

TITLE VII: TRAFFIC CODE

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CHAPTER 70: GENERAL PROVISIONS

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§ 70.01 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANTIQUÉ MOTOR VEHICLE. Every motor vehicle, as defined in this section, which is over 25 years old and is owned solely as a collector's item, and is used for participation in club activities,

exhibits, tours, parades and similar uses, but in no event used for general transportation, and has been classified by the Commissioner as an *ANTIQUE MOTOR VEHICLE*.

BUSINESS DISTRICT. The territory contiguous to a highway where 75% or more of the total frontage, on both sides of the highway, for a distance of 300 feet or more is occupied by buildings actually in use and operation for business purposes.

CHAUFFEUR. Every person employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

COMMISSION. The State Corporation Commission.

COMMISSIONER. The Commissioner of the Division of Motor Vehicles of this state.

DEALER. Every person engaged in the business of buying, selling or exchanging motor vehicles, trailers and semitrailers in the town and who has an established place of business for such purpose in this town at which place of business the books and records of such **DEALER** are kept and at which a substantial part of the business of such **DEALER** is conducted.

DIVISION. The Division of Motor Vehicles of this state.

ESSENTIAL PARTS. All integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity of a vehicle.

FARM TRACTOR. Every motor vehicle designed and used primarily as a farm, agricultural or horticultural implement for drawing plows, mowing machines and other farm, agricultural or horticultural machinery and implements.

HIGHWAY. The entire width between the boundary lines of every way or place of whatever nature open to the use of the public for purposes of vehicular travel in this town, including the streets, alleys and publicly maintained parking lots in the town.

INTERSECTION.

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate **INTERSECTION**. In the event such intersecting highway also includes two roadways 30 feet or more

apart, then every crossing of two roadways of such highways shall be regarded as a separate **INTERSECTION**.

METAL TIRES. All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

MOTORCYCLE. Every motor vehicle designed to travel on not more than three wheels in contact with the ground and any four-wheeled vehicle weighing less than 500 pounds and equipped with an engine of less than six horsepower; except any such vehicle as may be included within the term “farm tractor” as defined in this section.

MOTOR VEHICLE. Every vehicle as defined in this section which is self-propelled or designed for self-propulsion.

NONRESIDENT. Every person who is not domiciled in this state, except:

(1) Any foreign corporation which is authorized to do business in this state by the State Corporation Commission shall be deemed a resident of this state for the purpose of this chapter; provided, however, that in the case of corporations incorporated in this state but doing business without the state, only such principal place of business or branches located within this state shall be dealt with as residents of this state;

(2) A person who becomes engaged in a gainful occupation in this state for a period exceeding 60 days, shall be deemed a resident for the purposes of this chapter; and

(3) A person who has actually resided in this state for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address within this state in the application for registration, shall be deemed a resident for the purposes of this title.

OPERATOR. Every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

OWNER. A person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter, except that in all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee upon payment of the rent stipulated, the lessor shall be regarded as the **OWNER** of such vehicle and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation; provided, however, that a “truck lessor” as defined in VA Code § 46.2-100 shall be regarded as the **OWNER**, and his or her vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

PEACE OR POLICE OFFICER. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PNEUMATIC TIRES. All tires inflated with compressed air.

PRIVATE ROAD OR DRIVEWAY. Every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

RECONSTRUCTED VEHICLE. Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

RESCUE VEHICLE. Any vehicle, designed or utilized for the principal purposes of supplying resuscitation or other emergency relief where human life is endangered.

RESIDENCE DISTRICT. The territory contiguous to a highway not comprising a business district where 75% or more of the total frontage, on both sides of the highway, for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business purposes.

ROAD TRACTOR. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

ROADWAY. The portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more **ROADWAYS** if divided by a physical barrier or barriers or unpaved area.

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a **SAFETY ZONE**.

SEMITRAILER. Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

SHOULDER. The part of a highway between the portion regularly traveled by vehicular traffic and the lateral curb line or ditch.

SOLID RUBBER TIRES. Every tire made of rubber other than a pneumatic tire.

SPECIALY CONSTRUCTED VEHICLES. Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as defined in this section.

SUPERINTENDENT. The Superintendent of the Department of State Police of this state.

TRACTOR TRUCK. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

TRAFFIC LANE or ***LANE.*** The portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

TRAILER. Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(1961 Code, § 8-1)

Statutory reference:

For similar state law, see VA Code § 46.2-100

§ 70.02 ENFORCEMENT BY TOWN OFFICERS; OFFICERS TO BE UNIFORMED; OFFICERS TO BE PAID FIXED AND DETERMINED SALARIES.

Every town officer shall enforce the provisions of this title; provided, that such officer shall be uniformed at the time of such enforcement or shall display his or her badge, or other sign of authority; and, provided further, that all officers making arrests incident to the enforcement of this title shall be paid fixed and determined salaries for their services and shall have no interest in, nor be permitted by law to accept the benefit of, any fine or fee resulting from the arrest or conviction of an offender against any provision of this title.

(1961 Code, § 8-2)

Statutory reference:

For similar state law, see VA Code § 46.2-102

§ 70.03 FEES NOT ALLOWED POLICE OFFICERS.

Notwithstanding the provisions of VA Code § 19.2-78, no court in this town shall in any case in which a fine is assessed for the violation of any law of this town, or any subdivision thereof, assess as a part of the cost of the case any fee for arrest, or as a witness, for the benefit of any police officer of the town; nor shall any such police officer receive any such fee. But such officers are not prohibited from accepting or receiving rewards.

(1961 Code, § 8-3) Penalty, see § 70.99

Statutory reference:

For similar state law, see VA Code § 46.2-218

§ 70.04 STOPPING VEHICLES FOR INSPECTION OR TO SECURE INFORMATION.

Any police officer who shall be in uniform or who shall exhibit his or her badge or other sign of authority shall have the right to stop any motor vehicle, trailer or semitrailer, upon request or signal, for the purpose of inspecting the motor vehicle, trailer or semitrailer as to its equipment and operation, its manufacturer's serial or engine number or its contents or load, if such motor vehicle, trailer or semitrailer is a property-carrying vehicle or for the purpose of securing such other information as may be necessary.

(1961 Code, § 8-4)

Statutory reference:

For similar state law, see VA Code § 46.2-103

§ 70.05 RIGHT TO INSPECT VEHICLE IN GARAGES AND THE LIKE.

Any police officer who shall be in uniform or shall exhibit a badge or other sign of authority shall have the right to inspect any motor vehicle, trailer or semitrailer in any public garage or repair shop, for the purpose of locating stolen motor vehicles, trailers and semitrailers and for investigating the title and registration of motor vehicles, trailers and semitrailers. For such purpose, the owner of any such garage or repair shop shall permit any such police officer without let or hindrance to make investigation as herein authorized.

(1961 Code, § 8-5)

Statutory reference:

For similar state law, see VA Code § 46.2-110

§ 70.06 APPLICABILITY OF CHAPTER TO VEHICLES REGARDLESS OF OWNERSHIP.

The provisions of this title applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles regardless of ownership, subject to such specific exceptions as are set forth in this title.

(1961 Code, § 8-6)

Statutory reference:

For similar state law, see VA Code § 46.2-801

§ 70.07 WASHING OR GREASING VEHICLE ON HIGHWAY OR SIDEWALK; ALLOWING WASH WATER TO RUN INTO STREET AND THE LIKE.

(A) No person shall, for compensation, wash, polish or grease a vehicle upon a highway or sidewalk, nor shall the owner of a vehicle permit it to be washed, polished or greased, for compensation, upon a highway or sidewalk.

(B) If any automobile is washed on private premises, it shall be unlawful to allow the water therefrom to run into the streets or into the gutters of the town.

(1961 Code, § 8-7) Penalty, see § 70.99

Statutory reference:

Authority of county to prohibit parking for commercial purposes, see VA Code § 46.2-1224

Local parking regulations generally, see VA Code § 46.2-1220

§ 70.08 PERSONS RIDING BICYCLES OR ANIMALS OR DRIVING ANIMALS SUBJECT TO PROVISIONS OF CHAPTER.

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 title applicable to the driver of a vehicle, except those provisions which by their very nature can have no application.

(1961 Code, § 8-8)

Statutory reference:

For similar state law, see VA Code § 46.2-800

§ 70.09 AUTHORITY OF FIRE DEPARTMENT OFFICIALS TO DIRECT TRAFFIC.

Officers of the Fire Department may direct or assist the police in directing traffic at or in the immediate vicinity of a fire, and while so acting, shall have all the authority of peace officers.

(1961 Code, § 8-9)

§ 70.10 PERMITS FOR PARADES AND PROCESSIONS.

No funeral procession or parade, excepting the forces of the United States Army or Navy, the military forces of the state and the force of the Police Department of the town, shall occupy, march or proceed along any street, except in accordance with a permit issued by the Mayor and such other regulations as are set forth in this title which may apply.

(1961 Code, § 8-10) Penalty, see § 70.99

§ 70.11 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 authorized emergency vehicles as defined in this chapter. 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.

(1961 Code, § 8-11) Penalty, see § 70.99

§ 70.12 IDENTIFICATION OF VEHICLES IN FUNERAL PROCESSIONS; RIGHT-OF-WAY.

(A) All motor vehicles participating in a funeral procession, when proceeding to any place of burial, shall display illuminated head lamps thereon and such other identification as the Code Enforcement Officer 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.

(1961 Code, § 8-12) Penalty, see § 70.99

§ 70.13 BOARDING OR ALIGHTING FROM VEHICLES.

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

(1961 Code, § 8-13) Penalty, see § 70.99

§ 70.14 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.

(1961 Code, § 8-14) Penalty, see § 70.99

§ 70.15 UNLAWFULLY PERMITTING ANOTHER TO DRIVE.

It shall be unlawful for any person to authorize or knowingly permit a motor vehicle owned by him or her or under his or her control to be driven by any person who has no legal right to do so or who does not have a valid state operator's or chauffeur's license.

(1961 Code, § 8-15) Penalty, see § 70.99

Statutory reference:

For similar state law, see VA Code § 46.2-349

§ 70.16 PERSONS OPERATING AND RIDING UPON MOTORCYCLES.

A person operating a motorcycle or bicycle shall ride only upon the permanent and regular seat attached to such vehicle, and such operator shall not carry any other person, and no other person shall ride on such vehicle unless it is designed to carry more than one person, in which event a passenger may

ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the seat of the operator. Any person who violates this section shall be guilty of a misdemeanor.

