

TITLE 8

Motor Vehicles and Traffic

Chapter 1	Traffic Regulations
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CHAPTER 1

Traffic Regulations

State Law Reference: Authority of towns to regulate the operation of vehicles, fix speed limits, designate stop and yield intersections, prohibit use of certain streets to certain types of vehicles and to prescribe special routes through town, to regulate pedestrian traffic, to install traffic control devices, to regulate vehicle parking, etc., Va. Code, Title 46.2, Chapter 13 Secs. 46.2-1300 et seq.; town parking regulations generally, and authority to install parking meters, Va. Code, Sec. 46.2-1220; authority of towns to designate limited access streets, Va. Code, Sec. 15.2-2026.

- § 8-1-1 Adoption of state law.
- § 8-1-2 Placement of traffic control signs, signals, markings, and devices.
- § 8-1-3 Required compliance with official traffic control signs, signals, markings and devices.
- § 8-1-4 Speed limit.
- § 8-1-5 Applicability of provisions.
- § 8-1-6 Parades and processions; permits generally.
- § 8-1-7 Same; driving through funeral or other processions; manner of driving in funeral processions.
- § 8-1-8 Same; identification of vehicles in funeral processions; right-of-way.
- § 8-1-9 Boarding or alighting from moving vehicles.
- § 8-1-10 Unlawful riding.
- § 8-1-11 Unnecessary noise in the operation of motor vehicles.
- § 8-1-12 Blocking intersection.
- § 8-1-13 Parking prohibited in specified places.

Sec. 8-1-1 Adoption of state law.

Pursuant to the authority of section 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 and in article 2 of chapter 7 of title 18.2 of the Code of Virginia, except those provisions which are contained in this chapter and 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 hereby adopted and incorporated in this chapter by reference and made applicable within the town. 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 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 provision of title 46.2 or of article 2 of chapter 7 of title 18.2 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 or under article 2 of chapter 7 of title 18.2 of the Code of Virginia.

Sec. 8-1-2 Placement of traffic control signs, signals, markings and devices.

When the council designates an intersection as one at which the driver of a vehicle is required to stop or to yield the right-of-way before entering such intersection, or designates a street upon which traffic is to proceed only in one direction, or designates a place at which U-turns are prohibited or at which turning movements are otherwise prohibited or restricted, or imposes any other regulation of traffic for which a traffic control sign,

signal, marking or device by state law is required to be in place to give notice to drivers of vehicles or pedestrians, the council shall cause such traffic control sign, signal, marking or device to be installed and maintained as required by law.

Sec. 8-1-3 Required compliance with official traffic control signs, signals, markings and devices.

All traffic control signs, signals, markings and devices which are in place anywhere within the town pursuant to authority of state law, this code or other ordinance shall be complied with, and it shall be unlawful for the driver of any vehicle or for any pedestrian to violate or fail to comply with any requirement, prohibition or directive contained in any such traffic control sign, signal, marking or device except by directive of a police officer.

Sec. 8-1-4 Speed limit.

Except as provided by state law with respect to drivers of specified emergency vehicles, no person shall drive or propel a vehicle upon any street or public way of this town at a speed in excess of the speed posted in authorized traffic control signs upon such street or public way or, in the absence of any such signs, at a speed in excess of 35 miles per hour.

State Law Reference: Authority of cities and towns with regard to increasing and decreasing speed limits, Va. Code, Sec. 46.2-1300; special speed limits on bridges., etc., Va. Code, Sec. 46.2-881.

Sec. 8-1-5 Applicability of provisions.

Every person riding a bicycle or an animal upon a roadway and every person driving any animal thereon shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which by their very nature can have no application.

Sec. 8-1-6 Parades and processions; permits generally.

No procession or parade, excepting funeral processions and processions or convoys of the armed forces of the United States or of the state and the forces of the police and fire departments of the county or town, shall occupy, march or proceed along any street, except in accordance with a permit issued by the council or its duly authorized agent, and such other regulations as are set forth in this chapter which may apply.

Sec. 8-1-7 Same; driving through funeral or other processions; manner of driving in funeral processions.

(a) No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession, except when otherwise directed by a police officer. This provision shall not apply to the specified emergency vehicles as defined in section 46.2-920 of the Code of Virginia.

(b) Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe.

Sec. 8-1-8 Same; identification of vehicles in funeral procession right-of-way.

(a) All motor vehicles participating in a funeral procession, when proceeding to any place of burial, shall display four-way flashers, illuminated head lamps thereon and such other identification as the chief of police may prescribe.

