

ADOPTED

ORDINANCE NO. 66A-16

DEC 2 1985

**BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA**

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 11, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, ARTICLE I, IN GENERAL, SECTION 11-7, ADOPTION OF STATE LAW; SECTION 11-22, DUTY OF DRIVER TO STOP, ETC., IN EVENT OF ACCIDENT; DUTY OF OCCUPANT; REPORTS ADDITIONAL TO OTHER ACCIDENT REPORTS REQUIRED BY STATE LAW; SECTION 11-23, PERSONS AT SCENE OF ACCIDENT TO LEAVE UPON ORDER OF POLICE OFFICER; SECTION 11-25, SECURITY OF CARGOS; SPILLING, LEAKING, SCATTERING FROM VEHICLES PROHIBITED; ARTICLE III, STOPPING, STANDING AND PARKING, SECTION 11-40, MANNER OF PARKING GENERALLY; SECTION 11-42, STOPPED VEHICLE NOT TO ENDANGER OTHERS OR IMPEDE TRAFFIC; REMOVAL OF VEHICLES IN VIOLATION; SECTION 11-44, WHEN RED REFLECTOR FLARES OR ELECTRIC LANTERNS REQUIRED; SECTION 11-46, KEEPING OF INOPERATIVE AUTOMOBILES IN RESIDENTIAL, COMMERCIAL ZONE, OR LIMITED AGRICULTURAL, A-2, ZONE; SECTION 11-47, REMOVAL AND DISPOSITION OF UNATTENDED VEHICLES GENERALLY; SECTION 11-51, LEAVING VEHICLES UPON PRIVATE PROPERTY PROHIBITED; REMOVAL AND DISPOSITION THEREOF; NOTICE OF DISPOSITION; SECTION 11-52, PRESUMPTION WHERE VEHICLE ILLEGALLY PARKED; SECTION 11-60, PERSONS EXEMPTED; AND SECTION 11-63, VIOLATIONS AND PENALTIES.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 11, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 11-7, Adoption of state law; Section 11-22, Duty of driver to stop, etc., in event of accident; duty of occupant; reports additional to other accident reports required by state law; Section 11-23, Persons at scene of accident to leave upon order of police officer; Section

11-25, Security of cargos; spilling, leaking, scattering from vehicles prohibited; Article III, Stopping, Standing and Parking, Section 11-40, Manner of parking generally; Section 11-42, Stopped vehicle not to endanger others or impede traffic; removal of vehicles in violation; Section 11-44, When red reflector flares or electric lanterns required; Section 11-46, Keeping of inoperative automobiles in residential, commercial zone or limited agricultural, A-2, zone; Section 11-47, Removal and disposition of unattended vehicles generally; Section 11-51, Leaving vehicles upon private property prohibited; removal and disposition thereof; notice of disposition; Section 11-52, Presumption where vehicle illegally parked; Section 11-60, Persons exempted; and Section 11-63, Violations and penalties.

Chapter 11. Motor Vehicles and Traffic

Article I. In General

Section 11-7. Adoption of state law.

Pursuant to the authority of Section 46.1-188 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.1 of the Code of Virginia, as amended, and in force on July 1, 1985, 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 and incorporated in this chapter 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 highways and other public ways within the county. 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 county, to violate or fail, neglect or refuse to comply with any provision of Title 46.1 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 46.1 of the Code of Virginia. (11-25-74; Ord. No. 66A-11, 8-8-83)

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Section 11-22. Duty of driver to stop, etc., in event of accident; duty of occupant; reports additional to other accident reports required by state law.

(a) The driver of any vehicle involved in an accident in which a person is killed or injured or in which an attended vehicle or other attended property is damaged shall immediately stop as close to the scene of the accident as possible without obstructing traffic and report forthwith to either the county police department or the state police authority, and, in addition, to the person struck and injured if such person appears to be capable of understanding and retaining the information, or to the driver or some other occupant of the vehicle collided with or to the custodian of other damaged property, his name, address, driver's license number and the registration number of his vehicle. The driver shall also render reasonable assistance to any person injured in such accident, including the carrying of such injured person to a physician, surgeon or hospital for medical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

Where, as a result of the injuries sustained in the accident, the driver is prevented from complying with the above provision, the driver shall, as soon as reasonably possible, make the required report to either the county police department or the state police authority and make a reasonable effort to locate the person struck, or the driver or some other occupant of the vehicle collided with, or the custodian of the damaged property and report to such person or persons his name, address, driver's license number and the registration number of his vehicle.