(1961 Code, § 8-16) Penalty, see § 70.99

Statutory reference:

For similar state law, see VA Code § 46.2-909

§ 70.17 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, loud-speaker, 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 business or things advertised thereby, is prohibited. The provisions of this division (B) shall not apply to motor vehicles driven in a duly authorized parade; and, provided further, that the use of a loud-speaker 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 division (B) when such use is limited strictly to the selling at auction of such property.

(C) (1) It shall be unlawful for any person in operating a motorcycle within the town to create in the operation thereof any unreasonably loud, disturbing or unnecessary noise.

(2) In operating a 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:

(a) The use of a 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;

(b) The practice of unnecessarily racing the motor of a motorcycle while standing or moving thereby causing unnecessary noise from such motor;

(c) The practice of unnecessarily retarding the spark to the motor and thereby causing unnecessary, loud and explosive noise from the motor;

(d) In starting a motorcycle off from a standing position, the practice of gaining speed unnecessarily quickly and there by causing unnecessary and loud noise from the motor; and

(e) The practice of coming to an unreasonably quick stop with a motorcycle and thereby causing unnecessary grinding of brakes and screeching of tires or either of such noises.

(1961 Code, § 8-17) Penalty, see § 70.99

Cross-reference:

Muffling devices on boats and the like, see § 93.03

Statutory reference:

Prohibition against muffler cutouts and the like, see VA Code § 46.2-1047

§ 70.18 PUTTING GLASS AND THE LIKE ON STREET PROHIBITED.

(A) No person shall throw or deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street or highway.

(B) Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(C) Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle.

(1961 Code, § 8-19) Penalty, see § 70.99

§ 70.19 ARREST FOR MISDEMEANORS; RELEASE ON SUMMONS AND PROMISE TO APPEAR.

(A) (1) Whenever any person is arrested for a violation of any provision of this title, except of § 73.055, the arresting officer shall, except as otherwise provided in § 70.20, or any other section of this chapter, take the name and address of such person and the license number of his or her motor vehicle and issue a summons or otherwise notify him or her in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest unless the person arrested shall demand an earlier hearing and such person shall, if he or she so desires, have a right to an immediate hearing or a hearing within 24 hours at a convenient hour, and before a court having jurisdiction.

(2) Such officer shall thereupon and upon the giving by such person of his or her written promise to appear at such time and place, forthwith release him or her from custody.

(B) Any person refusing to give such written promise to appear shall be taken immediately by the arresting or other police officer before the nearest or most accessible judicial officer or other person qualified to admit to bail having jurisdiction under this title.

(C) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction. This section shall not be construed to limit the removal of a police officer for other misconduct in office.

(1961 Code, § 8-20)

Statutory reference:

For similar state law, see VA Code § 46.2-936

§ 70.20 WHEN PRECEDING SECTION NOT MANDATORY.

(A) The provisions of the preceding section shall not be mandatory as to:

(1) Any person arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person;

(2) Any person charged with reckless driving;

(3) Any person whom the arresting officer shall have good cause to believe has committed any felony; or

(4) Any person whom the officer has reason to believe may disregard a summons issued under § 70.19.

(B) The arresting officer shall take such person forthwith before the nearest or most accessible judge or bail commissioner.

(1961 Code, § 8-21)

Statutory reference:

For similar state law, see VA Code § 46.2-940

§ 70.99 PENALTY.

(A) *Generally.*

(1) It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this title or any rule or regulation promulgated pursuant thereto, and any such violation shall constitute a misdemeanor.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this title or rule or regulation promulgated pursuant thereto, for which no other penalty is provided shall, for a first conviction thereof, be punished by a fine in an amount set by Council from time to time, or by imprisonment in jail for not less than one nor more than ten days, or by both such fine and imprisonment; for a second such conviction within one year, such person shall be punished by a fine in

an amount set by Council from time to time or by imprisonment in jail for not less than one nor more than 20 days, or by both such fine and imprisonment; for a third or subsequent conviction within one year, such person shall be punished by a fine in an amount set by Council from time to time or by imprisonment in jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

(1961 Code, § 8-22)

(B) *Fees not allowed police officers.* Any such police officer who accepts or receives any such fee, as described in § 70.03, shall be guilty of a misdemeanor and shall be punished by a fine in an amount set by Council from time to time and in addition the Town Council may remove him or her therefor.

(1961 Code, § 8-3)

(C) *Unnecessary noise in the operation of motor vehicles.* Any person convicted of violating the provisions of § 70.17 shall be guilty of a misdemeanor.

(1961 Code, § 8-18)

(D) *Arrest for misdemeanors; release on summons and promise to appear.* Any person who willfully violates his or her written promise to appear, given in accordance with § 70.19, shall be guilty of a misdemeanor, regardless of the disposition of, and in addition to, the charge upon which he or she was originally arrested.

(1961 Code, § 8-20)

Statutory reference:

Penalty for violation of motor vehicle and traffic regulations generally, see VA Code § 46.2-113
Prohibiting counties, cities and towns from imposing a penalty for violations of traffic ordinances in excess of that imposed for a similar offense by the state, see VA Code § 46.2-1300

CHAPTER 71: SIGNS, SIGNALS AND MARKERS

Section

- 71.01 Signals by traffic officers
- 71.02 Signals by lights or semaphores
- 71.03 Drivers to obey signs
- 71.04 Other than official signs prohibited
- 71.05 Injuring signs

- 71.99 Penalty

§ 71.01 SIGNALS BY TRAFFIC OFFICERS.

(A) Every police officer of the town is authorized to act as a traffic officer in the direction of traffic on any highway where traffic is heavy or continuous and the direction by such traffic officers shall take precedence over any lights or semaphores.

(B) Signals by traffic officers shall be as follows:

(1) By hand, to stop traffic, stand with shoulders parallel with moving traffic, and with arms raised 45 degrees above shoulder with hand extended, palm toward traffic to be stopped. To move traffic, stand so that shoulders are parallel to line of traffic to be moved. Extend right arm and hand full length at height of shoulders toward such traffic, fingers extended and joined, palm downward, bring hand sharply in direction traffic is to move. Repeat movement with left hand to start traffic from opposite direction; and

(2) By whistle, one blast, moving traffic to stop; two blasts, traffic in opposite direction to move; three or more short blasts, all traffic shall immediately clear the intersection and stop.

(1961 Code, § 8-23)

Statutory reference:

For similar state law, see VA Code § 46.2-1309

§ 71.02 SIGNALS BY LIGHTS OR SEMAPHORES.

(A) Signals by lights or semaphores shall be as follows:

(1) *Red*. Red indicates that traffic then moving shall stop and remain stopped as long as the red signal is shown except in the direction indicated by a lighted green arrow.

(2) *Green*. Green indicates that traffic shall then move in the direction of the signal and remain in motion as long as the green signal is given.

(3) *Amber*. Amber indicates that a change is about to be made in the direction of the moving of traffic. When the amber signal is shown, traffic which has not already entered the intersection including the crosswalks shall stop, but that which has entered the intersection shall continue to move until the intersection has been entirely cleared.

(B) When semaphores are not in operation, the use of amber light indicates need for caution and the use of a flashing red indicates that traffic shall stop before entering the intersection.

(C) Officers of the law may assume control of traffic otherwise controlled by lights or semaphores and in such event signals, by such officers shall take precedence over such lights or semaphores. (1961 Code, § 8-24)

Statutory reference:

For similar state law, see VA Code § 46.2-833

§ 71.03 DRIVERS TO OBEY SIGNS.

The driver of a motor vehicle, trailer or semitrailer shall stop, slow down or regulate the speed of such motor vehicle, trailer or semitrailer to accord with the requirements of road signs, signals, markings or lights erected upon the authority of the State Highway Commission, proper agencies of the federal government or the town, and the failure of such driver to comply with this provision shall constitute a misdemeanor and be punished in accordance with the provisions of § 10.99, unless otherwise prescribed. (1961 Code, § 8-25)

Statutory reference:

For similar state law, see VA Code § 46.2-830

§ 71.04 OTHER THAN OFFICIAL SIGNS PROHIBITED.

(A) No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light in imitation of any official sign, marker, signal or light erected under the provisions of this chapter, and no person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial advertising.

(B) Nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers or signals bearing thereon the name of an organization which has been authorized to erect the same by the State Highway Commission or by the Town Council; nor shall this section be construed to

prohibit the erection by contractors or public utility companies of temporary signs approved by the State Highway Department warning motorists that work is in progress upon the highway or adjacent thereto. (1961 Code, § 8-26) Penalty, see § 71.99

Statutory reference:

For similar state law, see VA Code § 46.2-831

§ 71.05 INJURING SIGNS.

Any person who shall deface, obscure, injure, knock down or remove any sign legally posted as provided in this chapter shall be guilty of a misdemeanor.

(1961 Code, § 8-27) Penalty, see § 71.99

Statutory reference:

For similar state law, see VA Code § 46.2-832

§ 71.99 PENALTY.

(A) It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto, and any such violation shall constitute a misdemeanor.

(B) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter or rule or regulation promulgated pursuant thereto, for which no other penalty is provided shall, for a first conviction thereof, be punished by a fine in an amount set by Council from time to time, or by imprisonment in jail for not less than one nor more than ten days, or by both such fine and imprisonment; for a second such conviction within one year, such person shall be punished by a fine in an amount set by Council from time to time or by imprisonment in jail for not less than one nor more than 20 days, or by both such fine and imprisonment; for a third or subsequent conviction within one year, such person shall be punished by a fine in an amount set by Council from time to time or by imprisonment in jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

(1961 Code, § 8-22)

Statutory reference:

*Penalty for violation of motor vehicle and traffic regulations generally, see VA Code § 46.2-113
Prohibiting counties, cities and towns from imposing a penalty for violations of traffic ordinances in excess of that imposed for a similar offense by the state, see VA Code § 46.2-1300*

CHAPTER 72: INSPECTION, LICENSING AND REGISTRATION

Section

- 72.01 Signing and possession of registration cards
- 72.02 Exhibiting of registration card and operators licenses and the like; failure to carry license or registration card
- 72.03 Display of fictitious and the like license
- 72.04 Lending and the like license
- 72.05 Displaying license of another

- 72.99 Penalty

Statutory reference:

Registration and licensing generally, see VA Code §§ 46.2-100 et seq.

§ 72.01 SIGNING AND POSSESSION OF REGISTRATION CARDS.

