

Chapter 13 Motor Vehicles and Traffic

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ARTICLE I — GENERALLY Sec. 13.1 Adoption of State Code

Pursuant to the authority of Section 46.1-188 of the Code of Virginia as amended, all the provisions and requirements of the Laws of the Commonwealth of Virginia as contained in the following Code Sections and Statutes which are hereafter set forth as Sections, 18.2-266 through 18.2-273, 46.1-189 through 229.2.1, 46.1-234, 46.1-234.1, 46.1-235, 46.1-236, 46.1-261, 46.1-262, 46.1-262.1, 46.2-163, and 46.1-284, inclusive, except those provisions and requirements of the violation of which constitutes a felony and except those provisions and requirements which by their very nature have no application to or within the town, are hereby adopted and incorporated in this chapter by reference and made applicable to the Town of Gate City, Virginia. (10/14/86)

- (a) That Chapter 13, Section 13.1 of the Gate City Municipal Code be amended to include the provisions of Title 46.2 of the Code of Virginia, 1950 as amended and

commonly referred to as the Motor Vehicle Code of the Commonwealth of Virginia be and the same is hereby adopted and incorporated by reference as the Ordinances of the Town of Gate City, Virginia, with the exception of those provisions and requirements which by their very nature have no application to or within the Town.

- (b) That Chapter 13, Section 13.1 of the Town of Gate City Municipal Code be amended to include the provisions of Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, 1950 as amended, and commonly referred to as the Drunk Driving Laws of the Commonwealth of Virginia, and that the same be and are hereby adopted and incorporated by reference as the Ordinances of the Town of Gate City.

Sec. 13.2Speed Limits Generally

13.2.1 Except as provided by state law with respect to drivers of specified emergency vehicles, no person shall drive or propel a vehicle upon any street or public way of the town at a speed in excess of the speed posted on authorized traffic control signs upon such streets or public way or in the absence of any such signs, at a speed in excess of twenty-five miles per hour. *(Code 1979, 13,2)*

13.2.2 Town Council may increase or decrease the speed limit within the boundaries of the town, provided such increase or decrease in speed shall be based upon an engineering and traffic investigation and provided such speed area or zone is clearly indicated by markers or signs. *(Code of Virginia, § 46.2-1300(A)(1))*

13.2.3 The Town Manger may reduce the speed limit for a period not to exceed sixty (60) days on any portion of any highway of the town on which work is being done or where the highway is under construction or repair. *(Code of Virginia, § 46.2-1300(A)(2))*

Sec. 13.3Uturn on Streets

The driver of a vehicle within the town limits shall not turn his vehicle so as to proceed in the opposite direction except at an intersection. No vehicle shall be turned so as to proceed in the opposite direction on any curve, or on the approach to or near the crest of a grade, where the vehicle cannot be seen by the driver of any other vehicle approaching from any direction within 500 feet. *(Code of Virginia § 46.2-845)*

- (a) It shall be unlawful for any vehicle to make a U-turn at the intersection of West Jackson Street, Park Street, Fir Street, and Water Street.
- (b) Anyone found guilty of a violation of this ordinance shall be assessed a fine of \$30 for each offense.

Sec. 13.4.....Town Motor Vehicle Tax

- (a) The Town Motor Vehicle Tax is hereby relinquished to the County of Scott. Council of the town reserves the right to reinstate the Motor Vehicle Tax at any time.
(Council, 12/10/85)
- (b) Reserved.

Sec. 13.5 Abandoned or Inoperative Motor Vehicles; Removal; Penalty

13.5.1 Definitions. For the purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) Inoperative Motor Vehicle — Any motor vehicle, which is not in operating condition; or which for a period of sixty days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal.
- (b) Motor Vehicle — Every vehicle which is self-propelled or designed for self-propulsion, except as otherwise provided in Title 46.2 of the Code of Virginia. Any structure designed, used or maintained primarily to be loaded on or fixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle.
- (c) Semitrailers - 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.
- (d) Town — The Town of Gate City, Virginia.
- (e) 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, including mobile homes.
- (f) Vehicle — Every device in, or on by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

13.5.2 Restrictions Imposed; Removal Authorized; Exemptions

- (a) It shall be unlawful in the corporate limits of the Town of Gate City for any person, firm, or corporation to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential or commercial or agricultural purposes any inoperative or abandoned motor vehicle, trailer, or semitrailer as such are defined in this ordinance. However, any person, firm, or corporation may keep not more than one inoperative motor vehicle outside of a fully enclosed building or structure, but which is shielded or screened from view by an approved motor vehicle cover.
- (b) The owners of property zoned for residential or commercial or agricultural purposes shall, at such time or times as the Town of Gate City may prescribe, remove therefrom

any such inoperative motor vehicles, trailers, or semitrailers that are in violation of the provisions of this ordinance.

