

**ADOPTED**

**NOV 6 1980**

ORDINANCE NO. 66A-26

**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, BY AMENDING ARTICLE I, IN GENERAL, SECTION 11-7. ADOPTION OF STATE LAW; SECTION 11-11. SAME-DRIVING THROUGH FUNERAL OR OTHER PROCESSIONS; MANNER OF DRIVING IN FUNERAL PROCESSIONS; SECTION 11-20. DISPLAY OF STATE LICENSE PLATES REQUIRED; SECTION 11-21. STATE INSPECTION STICKER REQUIRED; SECTION 11-25. SECURITY OF CARGOS; SPILLING, LEAKING, SCATTERING FROM VEHICLES PROHIBITED; SECTION 11-27. PENALTIES NOT ELSEWHERE PROVIDED FOR CERTAIN VIOLATIONS WHICH ALSO CONSTITUTE MISDEMEANORS UNDER STATE MOTOR VEHICLE LAW; ARTICLE III, STOPPING, STANDING AND PARKING, SECTION 11-40.1. PARKING SPACES RESERVED FOR HANDICAPPED; SUMMONS FOR UNAUTHORIZED USE; PENALTY; SECTION 11-43. FLARES AND OTHER SIGNALS WHEN VEHICLE DISABLED IN HIGHWAY AFTER DARK; SECTION 11-46. KEEPING OF INOPERATIVE AUTOMOBILES IN RESIDENTIAL, COMMERCIAL OR LIMITED AGRICULTURAL, A-2, ZONES; SECTION 11-52. PRESUMPTION WHERE VEHICLE ILLEGALLY PARKED; ARTICLE IV. VEHICLE DECALS, SECTION 11-53. DECAL REQUIRED; AND SECTION 11-54. EXEMPTIONS.

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 11-11. Same-Driving through funeral or other processions; manner of driving in funeral processions; Section 11-20. Display of State license plates required; Section 11-21. State inspection sticker required; Section 11-25. Security of

cargos; spilling, leaking, scattering from vehicles prohibited; Section 11-27. Penalties not elsewhere provided for certain violations which also constitute misdemeanors under State motor vehicle law; Section 11-40.1. Parking spaces reserved for handicapped; summons for unauthorized use; penalty; Section 11-43. Flares and other signals when vehicle disabled in highway after dark; Section 11-46. Keeping of inoperative automobiles in residential, commercial or limited agricultural, A-2, zones; Section 11-52. Presumption where vehicle illegally parked; Section 11-53. Decal required; and Section 11-54. Exemptions.

## Chapter 11. Motor Vehicles and Traffic

### Article I. In General.

#### Section 11-7. Adoption of state law.

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 of the Code of Virginia, as amended, and in force on July 1, 1989, 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. For law enforcement purposes only, all private roads and private streets located within any residential development containing 100 or more lots shall be designated highways as defined by Section 46.2-100 of the Code of Virginia, as amended. 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 46.2 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. (11-25-74; Ord. No. 66A-11, 8-8-83; Ord. No. 66A-16, 12-2-85; Ord. No. 66A-18, 7-7-86; Ord. No. 66A-20, 6-1-87; Ord. No. 66A-24, 6-5-89)

Section 11-11. Same-Driving through funeral or other processions; manner of driving in funeral processions.

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 authorize emergency vehicles as defined in Section 46.2-920 of the Code of Virginia.

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.

Section 11-20. Display of state license plates required.

It shall be unlawful for any person to operate, or for the owner or person in control thereof to knowingly permit the operation of, upon a highway of the county, any motor vehicle, trailer or semitrailer without having displayed thereon the license plate or plates assigned thereto by the state division of motor vehicles for the current registration year, whenever such license plate or plates are required by Section 46.2-613 of the Code of Virginia.

Section 11-21. State inspection sticker required.

Except as otherwise expressly provided by state law, it shall be unlawful for any person to operate or cause or permit the operation of a motor vehicle, trailer or semitrailer upon the highways of this county, unless there is properly displayed thereon a valid state inspection sticker showing that such vehicle, trailer or semitrailer has been inspected and approved under the provisions of Sections 46.2-1157 to 46.2-1175.1 of the Code of Virginia.