(b) If the driver fails to stop and make the report required by paragraph (a) of this section, every person sixteen (16) years of age or older in the vehicle with the driver at the time of the accident who has knowledge of the accident shall have a duty to ensure that a report is made within twenty-four (24) hours from the time of the accident to the county police department, giving his name, address and such other information within his knowledge as the driver must report pursuant to paragraph (a) of this section.

(c) The driver of any vehicle involved in an accident in which no person is killed or injured but in which an unattended vehicle or other unattended property is damaged shall make a reasonable effort to find the owner or custodian of such property and shall report to the owner or custodian the information which the driver must report pursuant to paragraph (a) of this section if such owner or custodian is found. If the owner or custodian of such damaged vehicle or property cannot be found, the driver shall leave a note in a conspicuous place at the scene of the accident and shall report the accident in writing within twenty-four (24) hours to either the county police department or state police. Such note and written report shall contain the information which the driver must report pursuant to paragraph (a) of this section and such written report shall state in addition to the date, time and place of the accident and the driver's estimate of the property damage.

Where, as a result of the injuries sustained in the accident, the driver is prevented from complying with the above provisions, the driver shall, as soon as reasonably possible, make the required report to either the county

police department or state police and make a reasonable effort to find the owner or custodian of the unattended vehicle or property and report to such person or persons such information as is required to be reported pursuant to paragraph (a) of this section.

(d) If the driver fails to stop and make a reasonable search for the owner or custodian of an unattended vehicle or property or to leave a note for such owner or custodian as required by paragraph (c) of this section, any person sixteen (16) years of age or older in the vehicle with the driver at the time of the accident who has knowledge of the accident shall report within twenty-four (24) hours from the time of the accident to the county police department or state police, his name, address and other such facts within his knowledge as are required by paragraph (c) of this section to be reported by the driver.

(e) The reports required by this section are in addition to other accident reports required by state law and shall be made irrespective of the amount of property damage involved.

(f) The provisions of this section shall apply irrespective of whether such accident occurs on the public streets or highways or on private property. (8-3-53, Section 6; Ord. No. 66A-5, 10-23-78; Ord. No. 66A-11, 8-8-83)

State law reference - Section 46.1-176.

Section 11-23. Persons at scene of accident to leave upon order of police officer.

No person shall refuse to move away from the scene of a traffic accident when such person is directed to do so by a police officer or, in the absence of a police officer, by the order of the uniformed fire or rescue officer in charge. (8-3-53, Section 44)

Section 11-25. Security of cargos; spilling, leaking, scattering from vehicles prohibited.

No vehicle shall be operated or moved on any highway unless such vehicle is so constructed, maintained, and loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom; provided, however, that no provision of this section shall apply to any (i) motor vehicle which is used exclusively for agricultural purposes and which is not operated on or over any public highway for any other purpose other than for the purpose of operating it across a highway or along a highway from one point of the owner's land to another part thereof irrespective of whether or not the tracts adjoin; (ii) to any agricultural vehicle, tractor or other vehicle exempted from registration and licensing requirements pursuant to Section 46.1-45; or (iii) to any motor vehicle transporting poultry or livestock.

State law reference--Code of Virginia, Section 46.1-303.

Section 11-40. Manner of parking generally.

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 roadway on one-way streets or may be parked at an angle where permitted by the state highway and transportation board or the board of supervisors with respect to streets and highways under its jurisdiction. (8-3-53, Section 42)

State law reference - Similar provisions, Code of Virginia, Section 46.1-248(b).

Section 11-42. Stopped vehicle not to endanger others or impede traffic; removal of vehicles in violation.

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highway by others, except 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 should 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 highway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay. If the 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. (8-3-53, Section 42; Ord. No. 66A-11, 8-8-83)

State law reference - Similar provisions, Code of Virginia, Section 46.1-248(a).

Section 11-44. When red reflector flares or electric lanterns required.

If any vehicle mentioned in the proceeding section is used for the transportation of inflammable liquids in bulk, whether loaded or empty, or for transporting inflammable gases, red reflector flares or red electric lanterns of a type approved by the superintendent of state police shall be used in lieu of flares. Such reflectors or lanterns shall be lighted and placed upon the roadway in the manner provided above for the placing of flares. (8-3-53, Section 46)

State law reference - Similar state law, Code of Virginia, Section 46.1-256.