(A) Every owner of a motor vehicle, trailer or semitrailer upon receiving a registration card issued by the Division shall write his or her usual signature with pen and ink in the space provided for that purpose and such registration card shall not be valid unless so signed.

(B) The operator or chauffeur of a motor vehicle, trailer or semitrailer, while such motor vehicle, trailer or semitrailer is operated upon the highways of the town, shall have in his or her possession the registration card issued by the Division or the registration card issued by the state or county in which the motor vehicle, trailer or semitrailer is registered and his or her operator's or chauffeur's license or temporary instruction or driver's permit.

(1961 Code, § 8-28)

Statutory reference:

For similar state law, see VA Code § 46.2-104

§ 72.02 EXHIBITING OF REGISTRATION CARD AND OPERATORS LICENSES AND THE LIKE; FAILURE TO CARRY LICENSE OR REGISTRATION CARD.

The owner, operator or chauffeur of any motor vehicle, trailer or semitrailer shall stop upon the signal of any peace or police officer who shall be in uniform or who shall show his or her badge or other

sign of authority and shall upon request exhibit his or her registration card, operator's or chauffeur's license or temporary instruction or driver's permit and shall write his or her name in the presence of such peace or police officer if so required for the purpose of establishing his or her identity.

(1961 Code, § 8-29) Penalty, see § 72.99

Statutory reference:

For similar state law, see VA Code § 46.2-104

§ 72.03 DISPLAY OF FICTITIOUS AND THE LIKE LICENSE.

It shall be unlawful for any person to display or cause or permit to be displayed or to have in his or her possession any operator's or chauffeur's license knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered, or to have such license photographed for the purpose of evading the intent of this chapter.

(1961 Code, § 8-30) Penalty, see § 72.99

§ 72.04 LENDING AND THE LIKE LICENSE.

It shall be unlawful for any person to lend to, or knowingly permit the use by one not entitled thereto, any operator's or chauffeur's license issued to the person so lending or permitting the use thereof.

(1961 Code, § 8-31) Penalty, see § 72.99

§ 72.05 DISPLAYING LICENSE OF ANOTHER.

It shall be unlawful for any person to display or represent as his or her own any operator's or chauffeur's license not issued to the person so displaying the same.

(1961 Code, § 8-32) Penalty, see § 72.99

§ 72.99 PENALTY.

(A) Generally.

(1) It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto, and any such violation shall constitute a misdemeanor.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter or rule or regulation promulgated pursuant thereto, for which no other penalty is provided shall,

for a first conviction thereof, be punished by a fine in an amount set by Council from time to time, or by imprisonment in jail for not less than one nor more than ten days, or by both such fine and imprisonment; for a second such conviction within one year, such person shall be punished by a fine in an amount set by Council from time to time or by imprisonment in jail for not less than one nor more than 20 days, or by both such fine and imprisonment; for a third or subsequent conviction within one year, such person shall be punished by a fine in an amount set by Council from time to time or by imprisonment in jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

(1961 Code, § 8-22)

(B) *Exhibiting of registration card and operators licenses and the like; failure to carry license or registration card.* Every person licensed by the Division as an operator and every person licensed by the Division as a chauffeur or issued a temporary instruction or driver's permit who fails to carry his or her license or permit and the registration card for the vehicle which he or she operates shall be guilty of a misdemeanor and upon conviction punished by a fine in an amount set by Council from time to time; provided, however, if any person, when summoned to appear before a court for failure to display his or her license, permit or the registration card, upon such demand being made of him or her, shall present to the officer making such demand before the return date of the summons a proper license or permit duly issued to him or her prior to the time of such demand or a proper registration card, as the case may be, or shall appear pursuant to such summons and produce before the court a proper license or permit duly issued to him or her prior to the time of such demand or a proper registration card, as the case may be, he or she shall be deemed to have complied with the provisions of § 72.02.

(1961 Code, § 8-29)

Statutory reference:

Penalty for violation of motor vehicle and traffic regulations generally, see VA Code § 46.2-113
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CHAPTER 73: OPERATION OF VEHICLES

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GENERAL PROVISIONS

§ 73.001 ESTABLISHMENT OF SPEED LIMITS.

The following speed limits in the town are, pursuant to the statutory procedure, hereby established:

(A) Fifteen mph when passing a school during recess or while children are going to or leaving school; provided, that such speed limit be conspicuously posted upon portable or fixed blinking signs as required by VA Code § 46.2-87;

(B) Twenty-five mph in business and residential districts; and

(C) Thirty-five mph elsewhere in the town.

(1961 Code, § 8-39)

Statutory reference:

Maximum and minimum speed limits, see VA Code §§ 46.2-870 and 46.2-877

§ 73.002 PROHIBITING CONVICTION FOR SPEEDING IN CERTAIN AREAS UNLESS MARKERS INSTALLED.

No person shall be convicted of a violation of an ordinance enacted by the Town Council pursuant to the provisions of VA Code § 46.2-1300 decreasing the speed limit established in § 73.001 when such

person has exceeded the speed limit in an area where the speed limit has been decreased unless such area is clearly indicated by a conspicuous marker at the termini of such area.

(1961 Code, § 8-40)

Statutory reference:

For similar state law, see VA Code § 46.2-879

§ 73.003 TEMPORARY REDUCTION IN SPEED WHEN WORKERS ARE WORKING ON STREET OR WHEN STREET IS UNDER CONSTRUCTION OR REPAIR.

The Mayor may reduce, for a temporary period not to exceed 60 days, without engineering and traffic investigation provided for and required in VA Code § 46.2-1300, the speed limit on any portion of any street of the town on which workers are working or where the street is under construction or repair.

(1961 Code, § 8-41)

§ 73.004 SPEED LIMITS NOT APPLICABLE TO CERTAIN VEHICLES UNDER CERTAIN CIRCUMSTANCE.

(A) The speed limitations set forth in this subchapter shall not apply to vehicles when operated with due regard for safety under the direction of the police or in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violations, or in testing the accuracy of the radio microwave or other electrical devices specified in § 73.005, nor to fire vehicles when traveling in response to a fire alarm or pulmotor call, nor to ambulances when traveling in emergencies.

(B) These exemptions, hereinbefore granted to such a moving vehicle, shall apply only when the operator of such vehicle displays a flashing, blinking or alternating red light and sounds a siren, bell or exhaust whistle, as may be reasonably necessary, and, only when there is in force and effect for such vehicle standard automobile liability insurance covering injury or death to any one person in the sum of an amount set by Council from time to time. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall be construed to release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

(1961 Code, § 8-42)

Statutory reference:

For similar state law, see VA Code § 46.2-918

§ 73.005 CHECKING ON SPEED WITH ELECTRICAL DEVICES; PRIMA FACIE EVIDENCE; RESTRICTIONS ON ARREST.

(A) The speed of any motor vehicle may be checked by the use of radio microwaves or other electrical device. The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue.

(B) (1) The driver of any such motor vehicle may be arrested without a warrant under this section; provided, that the arresting officer is in uniform or displays his or her badge of authority; provided further, that such officer has observed the registration of the speed of such motor vehicle by the radio microwaves or other electrical device; or has received a radio message from the officer who observed the speed of the motor vehicle registered by the radio microwaves or other electrical device; provided, that in case of an arrest based on such a message that such radio message has been dispatched immediately after the speed of the motor vehicle was registered and furnished the license number or other positive identification of the vehicle and the registered speed to the arresting officer. The legal rate of speed and notice of measurement of speed by radio microwaves or other electrical devices may be posted on different signs and need not be posted on the same sign.

(2) No operator of a motor vehicle may be arrested under this section unless signs have been placed at the town line on the primary highway system leading into the town, to indicate the legal rate of speed, and that the speed of motor vehicles may be measured by radio microwaves or other electrical devices; there shall be a prima facie presumption that such signs were in place at the time of the commission of the offense of exceeding the legal rate of speed, and a certificate of the Town Manager as to the placing of such signs shall be admissible in evidence to support such presumption. Such legal rate of speed and notice of measurement of speed by radio microwaves or other electrical devices may be posted on different signs and need not be posted on the same sign.

(1961 Code, § 8-43) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-882

§ 73.006 TABLE OF SPEED AND STOPPING DISTANCES.

(A) All courts shall take notice of the following table of speed and stopping distances of motor vehicles, which shall not raise a presumption, in actions in which inquiry thereon is pertinent to the issues:

<i>Speed in</i>		<i>Average Stopping Distances</i>			<i>Total Stopping Distances: Driver and</i>	
<i>Miles per Hour</i>	<i>Feet per Second</i>	<i>Automobile Brakes (Ft.)</i>	<i>Truck Brakes (Brakes on All Wheels) (Ft.)</i>	<i>Average Driver Reaction Time (3/4 Second) (Ft.)</i>	<i>Automobiles (Ft.)</i>	<i>Trucks (Ft.)</i>
10	14.7	5	6	22	27	28
15	22.0	11	14	33	44	47
20	29.3	19	25	44	63	69
25	36.7	30	40	55	85	95

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<i>Speed in</i>		<i>Average Stopping Distances</i>			<i>Total Stopping Distances: Driver and</i>	
<i>Miles per Hour</i>	<i>Feet per Second</i>	<i>Automobile Brakes (Ft.)</i>	<i>Truck Brakes (Brakes on All Wheels) (Ft.)</i>	<i>Average Driver Reaction Time (3/4 Second) (Ft.)</i>	<i>Automobiles (Ft.)</i>	<i>Trucks (Ft.)</i>
30	44.0	43	57	66	109	123
35	51.3	58	78	77	135	155
40	58.7	76	102	88	164	190
45	66.0	96	129	99	195	228
50	73.3	119	159	110	229	269
55	80.7	144	192	121	265	313
60	88.0	171	229	132	303	361
65	95.3	201	268	143	344	411
70	102.7	233	311	154	387	465
75	110.0	268	357	165	433	522
80	117.3	305	406	176	481	582
85	124.7	344	459	187	531	646
90	132.0	386	514	198	584	712
95	139.3	430	573	209	639	782
100	146.7	476	635	220	696	855

(B) The courts shall further take notice that such table is the result of experiments made with motor vehicles, unloaded except for the driver, equipped with four-wheel brakes, in good condition, on dry, hard, approximately level stretches of highway free from loose material.

(1961 Code, § 8-44) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-880

§ 73.007 DRIVING THROUGH SAFETY ZONE PROHIBITED.

The driver of a vehicle shall not, at any time, drive through or over a safety zone.

