of this Article or other ordinances of this County, the law enforcement officer finding such vehicle shall:

- Take its registration number, make, and model of the vehicle and any other information displayed on the vehicle which may identify its user; and,
- Shall conspicuously affix to such vehicle a parking citation for the driver to answer the charge against him within five days, during the hours and at a place specified in the citation.
- The law enforcement officer shall deliver one copy of such citation to the County Treasurer.

§ 175-16. General penalty for parking violation

Unless otherwise provided, any person violating the provisions of this Article shall be guilty of a traffic infraction and punished as prescribed in section 175-1; provided however, that any such violation may be satisfied, in full, by payment to the County Treasurer of thirty dollars (\$30.00) within five (5) days of such violation.

All uncontested parking citations paid under this section shall be accounted for by the County Treasurer.

§175-17. Procedure for delinquent parking citation

The Sheriff shall cause a summons to be issued for delinquent parking citations; provided, however, before any summons shall issue for the prosecution of a violation of this Article or other ordinance or regulation of the County regulating parking, the violator shall have been first notified by mail at his last known address or at the address shown for such violator on the records of the Department of Motor Vehicles that he may pay the fine provided by law for such violation within five (5) days of receipt of such notice, and the Treasurer shall notify the Sheriff if the violator has failed to pay such fine within such time.

The notice to the violator, required by the provisions of this section, shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed in the face thereof in type at least one-half inch in height.

§ 175- 18. Presumption in prosecution of parking violation.

In any prosecution charging a violation of any parking regulation contained in this article, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of such regulation, together with proof that the defendant was at the time of such parking violation the registered owner of the vehicle, as required by Title 46.2 Motor Vehicles, Chapter 6 Titling and Registration of Motor Vehicles of the Code of Virginia, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where and for the time during which such violation occurred.

Amendments Chapter 175-Article III
2018-01-16

Chapter 175: Vehicle and Traffic Article III Complete rewrite.

Article IV Solicitation activities on public highways, roadways, and medians prohibited.

§ 175- 19. Code of Virginia References

§ 46.2-931. Localities may prohibit or regulate distribution of handbills, etc., solicitation of contributions, and sale of merchandise or services on highways within their boundaries or on public roadways and medians.

§ 175- 20. Solicitation activities on public highways, roadways, and medians

- A. For purposes of this section, "highway" shall mean 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 county, including the streets and alleys, and, the entire width between the boundary lines of all private roads or private streets that have been specifically designated highways by ordinance.

- B. When any of the following activities interfere with the safe and free passage of pedestrian and/or vehicle traffic, it shall be unlawful for any person standing, sitting, walking, or otherwise located on a highway within the county to:
- 1) Distribute handbills, leaflets, bulletins, literature, advertisements or similar material to the occupants of motor vehicles.
 - 2) Solicit contributions of any nature from the occupants of motor vehicles.
 - 3) Sell or attempt to sell merchandise or services to the occupants of motor vehicles.
- C. Any person violating the provisions of this section shall, upon conviction, be guilty of a traffic infraction, punishable by a fine of:
- One hundred dollars (\$100.00) for the first offense; and,
 - Two hundred fifty dollars (\$250.00) for any subsequent offense.
 - Each separate violation shall be considered a new offense.

Amendments Chapter 175-Article IV

2019-04-16

Chapter 175 Article IV Solicitation activities on public highways, roadways, and medians prohibited. New article.