(b) All motor vehicles so designated shall have the right-of-way over all other vehicles, except fire apparatus, ambulances and police vehicles at any street or highway intersection within the town and may proceed through a stop street or signalized intersection with proper caution and safety.

Sec. 8-1-9 Boarding or alighting from moving vehicles.

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

Sec. 8-1-10 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.

Sec. 8-1-11 Unnecessary noise in the operation of motor vehicles.

(a) No vehicle shall be loaded with materials likely to create loud noises by striking together, without using every reasonable effort to deaden the noise.

(b) The use in, upon or attached to any motor vehicle operating on any street of the town of any radio, phonograph, musical instrument, bell, whistle, loudspeaker, amplifier or device of any kind whatsoever whereby sound therefrom is cast upon any street to promote or advertise the sale of goods, wares or merchandise, or for the purpose of advertising auction sales, sporting events or other businesses or things advertised thereby, is prohibited. The provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade. The use of a loudspeaker on a motor vehicle for making auction sales in streets directly in front of the property then being sold, and entirely outside of the business districts of the town, shall not be construed as a violation of this subsection when such use is limited strictly to the selling at auction of such property.

(c) It shall be unlawful for any person in operating a motor vehicle or motorcycle within the town to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise.

(d) In operating a motor vehicle or motorcycle, the following acts, among others, are declared to create loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:

- (1) The use of a motor vehicle or motorcycle so out of repair as to cause thereby loud and unnecessary grating, grinding, rattling or any of such noises, or any other unnecessary noise.
- (2) The practice of unnecessarily racing the motor of a motor vehicle or motorcycle while standing or moving thereby causing unnecessary noise from such motor.
- (3) The practice of unnecessarily retarding the spark to the motor of a motorcycle and thereby causing unnecessary, loud and explosive noise from the motor.
- (4) In starting a motor vehicle or motorcycle from a standing position, the practice of gaining speed unnecessarily quickly and thereby causing unnecessary and loud noise from the motor and the screeching of tires, or either of such noises.
- (5) The practice of coming to an unreasonably quick stop with a motor vehicle or motorcycle and thereby causing unnecessary grinding of brakes and screeching of tires or either of such noises.

Sec. 8-1-12 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.

Sec. 8-1-13 Parking prohibited in specified places.

(a) No person shall 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 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 50 feet of the nearest rail of a railroad grade crossing
- (9) Within 15 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly signposted
- (10) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic
- (11) On the roadway side of any vehicle parked at the edge or curb of a street
- (12) Upon any bridge or other elevated structure upon a street or highway
- (13) At any place where official signs prohibit parking

(b) 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.

State Law Reference: Authority of towns to prohibit or regulate the parking of vehicles, Va. Code, Secs. 46.2-1302 and 46.2-1220; authority of towns to provide parking facilities for public use, with or without charge, Va. Code, Sec. 15.2-967.

CHAPTER 2

Abandoned and Junk Motor Vehicles

State Law Reference: Abandoned motor vehicles, Va. Code, Secs. 46.2-1200 through 1207.

§ 8-2-1 Abandonment unlawful.

§ 8-2-2 Defined.

§ 8-2-3 Removal of abandoned vehicles.

§ 8-2-4 Exceptions.

§ 8-2-5 Removal of inoperative motor vehicles on residential or commercial property.

Sec. 8-2-1 Abandonment unlawful.

It shall be unlawful for any person to abandon any motor vehicle, including junk motor vehicles, on any public street, right-of-way or public grounds or upon any privately owned property; and it shall be unlawful for any person controlling privately owned property to abandon or to permit the abandonment thereupon of any motor vehicle.

Sec. 8-2-2 Defined.

For the purpose of this chapter, a vehicle shall be determined to have been abandoned under one or more of the following circumstances:

- (1) Left upon a street or highway in violation of a law or ordinance controlling traffic or prohibiting parking
- (2) Failing to display a current license plate
- (3) Partially dismantled or damaged and left out of doors, in an uncovered, unscreened or unenclosed state
- (4) Incapable of self-propulsion or being moved in the manner for which it was originally intended and left out of doors, in an uncovered, unscreened or unenclosed state
- (5) Left on property owned or operated by the town without its consent, other than a street or right-of-way, for a period in excess of 48 hours

- (6) Left on private property without the consent of the owner, occupant or lessee thereof for a period in excess of 48 hours
- (7) Left on any public street or right-of-way of the town for a period in excess of 10 days

Sec. 8-2-3 Removal of abandoned vehicles.

Abandoned motor vehicles shall be removed and sold at public auction as provided by law.

State Law Reference: Va. Code, Sec. 46.2-1203 et seq.