Section 11-46. Keeping of inoperative automobiles in residential, commercial zone, or limited agricultural, A-2, zone.

It shall be unlawful for any person, firm, or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from public view, on any property zoned for residential or commercial or limited agricultural, A-2, purposes, any motor vehicle, trailer or

semitrailer, as such is defined in Section 46.1-1 of the Code of Virginia, which is inoperative. An inoperative motor vehicle shall mean any motor vehicle which is not in operating condition; or which for a period of 90 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. The provisions of this act shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer, or scrap processor.

The owners of property zoned for residential or commercial or limited agricultural, A-2, purposes shall, at such time as the County or its agent may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure. If, after reasonable notice, the owner of the premises has failed to remove such vehicles, the County through its own agent or employees may remove them. The County through its own agent or employees may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.

The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the County as taxes and levies are collected. Every cost authorized by this Section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs shall have been made to the County. (4-30-69; Ord. No. 66A-11, 8-8-83)

State law reference - Authority of board of supervisors to enact this section, Code of Virginia, Section 15.1-11.1.

Section 11-47. Removal and disposition of unattended vehicles generally.

(a) It shall be unlawful for any person to leave any motor vehicle, trailer or semitrailer, or part thereof, on the paved or improved surface of any highway or adjacent thereto or on public grounds, unaccompanied by the owner or operator thereof, if such motor vehicle, trailer or semitrailer constitutes a hazard in the use of the highway by reason of its position thereon, or has been unattended longer than ten days. Additionally, it shall be unlawful for any person to abandon any motor vehicle, trailer or semitrailer, or part thereof on such highway, surfaces or public grounds. The chief of police discovering or having a report of same shall remove it or have it removed to the nearest storage garage for safekeeping; however, no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof, and that fact shall be immediately reported to the division of motor vehicles or some officer or agent of the division and to the owner of such motor vehicle, trailer or semitrailer, as promptly as possible, and such owner, before obtaining the possession of such motor vehicle, trailer or semitrailer shall pay to the parties entitled thereto all reasonable, necessary costs incidental to the removal or storage of such motor vehicle, trailer or semitrailer. In any case of a violation of the provisions of this section the owner of such motor vehicle, trailer or semitrailer, or part thereof, shall be presumed to be the person committing the violation; provided, that such presumption shall be

rebuttable by competent evidence; provided further, that where it is shown to the satisfaction of the court that such vehicle was stolen or illegally used by a person other than the owner without authorization of the owner thereof, expressed or implied, such vehicle shall be forthwith returned to its innocent owner who shall be relieved of any payment of costs under the requirements of this section. In any case in which the identity of the person violating this section cannot be determined, or where it is found by the court of competent jurisdiction that this section was not violated, the costs incidental to the removal and storage of such vehicle shall be paid out of the county treasury. Should any owner found guilty of violating this section fail or refuse to apply such costs or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made or after notice to such owner at his address as indicated by the records of the division (and to the holder of any lien of record in the principal office of the division) against such motor vehicle, trailer or semitrailer, the chief of police or other officer designated by the governing body of the county may, after thirty (30) days and after due notice of sale, dispose of the same at public sale and the proceeds from the sale shall be forwarded by the selling officer to the county treasurer; provided, that if the value of such motor vehicle, trailer or semitrailer be determined by three (3) disinterested dealers or garagemen to be less than one hundred fifty dollars (\$150.00) it may be disposed of by private sale or junked. The treasurer shall pay from the proceeds of the sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.

(b) If no claim has been made by the owner for the proceeds of such sale, after the payment of the above-mentioned costs, the funds may be deposited to the general fund or any special fund of the county. Any such owner shall be entitled to apply to the county within three (3) years from the date of such sale and if timely application is made therefor, the county shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three (3) years from the date of such sale.

(c) It shall be presumed that any such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if:

- (1) It does not bear a current license plate or a current county sticker or a valid state inspection certificate or sticker; and,
- (2) It has been in a specific location for ten (10) days without being moved.