(1961 Code, § 8-52) Penalty, see § 73.999

Statutory reference:

Driving through safety zone, see VA Code § 46.2-814

§ 73.008 BACKING.

The operator of any vehicle in the town shall not back such vehicle unless such movement can be made with safety and without interfering with other traffic.
(1961 Code, § 8-53) Penalty, see § 73.999

§ 73.009 BLOCKING INTERSECTIONS.

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.
(1961 Code, § 8-54) Penalty, see § 73.999

§ 73.010 COASTING.

The driver of a motor vehicle when traveling upon a downgrade upon any highway shall not coast with the gears of such vehicle in neutral.
(1961 Code, § 8-55) Penalty, see § 73.999
Statutory reference:
For similar state law, see VA Code § 46.2-811

§ 73.011 DRIVING MORE THAN 13 HOURS IN 24 PROHIBITED.

(A) It shall be unlawful for any person to drive any motor vehicle on the highways of this town for more than 13 hours in any period of 24 hours or for a period which, when added to the time such person may have driven a motor vehicle over the highways out of this town, would make an aggregate of more than 13 hours in any period of 24 hours.

(B) It shall also be unlawful for the owner of any such vehicle to cause or permit the same to be driven in violation of this section.
(1961 Code, § 8-56) Penalty, see § 73.999
Statutory reference:
For similar state law, see VA Code § 46.2-812

§ 73.012 DRIVE ON RIGHT SIDE OF HIGHWAYS.

Except as otherwise provided by law upon all highways of sufficient width the driver of a vehicle shall drive the same upon the right half of the highway, unless it is impracticable to travel on such side

of the highway and except when overtaking and passing another vehicle, subject to the limitations applicable in overtaking and passing set forth in §§ 73.015 and 73.019.

(1961 Code, § 8-57) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-802

§ 73.013 SPECIAL REGULATIONS APPLICABLE ON STREETS AND HIGHWAYS LANED FOR TRAFFIC.

Whenever any highway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations:

(A) A vehicle shall normally be driven in the lane nearest the right-hand edge or curb of the highway when such lane is available for travel except when overtaking another vehicle or in preparation for a left turn or as permitted in division (D) below;

(B) A vehicle shall be driven as nearly as is practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(C) Upon a highway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle or in preparation for a left turn or unless such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted or marked to give notice of such allocation;

(D) Whenever the town has designated right-hand lanes for slow-moving traffic and when such lanes are signposted or marked to give notice of such designation, a vehicle may be driven in any lane allocated to traffic moving in the direction such vehicle is proceeding but when traveling within such inside lanes vehicles shall be driven at approximately the speed authorized in such lanes and speed shall not unnecessarily be decreased so as to block, hinder or retard traffic;

(E) Wherever a highway is marked with double traffic lanes consisting of a solid line immediately adjacent to a broken line, no vehicle shall be driven to the left of such line if the solid line is on the right of the broken line, except that it shall be lawful to make a left turn for the purpose of entering or leaving a public, private or commercial road or entrance; and

(F) Wherever a highway is marked with double traffic lines consisting of two immediately adjacent solid lines, no vehicle shall be driven to the left of such lines, except that it shall be lawful to make a left turn for the purpose of entering or leaving a public, private or commercial road or entrance.

(1961 Code, § 8-58) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-804

§ 73.014 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTION.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other, as nearly as possible, one-half of the main-traveled portion of the roadway.

(1961 Code, § 8-59) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-837

§ 73.015 PASSING UPON OVERTAKING A VEHICLE.

The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at least two feet to the left thereof and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle, except as provided in this subchapter.

(1961 Code, § 8-60) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-838

§ 73.016 AUDIBLE WARNING SIGNAL UPON OVERTAKING VEHICLE.

The driver of an overtaking motor vehicle, when traveling outside of a business or residence district, shall give audible warning with his or her horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

(1961 Code, § 8-61) Penalty, see § 73.999

§ 73.017 WHEN OVERTAKING VEHICLE MAY PASS ON RIGHT.

(A) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn, and the driver of such vehicle has given a signal as required;

(2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction; and

(3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(B) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

(1961 Code, § 8-62) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-841

§ 73.018 DRIVER TO GIVE WAY TO OVERTAKING VEHICLE.

Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(1961 Code, § 8-63) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-842

§ 73.019 LIMITATIONS ON PRIVILEGES OF OVERTAKING AND PASSING.

(A) The driver of a vehicle shall not drive to the left side of the centerline of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

(B) No person operating a truck or tractor and trailer shall pass or attempt to pass any truck or tractor and trailer going in the same direction on an upgrade hill if such passing will impede the passage of following traffic.

(1961 Code, § 8-64) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-843

§ 73.020 FOLLOWING TOO CLOSELY.

The driver of a motor vehicle shall not follow another motor vehicle, trailer or semitrailer more closely than is reasonable and prudent, having due regard to the speed of both vehicles and the traffic upon, and conditions of the highway at the time.

(1961 Code, § 8-65) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-816

§ 73.021 TURNING AROUND IN STREETS.

(A) The driver of a vehicle in the town shall not turn such vehicle so as to proceed in the opposite direction except at an intersection of highways; provided, however, that no driver shall cause any vehicle to make a turn to proceed in the opposite direction at any intersection where there is a sign or other marking prohibiting such action.

(B) No vehicle shall be turned so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from any direction within 500 feet.

(1961 Code, § 8-66) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-845

§ 73.022 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS; AUTHORITY OF MAYOR AS TO MARKERS AND THE LIKE, INDICATING SPECIFIED COURSE FOR TURNS AT INTERSECTIONS.

(A) The driver of a vehicle intending to turn at an intersection or other location on any highway, except as prohibited by the preceding section or any other provision of this chapter, shall do so as follows.

(1) *Right turn.* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) *Left turns on two-way roadways.* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) *Left turns on other than two-way roadways.* At any intersection where traffic is restricted to one direction on one or more of the roadways, and at any crossover from one roadway of a divided highway to another roadway thereof on which traffic moves in the opposite direction, the driver of a vehicle intending to turn left at any such intersection or crossover shall approach the intersection or crossover in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection or crossover the left turn shall be made so as to leave the intersection or crossover, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(B) The Code Enforcement Officer may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at any intersection, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(1961 Code, § 8-67) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-846

§ 73.023 CONDUCT REQUIRED OF DRIVER OF VEHICLE UPON APPROACH OF POLICE OR FIRE DEPARTMENT VEHICLE.

(A) Upon approach of any police vehicle, Fire Department vehicle, vehicle owned or operated by a member of a volunteer fire company, rescue vehicle or ambulance vehicle giving audible signals by siren or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position at or as near as possible and parallel to the right-hand edge or curb, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer, until the police, Fire Department, vehicle owned or operated by a member of a volunteer fire company, rescue or ambulance vehicle shall have passed. This provision shall not operate to relieve the driver of a police, Fire Department, vehicle owned or operated by a member of a volunteer fire company, rescue or ambulance vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of an arbitrary exercise of such right-of-way.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

RESCUE VEHICLE. Any vehicle designated or utilized for the principal purposes of supplying resuscitation or other emergency relief where human life is endangered.

(1961 Code, § 8-77) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-829

§ 73.024 EXEMPTION OF POLICE OFFICERS AND OTHERS FROM REGULATIONS IN CERTAIN EMERGENCIES.

(A) The operator of any publicly owned vehicle operated by or under the direction of a police officer in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation; the operator of any vehicle used for the purpose of fighting fire or a vehicle owned by a political subdivision of the state, for rescue purposes, when traveling in response to a fire alarm or respirator call; and the operator of any ambulance or other rescue or life-saving vehicle, whether such

vehicle is publicly owned or operated by a nonprofit corporation or association when such vehicle is being used in the performance of public services, and when such vehicle is traveling to an emergency may, without subjecting himself or herself to criminal prosecution:

(1) Proceed past a red signal, light, stop sign or device indicating moving traffic shall stop if the speed and movement of the vehicle is reduced and controlled so that it can pass a signal, light or device with due regard to the safety of persons and property;

(2) Park or stand notwithstanding the provisions of this chapter; and

(3) Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property.

(B) These exemptions, hereinbefore granted to such a moving vehicle, shall apply only when the operator of such vehicle displays a flashing, blinking or alternating red light and sounds a siren, bell or exhaust whistle, as may be reasonably necessary, and only when there is in force and effect for such vehicle standard automobile liability insurance covering injury or death to any one person in the sum of an amount set by Council from time to time. Such exemptions shall not, however, protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall be construed to release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.

(1961 Code, § 8-78)

Statutory reference:

For similar state law, see VA Code § 46.2-920

§ 73.025 FOLLOWING OR PARKING NEAR FIRE APPARATUS.

It shall be unlawful for the driver of any vehicle, other than one on official business, to follow any fire apparatus traveling in response to a fire alarm at any distance closer than 500 feet to such apparatus or to park such vehicle within 500 feet of where fire apparatus has stopped in answer to a fire alarm.

(1961 Code, § 8-79) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-921

§ 73.026 DRIVING OVER FIRE HOSE.

It shall be unlawful for the driver of any vehicle to drive over any unprotected hose of a Fire Department when laid down on any street or private driveway for use at any fire or alarm of fire without the consent of the Fire Department official in command.

(1961 Code, § 8-80) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-922

§ 73.027 VEHICLES ON SIDEWALKS; PENALTY.

If any person rides or drives any vehicle, including bicycles and motorcycles, on the sidewalks of the town, he or she shall be guilty of a misdemeanor.

(1961 Code, § 8-81) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-903

§ 73.028 STOPPING ON HIGHWAYS 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 in the case of an emergency as the result of an accident or mechanical breakdown, in which case 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; and, if such vehicle is not promptly removed, such removal may also 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, outside of the business or residence district, when it is practicable to leave such vehicle standing off the paved, improved or main traveled portion of such highway.

(C) (1) Except upon one-way streets as provided in this chapter, and when actually loading or unloading merchandise as provided in § 73.029, no vehicle shall be stopped except close to and parallel with the right-hand curb.

(2) In no instance shall such vehicle be parked with the rear wheels farther than six inches from the curb.

(D) The provisions of this section shall not apply to any vehicle owned or controlled by the State Department of Highways or the city, while actually engaged in the construction, reconstruction or maintenance of highways.

(1961 Code, § 8-85) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-888, 46.2-892

§ 73.029 BACKING UP TO CURBS.