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:

- (1) 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;
- (2) To any agricultural vehicle, tractor or other vehicle exempted from registration and licensing requirements pursuant to 46.2-663 to 46.2-674 of the Code of Virginia; or

- (3) To any motor vehicle transporting poultry or livestock. (Ord. No. 66A-16, 12-2-85)

State law reference - Similar provisions, Code of Virginia, Section 46.2-1156.

Section 11-27. Penalties not elsewhere provided for certain violations which also constitute misdemeanors under state motor vehicle law.

Any person convicted of an act or omission in violation of any provision of this chapter, which act or omission also constitutes a misdemeanor under any provision of Chapters 1 through 14, inclusive, of Title 46.2 of the Code of Virginia, and for which no other penalty is provided in this chapter or in Title 46.2 of the Code of Virginia, shall be deemed guilty of a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00). (Ord. No. 66A-5, 10-23-78).

Section 11-40.1. Parking spaces reserved for handicapped; summons for unauthorized use; penalty.

(a) It shall be unlawful for any operator of a motor vehicle to park in a parking space identified by an above-grade sign as reserved for the handicapped except:

- (1) A person possessing a special handicapped vehicle parking permit issued by the Commissioner of Motor Vehicles pursuant to Section 46.2-1238 of the Code of Virginia or a person transporting by passenger car, van or pickup truck the holder of any such permit, which permit shall be displayed in the window of the vehicle transporting the holder of the permit in order to permit the vehicle to park lawfully in a parking space reserved for the handicapped;
- (2) A handicapped person driving a motor vehicle displaying state license plates designated for handicapped persons or a state decal issued to handicapped persons and issued pursuant to Section 46.2-731 of the Code of Virginia, or a person transporting a handicapped person in a motor vehicle displaying such license plates or decals; or
- (3) A disabled veteran driving a motor vehicle displaying special license plates issued pursuant to Section 46.2-739 of the Code of Virginia or a person transporting a disabled veteran in a motor vehicle displaying such special license plates.

(b) Any police officer of James City County may issue a summons charging a person parking in violation of subsection (a) of this Section, or, if such person is not known, then the registered owner of the motor vehicle parked in violation of paragraph (a).

(c) Violation of the provisions of paragraph (a) of this section shall be a traffic infraction punishable by a fine of not more than one hundred dollars (\$100.00).

(d) The owner or duly authorized agent of a private parking space, or an agent of a public authority having control of a public space, which space is properly designated and marked for handicapped parking, shall have authority to have any vehicle not displaying handicapped parking permits or plates as described in paragraph (a) removed and stored. Possession may be regained by payment to the person who removed the vehicle of all reasonable costs for the removal and storage. The vehicle owner may contest the removal in the manner provided by Section 46.2-1238 of the Code of Virginia. (Ord. No. 66A-9, 5-10-82; Ord. No. 66A-11, 8-8-83)

Section 11-43. Flares and other signals when vehicle disabled on highway after dark.

Whenever any bus, truck, trailer, house trailer or mobile home is disabled and stops upon any portion of the traveled portion of any highway in this county, except within the corporate limits of cities or upon streets or highways which are artificially lighted at night, at any time during which lights are required upon motor vehicles by Section 46.2-1030 of the Code of Virginia, the operator of such bus, truck, trailer, house trailer or mobile home shall place or cause to be placed on the roadway three (3) red reflector flares or torches of a type approved by the superintendent of state police. One of the flares or torches shall be placed in the center of the lane of traffic occupied by the disabled bus, truck, trailer, house trailer or mobile home and not less than one hundred (100) feet therefrom in the direction of traffic approaching in that lane, one not less than one hundred (100) feet from such bus, truck, trailer, house trailer or mobile home in the opposite direction and one at the traffic side of such bus, truck, trailer, house trailer or mobile home not closer than ten (10) feet from the front or rear thereof; provided, that if such bus, truck, trailer, house trailer or mobile home is disabled within five hundred (500) feet of a curve or crest of a hill, or other obstruction to view, the flares or torches in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred (500) feet from the disabled vehicle. Red reflectorized triangular warning devices of a type approved by the superintendent of state police may be used in lieu of flares or torches.