(d) Whenever any motor vehicle, trailer, semitrailer or part thereof is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on the paved or improved surface of any highway or right-of-way, the chief of police upon discovering or having a report of same may move or have such vehicle removed to some reasonably accessible portion of the adjacent right-of-way; handling or disposition thereafter shall be effected by the authorities, and pursuant to the conditions provided by the provisions of paragraph (a) of this section. (Ord. No. 66A-5, 10-23-78; Ord. No. 66A-8, 11-16-81; Ord. No. 66A-11, 8-8-83)

State law reference--Code of Virginia, Section 46.1-2.

Section 11-51. Leaving vehicles upon private property prohibited; removal and disposition thereof; notice of disposition.

It shall be unlawful for any person to leave any motor vehicle, trailer or semitrailer, or part thereof, on the private property of any other person without his consent.

Upon complaint of the owner of the property on which such motor vehicle, trailer or semitrailer, or part thereof, has been abandoned for more than seventy-two hours, such motor vehicle, trailer or semitrailer, or part thereof, may be removed by or under the direction of a police officer to a storage garage or area; provided, that the person at whose request such motor vehicle, trailer or semitrailer, or part thereof, is so removed shall indemnify the county against any loss or expense incurred by reason of removal, storage or sale thereof.

In the case of the removal of a motor vehicle, trailer or semitrailer, or part thereof, from private property, when the same cannot be readily sold, such motor vehicle, trailer or semitrailer, or part thereof, may be disposed of in such manner as the governing body of the county may provide.

In all other respects, the provisions of section 11-47 shall apply to such removals; provided, that disposal of a motor vehicle, trailer or semitrailer may at the option of the governing body be carried out under either the provisions of section 11-47 or under the provisions of this section, after a diligent search for the owner, after notice to him at his last known address and to the holder of any lien of record in the office of the division of motor vehicles of this state against such motor vehicle, trailer or semitrailer, and after the motor vehicle, trailer or semitrailer has been held at least sixty (60) days.

The division of motor vehicles shall be notified of the disposition of any motor vehicle, trailer or semitrailer under section 11-47 or the provisions hereof.

State law reference - Similar state law and authority of county to enact this section, Code of Virginia, Section 46.1-3.2.

Section 11-52. Presumption where vehicle illegally parked.

In any prosecution charging a violation of any parking regulation contained in this article, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such regulation, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Chapter 3 of Title 46.1 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.

State law reference - Similar state law, Code of Virginia, Section 46.1-252.1.

Section 11-60. Persons exempted.

(a) The county shall not impose any motor vehicle license tax or license fee upon any motor vehicle, trailer or semitrailer when:

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

(2) The motor vehicle, trailer or semitrailer is owned by a nonresident of the county 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 paragraph (3) of this subsection;

(3) The motor vehicle, trailer or semitrailer is owned by a nonresident and is used for transporting into and within the county for sale in person or by his employees of 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 of Virginia who is a nonresident of the county 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;

(6) The motor vehicle, trailer or semitrailer is operated by a common carrier of persons or property operating between cities and towns in this Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places without cities and towns on the other and not in intracity transportation.

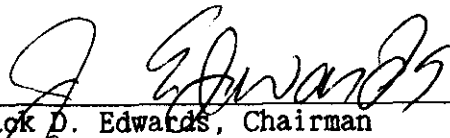
(b) The county shall not impose a license fee for any one motor vehicle owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Department of Motor Vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in Section 46.1-149.1 of the Code of Virginia.

(c) The county shall not impose any license tax or license fee upon any daily rental passenger car, the rental of which is subject to the tax imposed by Section 58.1-2402 A 4 of the Code of Virginia.

(d) Every nondomiciliary member of the armed forces residing in this county in compliance with military or naval orders are exempt from the tax; provided, however, that all such military and naval personnel shall obtain, free of charge, a county license decal in accordance with the provisions of this article. (Ord. No. 66A-5, 10-23-78; Ord. No. 66A-10, 3-14-83)

Section 11-63. Violations and penalties.

Every person who violates any provision of this article shall, upon conviction, be punished by a fine of not less than ten dollars (\$10.00) nor more than twenty dollars (\$20.00). (3-13-72, Paragraph (13))



Jack D. Edwards, Chairman
Board of Supervisors

ATTEST:



James B. Oliver, Jr.
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia,
this 2nd day of December, 1985.

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<u>SUPERVISOR</u>	<u>VOTE</u>
BROWN	AYE
DEPUE	AYE
EDWARDS	AYE
MAHONE	AYE
TAYLOR	AYE