No vehicle shall be backed up to a curb, except during the time actually engaged in loading or unloading merchandise therefrom.

(1961 Code, § 8-86) Penalty, see § 73.999

RECKLESS DRIVING

§ 73.040 GENERALLY.

Irrespective of the maximum speeds herein provided, any person who drives a vehicle upon a highway recklessly or at a speed or in a manner so as to endanger the life, limb or property of any person shall be guilty of reckless driving; provided, that the driving of a motor vehicle in violation of any speed limit provision of § 73.001 shall not of itself constitute ground for prosecution for reckless driving under this section. Reckless driving shall be unlawful.

(1961 Code, § 8-33) Penalty, see § 73.999

Cross-reference:

Operation of boats and the like in a reckless manner, see § 93.02

Statutory reference:

For similar state law, see VA Code § 46.2-852

§ 73.041 SPECIFIC INSTANCES; AUTHORITY OF COURT.

A person shall be guilty of reckless driving who shall:

(A) Drive a vehicle when not under proper control or with inadequate or improperly adjusted brakes upon any highway of this town;

(B) While driving a vehicle, overtake or pass another vehicle proceeding in the same direction, upon or approaching the crest of a grade or upon or approaching a curve in the highway, where the driver's view along the highway is obstructed, except where the overtaking vehicle is being operated on a highway having two or more designated lanes of roadway for each direction of travel or on a designated one-way street or highway;

(C) Pass or attempt to pass two other vehicles abreast, moving in the same direction, except on highways having separate roadways of three or more lanes for each direction of travel, or on designated one-way streets or highways;

(D) Overtake or pass any other vehicle proceeding in the same direction at any intersection of streets or highways unless such vehicles are being operated on a highway having two or more designated lanes of roadway for each direction of travel or on a designated one-way street or highway, or while pedestrians are passing or about to pass in front of either of such vehicles, unless permitted so to do by a traffic light or police officer;

(E) Fail to stop at a school bus whether publicly or privately owned and whether transporting children to, from or in connection with, a public or private school stopped on the highway for the purpose of taking on or discharging school children, when approaching the same from any direction, and

to remain stopped until all school children are clear of the highway and the bus is put in motion; provided, however; that this shall apply only to school busses marked or identified as provided in the regulations of the State Board of Education;

(F) Fail to give adequate and timely signals of intention to turn, partly turn, slow down or stop, as required in §§ 73.075 through 73.079;

(G) Exceed a reasonable speed under the circumstances and traffic conditions existing at the time regardless of any posted speed limit;

(H) Fail to bring his or her vehicle to a stop immediately before entering a highway from a side road when there is traffic approaching upon such highway within 500 feet of such point of entrance, unless a yield right-of-way sign is posted; or where such sign is posted, fail, upon entering such highway to yield the right-of-way to the driver of a vehicle approaching on such highway from either direction;

(I) Drive or operate any automobile or other motor vehicle upon any driveway or premises of a church, school or any recreational facilities or any business property open to the public, recklessly or at a speed or in a manner so as to endanger the life, limb or property of any person; and/or

(J) Drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

(1961 Code, § 8-34) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code §§ 46.2-853 through 46.2-864

§ 73.042 DRIVING CERTAIN VEHICLES IN EXCESS OF 75 MPH.

A person shall be guilty of reckless driving if he or she operates a motor vehicle, except as provided in § 73.043, in this town at a speed in excess of 75 mph.

(1961 Code, § 8-35) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-861

§ 73.043 DRIVING CERTAIN VEHICLES IN EXCESS OF 65 MPH.

A person shall be guilty of reckless driving if he or she operates any truck, or tractor or tractor-truck or motor vehicle being used to tow a vehicle designed for self-propulsion, or a house trailer, or combination of vehicles designed to transport property upon the highways of the town at a speed in excess of 65 mph.

(1961 Code, § 8-36) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-861

§ 73.044 RACING ON HIGHWAYS.

(A) Any person who shall engage in a race between two or more motor vehicles on the highways of the town shall be guilty of reckless driving.

(B) When any person shall be convicted of reckless driving under this section, then in addition to any other penalties provided by law, the operator's or chauffeur's license of such person shall be suspended by the court or judge for a period of not less than six months nor more than two years. In case of conviction, the court or judge shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of VA Code § 46.2-398.

(1961 Code, § 8-37) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-865

***DRIVING AUTOMOBILE, ENGINES AND THE LIKE WHILE UNDER
THE INFLUENCE OF ALCOHOL AND DRUGS*****§ 73.055 PROHIBITED.**

No person shall drive or operate any automobile or other motor vehicle, car, truck, engine or train while under the influence of alcohol or while under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature.

(1961 Code, § 8-45) Penalty, see § 73.999

Cross-reference:

Operation of boats and the like in a reckless manner, see § 93.02

Statutory reference:

For similar state law, see VA Code § 18.2-266

**§ 73.056 USE OF CHEMICAL ANALYSIS TO DETERMINE ALCOHOL IN BLOOD;
PROCEDURE; COSTS; EVIDENCE.**

(A) In any criminal prosecution under § 73.055, no person shall be required to submit to a determination of the amount of alcohol in his or her blood at the time of the alleged offense as shown by a chemical analysis of his or her blood; however, any person arrested for a violation of § 73.055 if within two hours of the alleged offense, shall be entitled to a determination of the amount of alcohol in his or her blood at the time of the alleged offense as shown by a chemical analysis of his or her blood, provided the request for such determination is made within such time. Any such person shall, at the time of his or her arrest, be informed by the arresting authorities of his or her right to such determination, and if he or she makes such request, the arresting authorities shall render full assistance in obtaining such determination with reasonable promptness.

(B) Only a physician, registered professional nurse or laboratory technician, shall withdraw blood for the purpose of determining the alcoholic content therein. The blood sample shall be placed in a sealed container provided by the Chief Examiner of the state. Upon completion of taking of the sample, the container must be resealed in the presence of the accused after calling the fact to his or her attention. The container shall be especially equipped with a sealing device, sealed so as not to allow tampering, labeled and identified showing the person making the test, the name of the accused, the date and time of taking. The sample shall be delivered to the police officer for transporting or mailing to the Chief Medical Examiner. Upon receipt of the blood sample, the Chief Medical Examiner or an Assistant Chief Medical Examiner shall examine it for alcoholic content and shall execute a certificate which certificate shall indicate the name of the accused, the date, time and by whom the same was received and examined, and a statement that the container seal had not been broken or otherwise tampered with and a statement of the alcoholic content of the sample. The certificate, attached to the container shall be returned to either the police officer making the arrest, the Department from which it came, or to the Clerk of the court in which the matter will be heard.

(C) Upon the request of the person who has given a chemical test of blood the results of such test shall be made available to him or her.

(D) An amount set by Council from time to time to cover the costs of taking blood and making an analysis thereof shall be taxed as part of the costs of the case.

(E) Other than as expressly provided herein, the provisions of this section shall not otherwise limit the introduction of any competent evidence bearing upon any question at issue before the court. The failure of the accused to request such a determination is not evidence and shall not be subject to comment in the trial of the case.

(1961 Code, § 8-46)

Statutory reference:

For similar state law, see VA Code § 18.2-268.1

§ 73.057 REPORT OF RESULTS OF ANALYSIS TO BE FILED IN OFFICE OF CHIEF MEDICAL EXAMINER OF THE STATE; ADMISSIBILITY OF COPY OF CERTIFICATE FROM SUCH OFFICE.

When any blood sample taken in accordance with the provisions of § 73.056 is forwarded for analysis to the office of the Chief Medical Examiner of the state, a report of the results of such analysis shall be made and filed in that office. Upon proper identification of such vial, tube or container, the copy of such certificate as provided for in § 73.056 shall, when duly attested by the Chief Medical Examiner or any Assistant Chief Medical Examiner, be admissible in any court or proceeding as evidence of the facts therein stated and the results of the analysis of the blood of the accused.

(1961 Code, § 8-47)

Statutory reference:

For similar state law, see VA Code § 18.2-268.7

§ 73.058 PRESUMPTIONS, FROM ALCOHOLIC CONTENT OF BLOOD.

In any prosecution for a violation of § 73.055, the amount of alcohol in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of the accused's blood in accordance with the provisions of § 73.056, shall give rise to the following presumptions:

(A) If there was at that time 0.05% or less by weight of alcohol in the accused's blood, it shall be presumed that the accused was not under the influence of alcoholic intoxicants;

(B) If there was at that time in excess of 0.05% but less than 0.15% by weight of alcohol in the accused's blood, such facts shall not give rise to any presumption that the accused was or was not under the influence of alcoholic intoxicants, but such facts may be considered with other competent evidence in determining the guilt or innocence of the accused; and

(C) If there was at that time 0.15% or more by weight of alcohol in the accused's blood, it shall be presumed that the accused was under the influence of alcoholic intoxicants.

(1961 Code, § 8-48)

Statutory reference:

For similar state law, see VA Code § 18.2-269

§ 73.059 FORFEITURE OF RIGHT TO DRIVE; SUSPENSION OF SENTENCE.

(A) The judgment of conviction or finding of not innocent in the case of juvenile if for a first offense under § 73.055 shall of itself operate to deprive the person so convicted or found of the right to drive or operate any such vehicle, conveyance, engine or train in this state for a period of one year from the date of such judgment; and if for a second or other subsequent offense within ten years thereof for a period of three years from the date of the judgment of conviction or finding of not innocent thereof.

(B) If any person has heretofore been convicted or found not innocent of violating any similar act of this state or similar city, town or county ordinance, and thereafter is convicted or found not innocent of violating the provisions of § 73.055, such conviction or finding shall, for the purpose of this section and § 73.999(C), be a subsequent offense and shall be punished accordingly; and the court may, in its discretion, suspend the sentence during the good behavior of the person convicted or found not innocent.

(1961 Code, § 8-50) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 18.2-271

§ 73.060 DRIVING AFTER FORFEITURE OF RIGHT TO DRIVE.

If any person so convicted shall, during the time for which he or she is deprived of his or her right so to do, drive or operate any such vehicle, conveyance, engine or train in this town, he or she shall be guilty of a misdemeanor.

(1961 Code, § 8-51) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 18.2-272

SIGNALS**§ 73.075 SIGNALS REQUIRED ON STARTING, STOPPING OR TURNING.**

Every driver who intends to start, back, stop, turn or partly turn from a direct line shall first see that such movement can be made in safety and whenever the operation of any other vehicle may be affected by such movement shall give a signal as required in §§ 73.076, 73.077 or 73.078 plainly visible to the driver of such other vehicle of his or her intention to make such movement.