The exception provided herein with respect to highways within the corporate limits of cities or upon streets or highways which are artificially lighted at night shall not apply to any portion of any interstate highway within the corporate limits of any city.  
(8-3-53, Section 45)

State law references - Similar state law, Code of Virginia, Section 46.2-111; lighted headlamps and illuminating devices required from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons or vehicles on the highway are not clearly discernible at a distance of 500 feet, Code of Virginia, Section 46.2-1030.

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

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 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 46.2-100 of the Code of Virginia, which is inoperative; provided, however, no more than one such inoperable vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by covers. An inoperative motor vehicle shall mean any motor vehicle which is not in operating condition; or which for a period of sixty 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 displayed neither valid license plates nor a valid inspection decal. 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 have been made to the county. (4-30-69; Ord. No. 66A-11, 8-8-83; Ord. No. 66A-16, 12-2-85; Ord. No. 66A-18, 7-7-86; Ord. No. 66A-25, 8-7-89)

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 6 of Title 46.2 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. (Ord. No. 66A-16, 12-2-85)

State law reference - Similar state law, Code of Virginia, Section 46.2-1220.

Section 11-53. Decal required.

(a) Every person owning a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county shall pay a license fee by procuring an annual county motor vehicle decal.

In the event it cannot be determined where such motor vehicle, trailer or semitrailer is normally garaged, stored or parked, the situs for the motor vehicle decal or license requirement shall be the domicile of the owner of such motor vehicle. For the purposes of this article, motor vehicle, trailer and semitrailer shall be defined in accordance with Section 46.2-100 of the Code of Virginia.

(b) Duty of person taking residence in county:

(1) A nonresident or nondomiciled owner of a motor vehicle, trailer or semitrailer shall, upon taking residence or becoming domiciled in the county, procure a county motor vehicle decal within thirty (30) days. There shall be no grace period between the original purchase of a state license and the purchase of a county motor vehicle decal, except that owners moving to the county from elsewhere in the state not requiring a local decal or license shall be entitled to a thirty (30) day period of grace.

(2) Owners moving to the county from elsewhere in the state where a local decal or license was required, who at the time of moving to the county had obtained a local decal or license from that jurisdiction for the current year, shall obtain a current county motor vehicle decal and display it in accordance with the provisions of this article. Upon proof of purchase of a current motor vehicle decal or license from such other jurisdiction, the office of the county treasurer shall provide those newly moving into the county with the one-time courtesy of a county motor vehicle decal free of charge for that decal year. Upon expiration of the aforesaid local decal or license from another jurisdiction, and in all successive years in which the owner remains a resident of or domiciled in James City County, unless otherwise excepted, a current county motor vehicle decal shall be obtained for each decal year in accordance with the provisions of this article.

(c) Every purchaser of a new or used motor vehicle, trailer or semitrailer which will be normally garaged, stored or parked in the county shall have ten (10) days from the date of purchase to procure a county motor vehicle decal.

Section 11-54. Exemptions.

(a) The county shall not require a county motor vehicle decal for 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 intercity 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;

(7) The motor vehicle, trailer or semitrailer is owned by a governmental agency and operated solely within such governmental agency's business.

(b) The county shall provide, free of charge, a county motor vehicle decal 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 46.2-739 of the Code of Virginia.

(c) The county shall not require a county motor vehicle decal for 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 county motor vehicle decal fee requirement; provided, however, that all such military and naval personnel shall obtain, free of charge, a county motor vehicle decal in accordance with the provision of this article. (Ord. No. 66A-21, 9-14-87)



*Thomas D. Mahone*

Thomas D. Mahone, Chairman  
Board of Supervisors

ATTEST:



David B. Norman  
Clerk to the Board

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

Adopted by the Board of Supervisors of James City County, Virginia,  
this 6th day of November, 1989.

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