Sec. 8-2-4 Exceptions.

This chapter shall not apply to automobile dealers or junk dealers in the operation of their businesses who possess a current business license.

Section 8-2-5 Removal of Inoperative Motor Vehicles on Residential or Commercial Property.

(a) It shall be unlawful for any person, firm or corporation to keep, except within a fully enclosed building or structure, or other such shielded or screened from public view, on any real property, residential or commercial within the corporate limits of the Town of Burkeville, Virginia any motor vehicle, trailer or semi-trailer as such as defined in Virginia Code Section 46.2-100 as amended, from time to time, which is inoperative.

(b) As used in this Ordinance, an "inoperative motor vehicle, trailer or semi-trailer" shall mean any motor vehicle, trailer or semi-trailer which is not in operating condition or which for a period of 6 months 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 same; and for which there is no valid license plate and inspection sticker.

(c) The provision of this Ordinance shall not apply to a licensed business which on April 1, 1986 was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor, provided nothing contained herein shall be construed to repeal any zoning ordinance regulating the same.

(d) The owner, owners, tenants, lessees and/or occupants of any property, residential or commercial, within the corporate limits of the Town of Burkeville, Virginia, upon which any inoperative motor vehicle, trailer or semi-trailer is kept and also the owner, owners, and/or lessees of such inoperative vehicle, trailer or semi-trailer, all of whom are hereinafter referred to collectively as "Owners" shall remove therefrom any such inoperative motor vehicle, trailer or semi-trailer that is not kept within a fully enclosed building or structure or otherwise shielded or screened from public view.

(e) Abatement by Town. Whenever said owners fail to remove said inoperative motor vehicle, trailer or semi-trailer, the Town shall remove the same to a location of its selection, after causing written notice to be served upon the owner or owners of the premises, by registered or certified mail, return receipt requested to the property address or by personal delivery, stating: (i) a description and location of the particular inoperative vehicle, trailer or semi-trailer; (ii) that said inoperative vehicle, trailer or semi-trailer is in violation of this Ordinance and (iii) that notice, the Town shall remove the same and (iv) that the cost of removal shall be chargeable to the owner of the premises and the owner of the said vehicle, trailer or semi-trailer.

The cost of any such removal shall be chargeable to the owner of the vehicle owner of the premises or both jointly and severally, and shall be collected by the Town as taxes and levies are collected or by suit at law.

(f) Disposal of Removed Vehicles, etc. by Town. When said inoperative motor vehicle, trailer or semi-trailer has been removed and relocated or stored by the Town as provided herein, said inoperative motor vehicle, trailer or semitrailer may be disposed of by sale at public auction, said sale to be conducted no sooner than 45 days after mailing return receipt requested or by personal delivery of a notice to the owner of the said motor vehicle, trailer or semi-trailer at his last known address. Said sale shall be advertised once a week for two weeks in a newspaper of general circulation in Nottoway County, Virginia. In the event the address of the

owner of said motor vehicle, trailer or semi-trailer is unknown and no notice can be delivered the owner of same, then said sale shall be advertised once a week for four weeks in a newspaper of general circulation in the County of Nottoway, Virginia with said sale being conducted no sooner than one day following the last advertisement's publication. Said newspaper advertisements shall contain the information required to be given the owner of said vehicle, trailer or semi-trailer pursuant to this subsection (f) in addition to description of the vehicle, trailer or semi-trailer being sold.

The Notice of Disposal to the owner of said motor vehicle, trailer or semi-trailer required under this subsection (f) shall state:

- (1) A description of the particular motor vehicle, trailer, or semi-trailer and the location from which it was removed by the Town
- (2) That the same was removed due to violation of this ordinance
- (3) That the said vehicle, trailer or semi-trailer may be reclaimed upon payment to the Town of the cost of removal, storage, and any costs of disposal then incurred upon application therefor made at the Town Treasurer's Office
- (4) That the said vehicle, trailer or semi-trailer shall be disposed of by sale at public auction if the cost of removal, storage and disposal are not paid in full prior to sale
- (5) The date, time and place of sale by public auction

The cost of any such disposal including advertising the sale, auctioneer's fee, if any, and preparation of the vehicle, trailer or semi-trailer for sale, shall be chargeable to the owner of the vehicle or the owner of the premises or both, jointly and severally, and shall be collected by the Town as taxes and levies are collected or by suit at law.

(g) Every cost authorized by this Ordinance with which the owner of the premises shall have been assessed shall constitute a lien against the property from which said inoperative vehicle, trailer or semi-trailer was removed, the lien to continue until actual payment of such costs have been made by the Town.