(1961 Code, § 8-68) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-848

§ 73.076 HOW SUCH SIGNALS GIVEN.

(A) The signal required in § 73.075 shall be given by means of the hand and arm or by some mechanical or electrical device approved by the Superintendent, in the manner herein specified.

(B) Whenever the signal is given by means of the hand and arm, the driver shall indicate his or her intention to start, stop, turn or partly turn by extending the hand and arm from beyond the left side of the vehicle, in the following manner:

(1) For left turn or to pull to the left, the arm shall be extended in a horizontal position straight from and level with the shoulder;

(2) For right turn or to pull to the right, the arm shall be extended upward; and

(3) For slowing down or to stop, the arm shall be extended downward.

(B) Wherever the lawful speed is more than 35 mph, such signals shall be given continuously for a distance of at least 100 feet, and in all other cases at least 50 feet, before slowing down, stopping, turning, partly turning or materially altering the course of the vehicle.

(1961 Code, § 8-69) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-849

§ 73.077 CHANGE OF COURSE.

Drivers having once given a hand, electrical or mechanical device signal must continue the course thus indicated, unless they alter the original signal and take care that drivers of vehicles and pedestrians have seen and are aware of the change.

(1961 Code, § 8-70) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-850

§ 73.078 DUTY OF DRIVERS RECEIVING SIGNALS.

Drivers receiving a signal from another driver shall keep their vehicles under complete control and shall be able to avoid an accident resulting from a misunderstanding of such signal.

(1961 Code, § 8-71) Penalty, see § 73.999

§ 73.079 DRIVERS OF PARKED VEHICLES.

Drivers of vehicles standing or stopped at the curb or edge before moving such vehicles shall give signals of their intention to move into traffic, as hereinbefore provided, before turning in the direction the vehicle will proceed from the curb.

(1961 Code, § 8-72) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-851

RIGHTS-OF-WAY

§ 73.090 GENERALLY.

(A) Except as provided in § 73.023, when two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right unless a yield right-of-way sign is posted. Where any such sign is posted, the driver of the vehicle approaching or entering such intersection on the highway, road or street on which such

sign is posted shall yield the right-of-way to the driver of a vehicle approaching or entering such intersection from either direction.

(B) At traffic circles, vehicles already in the circle shall have the right-of-way over vehicles approaching and entering the circle.

(C) The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he or she might otherwise have hereunder.

(1961 Code, § 8-73) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-820

§ 73.091 RIGHT-OF-WAY WHEN VEHICLE TURNS TO LEFT.

The driver of a vehicle, in an intersection and turning therein to the left across the line of travel of vehicles within or approaching the intersection shall yield the right-of-way to such other vehicles; provided, however, that where there is an automatic signal device governing the flow of traffic at any intersection and allowing turns to the left while all other vehicular traffic is required to stop, any vehicle making such turn shall have the right-of-way over all other vehicles approaching the intersection.

(1961 Code, § 8-74) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-825

§ 73.092 EXCEPTION TO RIGHT-OF-WAY RULES.

The driver of a vehicle entering a public highway or sidewalk from a private road, driveway, alley or building shall stop immediately before entering such highway or sidewalk and upon entering such highway or sidewalk, shall yield the right-of-way to all vehicles approaching on such public highway or to all pedestrians or vehicles approaching on such public sidewalk.

(1961 Code, § 8-75)

Statutory reference:

For similar state law, see VA Code § 46.2-826

§ 73.093 RIGHT-OF-WAY OF UNITED STATES FORCES, TROOPS, NATIONAL GUARD AND THE LIKE.

United States forces or troops, or any portion of the Virginia National Guard or naval militia, parading or performing any duty according to law, or any civil defense personnel performing any duty

according to law, shall have the right-of-way in any street or highway through which they may pass; provided, that the carrying of the United States mails, the legitimate functions of the police and the progress and operation of fire engines and Fire Departments shall not be interfered with.

(1961 Code, § 8-76)

Statutory reference:

For similar state law, see VA Code § 46.2-827

PARKING

§ 73.105 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 office 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 20 feet of a crosswalk at an intersection;
- (7) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (8) 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;
- (9) Within 20 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 or within a tunnel;
and

(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.

(1961 Code, § 8-82) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-1239

§ 73.106 PARKING ON PRIVATE PROPERTY.

(A) 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.

(B) Whenever signs or markings have been erected on any lot or lot area, contiguous or adjacent to a street, thoroughfare or alley indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand or park any vehicle in such lot or lot area.

(1961 Code, § 8-83) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-902

§ 73.107 PARKING FOR CERTAIN PURPOSES PROHIBITED.

(A) (1) It shall be unlawful for any person to park or place any automobile, truck, trailer or other vehicle upon or in any street, alley or parkway for the purpose of selling or offering the same for sale or rent.

(2) No sign or lettering shall be attached or placed upon any automobile, truck, trailer or other vehicle parked in or upon any public street, alley or parkway of the town indicating that such vehicle is offered for sale or for rent.

(3) It shall also be unlawful to park any vehicle upon any street in a business district from which any merchandise is being sold.

(B) It shall be unlawful to stop a vehicle at any time upon the highway for the purpose of advertising any article of any kind, or to display thereupon advertisements of any article or advertisement for the sale of the vehicle itself.

(1961 Code, § 8-84) Penalty, see § 73.999

Statutory reference:

Authorizing counties to prohibit parking of vehicles for commercial purposes, see VA Code § 46.2-1224

§ 73.108 ANGLE PARKING.

Notwithstanding any of the provisions of this chapter, the Mayor may, when in his or her discretion the public interest so requires, provide for angle parking on any street or portion thereof; provided, however, such streets are marked so as to apprise an ordinarily observant person of the regulation.

(1961 Code, § 8-90)

§ 73.109 PARKING VEHICLES WITHOUT STATE LICENSE ON HIGHWAYS.

It shall be unlawful to park any vehicle having no current state license on any highway.

(1961 Code, § 8-91) Penalty, see § 73.999

§ 73.110 LIABILITY FOR DAMAGE TO VEHICLES PARKED IN FREE PARKING LOT.

(A) No action shall lie or proceeding be brought against any person conducting any business and maintaining a parking lot, at which free parking accommodations are provided for customers or employees of such business, when a motor vehicle is parked in such parking lot, for the total or partial loss of such motor vehicle by reason of theft or damage by any person other than an employee or for the total or partial loss of property left in such motor vehicle by reason of theft or damage by any person other than an employee.

(B) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

FREE PARKING ACCOMMODATIONS. Parking accommodations for which no specific charge is made and the patronage of the business by customers and the performance of the regular services for the business by employees shall not constitute the payment of any consideration for the use of the parking accommodations.

(C) Nothing in this section shall relieve any person of liability resulting from his or her own wrongdoing.

(1961 Code, § 8-95) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-1507

FLARES AND OTHER SIGNALS**§ 73.125 FLARES AND OTHER SIGNALS WHEN VEHICLE DISABLED IN HIGHWAY AFTER DARK.**

(A) Whenever any bus or truck is disabled and stops upon any portion of the traveled portion of any highway in this town, except upon streets or highways which are artificially lighted at night, at any time during which lights are required upon motor vehicles, the operator of such bus or truck shall place or cause to be placed on the roadway three red reflector flares or torches of a type approved by the Superintendent.

(B) One of the flares or torches shall be placed in the center of the lane of traffic occupied by the disabled bus or truck and not less than 100 feet therefrom in the direction of traffic approaching in that lane, one not less than 100 feet from such bus or truck in the opposite direction and one at the traffic side of such bus or truck not closer than ten feet from the front or rear thereof; provided, however, that if such bus or truck is disabled within 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 500 feet from the disabled vehicle.

(1961 Code, § 8-87) Penalty, see § 73.999

§ 73.126 WHEN RED REFLECTOR FLARES OR RED LANTERNS REQUIRED INSTEAD OF FLARES.

(A) If any vehicle referred to in § 73.125 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 shall be used.

(B) Such reflectors or lanterns shall be lighted and placed upon the roadway in the manner provided in § 73.125.

(1961 Code, § 8-88) Penalty, see § 73.999

§ 73.127 WHEN RED FLAGS REQUIRED INSTEAD OF FLARES AND THE LIKE.

(A) During such time as lights on motor vehicles are not required, red flags not less than 12 inches both in length and width shall be used in the place of flares, torches, reflectors or lanterns.

(B) The flags shall be placed upon the roadway in the manner prescribed in §§ 73.125 and 73.126 for flares, torches, reflectors and lanterns, except that no flag shall be required to be placed at the side of such vehicle, but if the disablement of, such vehicle continues into the period when lights on motor

vehicles are required, flares, torches, reflectors or lanterns shall be placed as required by §§ 73.125 and 73.126.

(1961 Code, § 8-89) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-111

REMOVAL AND DISPOSITION OF VEHICLES

§ 73.140 REMOVAL AND DISPOSITION OF CERTAIN UNATTENDED VEHICLES; SALE; DISPOSITION OF PROCEEDS.

(A) Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to interfere substantially with the necessary maintenance or repairs to such streets or public grounds or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten days upon any privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, within the town or is abandoned upon such privately owned property, without the permission of the owner, lessee or occupant thereof, any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area; provided, however, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof. The person at whose request such motor vehicle, trailer or semitrailer is removed from privately owned property shall indemnify the town against any loss or expense incurred by reason of removal, storage or sale thereof. Each removal shall be reported immediately to the County Sheriff, who shall give notice to the owner of the motor vehicle, trailer or semitrailer as promptly as possible. The owner, before obtaining possession of the motor vehicle, trailer or semitrailer shall pay to the town all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer. Should the owner fail or refuse to pay the costs or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search has been made, and after notice to the owner at his or her last known address and to the holder of any lien of record in the office of the Division of Motor Vehicles against the motor vehicle, trailer or semitrailer, the County Sheriff may, after holding the motor vehicle, trailer or semitrailer 90 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 County Sheriff to the Treasurer of the town.

(B) The Treasurer shall pay from the proceeds of 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 or her for the owner and paid to the owner upon satisfactory proof of ownership.

(C) 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 town. Any such owner shall be entitled to apply to the town within three years from the date of such sale and if timely application is made therefor, the town 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 years from the date of such sale.

(1961 Code, § 8-92)

§ 73.141 CONTRACTS WITH PRIVATE PERSONS FOR REMOVAL AND THE LIKE OF VEHICLES UNDER § 73.140.

(A) The Mayor shall have the power to enter into contracts with the owner or operator of garages or places for the removal or storage of vehicles referred to in § 73.140.

(B) The contracts shall provide for the payment by the town of reasonable charges for the removal and storage of such vehicles, shall require such owners or operators to deliver such vehicles to the owners thereof or their agents upon demand therefor upon furnishing satisfactory, evidence of identity and ownership or agency, and that the owners or operators of such garages or places of storage will indemnify the owners of such vehicles for injury or damage thereto resulting from the negligent removal or storage thereof, and such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnity.

(1961 Code, § 8-93)

§ 73.142 REMOVAL AND DISPOSITION OF VEHICLES UNLAWFULLY PARKED ON PRIVATE OR TOWN PROPERTY.

(A) It shall be lawful for any owner, operator or lessee of any parking lot or parking area or space therein or part thereof, or of any other lot or building, including the town, to have any motor or other vehicle, occupying such lot, area, space or building or part thereof without the permission of such owner, operator, lessee or authorized agent of the one having the control of such premises removed by towing or otherwise, to a licensed garage for storage until called for by the owner or his or her agent; provided, that notice of such action shall be first or simultaneously therewith given to at least one of the local law enforcement officers; provided further, that in the event of such removal and storage the owner of the vehicle involved shall be chargeable with and such vehicle may be held for a reasonable charge for its removal and storage.

(B) This section shall not apply to police, fire or public health vehicles or when a vehicle shall, because of a wreck or other emergency, be parked or left temporarily upon the property of another.

(1961 Code, § 8-94) Penalty, see § 73.999

Statutory reference:

For similar state law, see VA Code § 46.2-902

§ 73.999 PENALTY.

(A) *Generally.*

(1) It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto, and any such violation shall constitute a misdemeanor.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter or rule or regulation promulgated pursuant thereto, for which no other penalty is provided shall, for a first conviction thereof, be punished by a fine of an amount set by Council from time to time, or by imprisonment in jail for not less than one nor more than ten days, or by both such fine and imprisonment; for a second such conviction within one year, such person shall be punished by a fine in an amount set by Council from time to time or by imprisonment in jail for not less than one nor more than 20 days, or by both such fine and imprisonment; for a third or subsequent conviction within one year, such person shall be punished by a fine in an amount set by Council from time to time or by imprisonment in jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

(1961 Code, § 8-22)

(B) *Vehicles on sidewalks.* Any person violating § 73.027 shall be guilty of a misdemeanor and upon conviction shall be fined in an amount set by Council from time to time.

(1961 Code, § 8-81)

(C) *Reckless driving.*

(1) Every person convicted of reckless driving under §§ 73.040 through 73.044 shall, for the first violation, be punished as provided by division (A) above. For each second or subsequent conviction for the offense of reckless driving, under §§ 73.040 through 73.044, committed within 12 months before or after the date of another act of reckless driving for which he or she has been convicted, such person shall be punished by a fine in an amount set by Council from time to time, or by imprisonment in jail for not less than ten days nor more than 12 months, or by both such fine and imprisonment.

(2) Except in those cases for which revocation of license is provided under VA Code § 46.2-402, the court may, in addition to the foregoing punishment, suspend any license issued to such convicted person under VA Code Title 46.2, Chapter 3, for a period of not less than ten days nor more than six months and the court shall require such convicted person to surrender his or her license so suspended. If such person so convicted has not obtained the license required by such chapter, the court may direct in the judgment of conviction that such person shall not for such period of not less than ten days nor more than six months as may be prescribed in the judgment, drive or operate any motor vehicle in this state.

(3) The Court or the Clerk of such Court shall transmit such license to the Commissioner along with the report of such conviction required to be sent to the Division.

(1961 Code, § 8-38)

(D) *Subsequent offense; prior conviction DUI.*

(1) Any person violating any provision of § 73.055 shall be guilty of a misdemeanor and shall be punished, for a first offense by a fine in an amount set by Council from time to time or confinement in jail for not less than one month nor more than six months, either or both in the discretion of the court or jury or the court trying the case without a jury. Any person convicted within any period of ten years of a second or other subsequent offense shall be punishable by a fine in an amount set by Council from time to time and by imprisonment for not less than one month nor more than one year. For the purposes of this division (C), a conviction or finding of not innocent in the case of a juvenile under the provisions of § 73.055, the ordinance of any county, city or town in this state or the laws of this or any other state substantially similar to the provisions of §§ 73.055 through 73.058 shall be considered a prior conviction.

(1961 Code, § 8-49)

(E) *Driving after forfeiture of right to drive.* Any person violating § 73.060 shall be guilty of a misdemeanor and shall be confined in jail not less than ten days nor more than six months and may in addition be fined an amount set by Council from time to time; but nothing in § 73.060 or §§ 73.055, 73.059 or division (C) above shall be construed as conflicting with or repealing any ordinance or resolution of any city, town or county which restricts still further the right of such person to drive or operate any such vehicle or conveyance.

(1961 Code, § 8-51)

Statutory reference:

Driving under the influence, see VA Code § 18.2-270

Penalty for violation of motor vehicle and traffic regulations generally, see VA Code § 46.2-113

Prohibiting counties, cities and towns from imposing a penalty for violations of traffic ordinances in excess of that imposed for a similar offense by the state, see VA Code § 46.2-1300

Reckless driving, see VA Code §§ 46.2-392 and 46.2-868

CHAPTER 74: PEDESTRIANS' RIGHTS AND DUTIES

Section

- 74.01 Pedestrians crossing highways on streets
- 74.02 Right-of-way of pedestrians
- 74.03 Stepping where they cannot be seen
- 74.04 Entering or leaving busses
- 74.05 Pedestrians not to use highways except when necessary; keeping to left
- 74.06 Playing on streets or highways; roller skates, toys or other devices on wheels or runners generally; persons riding bicycles and the like not to attach to vehicles
- 74.07 Roller skating on sidewalks
- 74.08 Pedestrians soliciting rides or business
- 74.09 When vehicles to stop for pedestrians carrying white or red-tipped white cane
- 74.10 Unlawful for person not blind or incapacitated to carry white or red-tipped white cane
- 74.11 Construction of §§ 74.09 and 74.10; failure to use cane or guide dog not contributory negligence

- 74.99 Penalty

§ 74.01 PEDESTRIANS CROSSING HIGHWAYS ON STREETS.

(A) When crossing highways or streets, pedestrians shall not carelessly or maliciously interfere with the orderly passage of vehicles. They shall cross wherever possible only at intersections. They shall cross only at right angles.

(B) Pedestrians may cross an intersection diagonally when all traffic entering the intersection has been halted by light semaphores or signals by a peace or police officer.

(1961 Code, § 8-96) Penalty, see § 74.99

Statutory reference:

For similar state law, see VA Code § 46.2-923

§ 74.02 RIGHT-OF-WAY OF PEDESTRIANS.

(A) The driver of any vehicle upon a highway within a business or residence district shall yield the right-of-way to a pedestrian crossing such highway within any clearly marked crosswalk or any regular

pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic-direction devices.

(B) No pedestrian shall enter or cross an intersection in disregard of approaching traffic.

(C) The drivers of vehicles entering, crossing or turning at intersections shall change their course, slow down or come to a complete stop if necessary to permit pedestrians to safety and expeditiously cross such intersection.

(D) Pedestrians crossing highways or streets at intersections shall at all times have the right-of-way over vehicles making turns into the highways or streets being crossed by the pedestrians.

(1961 Code, § 8-97) Penalty, see § 74.99

Statutory reference:

For similar state law, see VA Code § 46.2-924

§ 74.03 STEPPING WHERE THEY CANNOT BE SEEN.

Pedestrians shall not step into that portion of a highway or street open to moving vehicular traffic at any point between intersections where their presence would be obscured from the vision of drivers of approaching vehicles by a vehicle or other obstruction at the curb or side, except to board a passenger bus or to enter a safety zone, in which event they shall cross the highway or street only at right angles.

(1961 Code, § 8-98) Penalty, see § 74.99

Statutory reference:

For similar state law, see VA Code § 46.2-926

§ 74.04 ENTERING OR LEAVING BUSES.

When actually boarding or alighting from passenger busses, pedestrians shall have the right-of-way over vehicles, but shall not, in order to board or alight from passenger busses, step into the highway or street sooner nor remain there longer than is absolutely necessary.

(1961 Code, § 8-99)

Statutory reference:

For similar state law, see VA Code § 46.2-927

§ 74.05 PEDESTRIANS NOT TO USE HIGHWAYS EXCEPT WHEN NECESSARY; KEEPING TO LEFT.

Pedestrians shall not use the highways or streets, other than the sidewalk thereof, for travel, except when necessary to do so because of the absence of sidewalks, reasonable suitable and passable for their

use, in which case, if they walk upon the hard surface, or the main-traveled portion of the roadway, they shall keep to the extreme left side or edge thereof, or where the shoulders of the highway are of sufficient width to permit, they may walk on either shoulder thereof.

(1961 Code, § 8-100) Penalty, see § 74.99

Statutory reference:

For similar state law, see VA Code § 46.2-928

§ 74.06 PLAYING ON STREETS OR HIGHWAYS; ROLLER SKATES, TOYS OR OTHER DEVICES ON WHEELS OR RUNNERS GENERALLY; PERSONS RIDING BICYCLES AND THE LIKE NOT TO ATTACH TO VEHICLES.

(A) (1) No person shall play on a highway or street, other than upon the sidewalks thereof, within the town; provided, that this shall be construed to permit the use of roller skates on sidewalks other than in accordance with § 74.07.

(2) No person shall use on a highway or street where play is prohibited roller skates, toys or other devices on wheels or runners, except bicycles and motorcycles.

(3) The Mayor may designate areas on highways or streets where play is prohibited in which persons may be permitted to use roller skates, toys or other devices on wheels or runners, and, if such highways or streets have two traffic lanes, such persons shall keep as near as reasonably possible to the extreme left side or edge of the left-hand lane so that they will be facing on coming traffic at all times.

(B) No person riding upon any bicycle, roller skates, toys or other devices on wheels or runners, shall attach the same or himself or herself to any vehicle upon a roadway.

(1961 Code, § 8-101) Penalty, see § 74.99

Cross-reference:

Bicycles generally, see §§ 75.01 through 75.04

Statutory reference:

Playing on highways and as to skating and the like, see VA Code § 46.2-932

§ 74.07 ROLLER SKATING ON SIDEWALKS.

It shall be unlawful for any person to roller skate on the sidewalks of any street of the town in front of any residence or lot within the town without first getting the permission to skate from the owner of such residence or lot.

(1961 Code, § 8-102) Penalty, see § 74.99

§ 74.08 PEDESTRIANS SOLICITING RIDES OR BUSINESS.

No person shall stand in the vehicular traveled portion of any street or roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

(1961 Code, § 8-104) Penalty, see § 74.99

§ 74.09 WHEN VEHICLES TO STOP FOR PEDESTRIANS CARRYING WHITE OR RED-TIPPED WHITE CANE.

Whenever a pedestrian is crossing or attempting to cross a public street or highway, carrying in a raised or extended position a cane or walking stick clearly visible above the body which is white in color or white tipped with red, the driver of every vehicle approaching the intersection or other place of crossing shall bring his or her vehicle to a full stop before arriving at such intersection or place of crossing, unless such crossing is controlled by a traffic officer.

(1961 Code, § 8-105) Penalty, see § 74.99

Statutory reference:

For similar state law, see VA Code § 46.2-933

§ 74.10 UNLAWFUL FOR PERSON NOT BLIND OR INCAPACITATED TO CARRY WHITE OR RED-TIPPED WHITE CANE.

It shall be unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is white in color or white tipped with red.

(1961 Code, § 8-106) Penalty, see § 74.99

Statutory reference:

For similar state law, see VA Code § 18.2-212.1

§ 74.11 CONSTRUCTION OF §§ 74.09 AND 74.10; FAILURE TO USE CANE OR GUIDE DOG NOT CONTRIBUTORY NEGLIGENCE.

Nothing contained in §§ 74.09 and 74.10 shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a guide dog upon the streets, highways or sidewalks of this town be held to constitute or be evidence of contributory negligence.

(1961 Code, § 8-108)

Statutory reference:

For similar state law, see VA Code § 46.2-934

§ 74.99 PENALTY.**(A) Generally.**

(1) It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto, and any such violation shall constitute a misdemeanor.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter or rule or regulation promulgated pursuant thereto, for which no other penalty is provided shall, for a first conviction thereof, be punished by a fine in an amount set by Council from time to time, or by imprisonment in jail for not less than one nor more than ten days, or by both such fine and imprisonment; for a second such conviction within one year, such person shall be punished by a fine in an amount set by Council from time to time or by imprisonment in jail for not less than one nor more than 20 days, or by both such fine and imprisonment; for a third or subsequent conviction within one year, such person shall be punished by a fine in an amount set by Council from time to time or by imprisonment in jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

(1961 Code, § 8-22)

(B) Violation of §§ 74.01 through 74.07. Any person convicted of violating any of the provisions of §§ 74.01 through 74.07 shall be fined in an amount set by Council from time to time for each offense.

(1961 Code, § 8-103)

(C) Pedestrians soliciting rides or business. Any person violating any of the provisions of § 74.08 shall, upon conviction thereof, be fined in an amount set by Council from time to time for each offense.

(1961 Code, § 8-104)

(D) Violation of §§ 74.09 and 74.10. Any person who violates any provision of §§ 74.09 and 74.10 shall, upon conviction thereof, be punished by a fine not in an amount set by Council from time to time or imprisonment in jail not exceeding ten days, or both.

(1961 Code, § 8-107)

Statutory reference:

*Penalty for violation of motor vehicle and traffic regulations generally, see VA Code § 46.2-113
Prohibiting counties, cities and towns from imposing a penalty for violations of traffic ordinances in excess of that imposed for a similar offense by the state, see VA Code § 46.2-1300*

CHAPTER 75: RECREATIONAL VEHICLES AND BICYCLES

Section

Bicycles

- 75.01 Speed
- 75.02 Riding more than two abreast
- 75.03 Riding without hands on handle bars
- 75.04 Carrying of passengers

Operation of Golf Carts and Utility Vehicles on Public Highways

- 75.15 Authority to regulate
- 75.16 Definitions
- 75.17 Required safety equipment
- 75.18 Insurance required
- 75.19 Operation on public highways
- 75.20 Local vehicle license
- 75.21 Liability disclaimer

- 75.99 Penalty

Cross-reference:

Persons riding bicycles and the like, attaching to vehicles, see § 74.06

BICYCLES

§ 75.01 SPEED.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(1961 Code, § 8-109) Penalty, see § 75.99

§ 75.02 RIDING MORE THAN TWO ABREAST.

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or roadways, or parts of roadway, set aside for the exclusive use of bicycles.

(1961 Code, § 8-110) Penalty, see § 75.99

§ 75.03 RIDING WITHOUT HANDS ON HANDLE BARS.

It shall be unlawful for any person to ride a bicycle on any street, alley or highway in the town without having his or her hands upon the handle bars.

(1961 Code, § 8-111) Penalty, see § 75.99

§ 75.04 CARRYING OF PASSENGERS.

It shall be unlawful for more than one person at one time to ride a bicycle, built for one person, upon any street, alley or highway in the town.

(1961 Code, § 8-112) Penalty, see § 75.99

OPERATION OF GOLF CARTS AND UTILITY VEHICLES ON PUBLIC HIGHWAYS**§ 75.15 AUTHORITY TO REGULATE.**

Pursuant to VA Code § 46.2-916.2(D), amended, the town is authorized to impose limitations and restrictions, by ordinance, on the operation of golf carts and utility vehicles upon public highways with the town.

(Ord. passed - -)

§ 75.16 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GOLF CART. A self-propelled vehicle which is designed to transport persons playing golf and their equipment on a golf course, or otherwise designed to transport persons.

UTILITY VEHICLE.

- (1) A motor vehicle that is:

- (a) Designed for off-road use;
- (b) Powered by an engine of no more than 25 horsepower; and
- (c) Used for general maintenance, security, agricultural or horticultural purposes.

(2) This term does not include all-terrain vehicles, riding lawnmowers or any other vehicle defined in VA Code, § 46.2-100, as amended.

(Ord. passed - -)

§ 75.17 REQUIRED SAFETY EQUIPMENT.

In addition to any safety required by the Code of Virginia, as amended from time to time, for golf carts and utility vehicles, such shall have the following safety equipment installed: speed governor if gasoline powered.

(Ord. passed - -)

§ 75.18 INSURANCE REQUIRED.

Every golf cart and utility vehicle and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts of VA Code § 46.2-472, as amended, and provide coverage during operation of the golf cart or utility vehicle upon public highways.

(Ord. passed - -) Penalty, see § 75.99

§ 75.19 OPERATION ON PUBLIC HIGHWAYS.

It is unlawful to operate a golf cart or utility vehicle on the public highways within the town unless the following requirements are met.

(A) Golf carts and utility vehicles must display a slow-moving vehicle emblem in conformity with VA Code § 46.2-1081, as amended.

(B) Golf carts and utility vehicles shall be operated only between sunrise and sunset unless equipped with such lights as are required in VA Code §§ 46.2-1010 et seq., as amended, and shall only be operated on roads within the town for which the posted speed limit does not exceed 25 mph.

(C) No person may operate a golf cart or utility vehicle on the public highways in the town unless that person is licensed to drive upon the highways of the state, and then only in accordance with such driver's license.

(D) Golf carts and utility vehicles must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the use and possession of alcoholic beverages.

(E) Only the number of people the golf cart or utility vehicle is designed to seat may ride on a golf cart, and all persons riding on the golf cart or utility vehicle shall be seated. Additionally, passengers shall not be carried on the part of the golf cart designed to carry golf bags.

(F) Golf carts and utility vehicles must be operated to the extreme right of the roadways and must yield right-of-way to all other vehicles and pedestrian traffic.

(G) Golf carts and utility vehicles may be operated in bicycle lane provided they do not impede bicycle traffic.

(H) Golf carts and utility vehicles shall not be operated during inclement weather, nor when visibility is impaired by weather, smoke, fog or other conditions.

(I) The Town Council, or its designee, may prohibit golf carts and utility vehicles on any part of the highways in the town if the Town Council determines that the prohibition is necessary in the interest of safety.

(Ord. passed - -) Penalty, see § 75.99

§ 75.20 LOCAL VEHICLE LICENSE.

No golf cart or utility vehicle shall be operated on the public highways in the town unless it displays a current, annual town golf cart/utility vehicle license issued pursuant to this subchapter. No such license shall be issued until the owner of the golf cart or utility vehicle presents evidence that the golf cart or utility vehicle is insured in accordance with this chapter.

(Ord. passed - -) Penalty, see § 75.99

§ 75.21 LIABILITY DISCLAIMER.

This subchapter is adopted to address issues of public safety. Golf carts and utility vehicles are not designed or manufactured to be on public highways, and the town in no way advocates or endorses their operation on the public highways in the town. The town by regulating such operation is trying to address various safety issues, and adoption of this subchapter is not to be relied upon as a determination that operation on public highways is safe or advisable even if done in accordance with this subchapter. All persons who choose to operate or ride on golf carts or utility vehicles on public highways do so at their own risk and peril, and must be observant of an attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists and pedestrians. The town has no liability under any theory of liability and the town assumes no liability, for permitting golf carts and utility vehicle to

be operated on the public highways under the special legislation adopted by the Virginia General Assembly. Any person who operates a golf cart or utility vehicle on the public highways in the town is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart or utility vehicle on the public highways.

(Ord. passed - -) Penalty, see § 75.99

§ 75.99 PENALTY.

(A) *Generally.*

(1) It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant thereto, and any such violation shall constitute a misdemeanor.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter or rule or regulation promulgated pursuant thereto, for which no other penalty is provided shall, for a first conviction thereof, be punished by a fine in an amount set by Council from time to time, or by imprisonment in jail for not less than one nor more than ten days, or by both such fine and imprisonment; for a second such conviction within one year, such person shall be punished by a fine in an amount set by Council from time to time or by imprisonment in jail for not less than one nor more than 20 days, or by both such fine and imprisonment; for a third or subsequent conviction within one year, such person shall be punished by a fine in an amount set by Council from time to time or by imprisonment in jail for not less than ten days nor more than six months, or by both such fine and imprisonment.

(1961 Code, § 8-22)

(B) *Bicycles.* Any person violating the provisions of §§ 75.01 through 75.04 shall be subject to a fine in an amount set by Council from time to time in the discretion of the court.

(1961 Code, § 8-113)