- (c) Notwithstanding any other penalty that may be imposed for violating or failing to comply with any of the provisions of this ordinance, the Town of Gate City through its agents, or employees may remove any such inoperative motor vehicles, trailers, or semitrailers whenever the owner of the premises, after thirty (30) days notice has failed to do so. In the event the Town of Gate City removes any such motor vehicles, trailers, or semitrailers, after having given such notice, the Town may dispose of such motor vehicles, trailers, or semitrailers in the manner and upon such notice as hereinafter prescribed.
- (d) In the event the Town of Gate City removes inoperative motor vehicles, trailers or semitrailers (in accordance with the provisions of this ordinance), it shall within fifteen days, by registered or certified mail, return receipt requested or by personal service by any local law enforcement officer, notify the owner of record of the motor vehicle and all persons having security interests in the vehicle of record, that it has been taken into custody. The notice shall (i) state the year, make, model, and serial number of the motor vehicle, trailer or semitrailer; (ii) set forth the location of the facility where it is being held; (iii) inform the owner and any persons having security interests of their right to reclaim it within fifteen days after the date of the notice and after payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody. The notice shall state that the failure of the owner or persons having security interests to reclaim the vehicle within the time provided shall constitute (i) a waiver by the owner and all persons having any security interests of all right, title, and (ii) interest in the vehicle, and consent to the sale of the said vehicle at a public auction.

If records of the Department of Motor Vehicles contain no address for the owner or no address of any person shown by the Department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, notice by publication once in a newspaper of general circulation in the area where the vehicle was located shall be sufficient to meet all requirements of notice pursuant to this Section as to any person who cannot be notified pursuant to the foregoing provisions of this section. Notice by publication may contain multiple listings of inoperative motor vehicles, trailers, or semitrailers. Any notice of this kind shall be within the time requirements prescribed by this section for notice by mail and shall have the same contents required for a notice by mail.

The consequences of failure to reclaim an inoperative motor vehicle, trailer or semitrailer shall be as set forth in a notice given in accordance with and pursuant to this section.

If an inoperative motor vehicle is not reclaimed as provided for in this section, the Town or its authorized agent shall, notwithstanding the provisions of Section 46.2-

617 of the Code of Virginia, 1950, as amended, sell it at public auction. The purchaser of the motor vehicle shall take title to the motor vehicle free of all liens and claims of ownership of others, shall receive a sales receipt at the auction, and shall be entitled to apply to and receive from the Department a certificate of title and registration card for the vehicle. The sales receipt from the sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and in that case no further titling of the vehicle shall be necessary. From the proceeds of the sale of such a vehicle the locality or its authorized agent shall reimburse itself for the expenses of the auction, the cost of towing, preserving, and storing the vehicle which resulted from placing the vehicle in custody, and all notice and publication costs incurred pursuant to this section. Any remainder from the proceeds of a sale shall be held for the owner of the motor vehicle, trailer or semitrailer or any person having security interests in the vehicle, as their interests may appear, for ninety days, and then be deposited into the treasury of the Town of Gate City.

- (e) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or the premises and may be collected by the Town of Gate City as taxes and levies are collected. Every cost authorized herein with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the Town of Gate City.
- (f) This Ordinance shall not apply to a licensed business which is regularly engaged in the business as an automobile dealer, automobile repair shop, salvage dealer, or scrap processor.

15.5.3 Violations and Penalties. Notwithstanding the Town of Gate City's right to remove inoperative motor vehicles from property, any person, firm, or corporation who shall violate or fail to comply with any of the provisions of this ordinance shall be guilty of a Class 3 Misdemeanor and fined an amount of not more than \$500.00.

ARTICLE H — Stopping, Standing, Parking

Sec. 13.6.....Uniform Parking Regulations

13.6.1 The purpose of the provisions of 13.6 through 13.10, inclusive, of this chapter is to promote the safe and orderly use of public vehicular parking spaces within the town. In furtherance of this purpose, the regulations set forth in 13.6 through 13.10, inclusive, are adopted via ordinance into law pursuant to 46.2-1220 of the Code of Virginia, as amended, and may be referred to as "The Uniform Parking Regulations of the Town of Gate City, Virginia."

Sec. 13.7.....Marked-Tire Enforcement

13.7.1 In all zones or spaces subject to marked tire enforcement, signage shall be erected which is plainly visible to the operators of motor vehicles parking in said zones or spaces indicating the marked tire parking enforcement applicable to that zone or space. Said signage shall be at least 12 inches by 18 inches in dimension, and erected no less than 3 feet nor more than 12 feet from grade, and shall contain substantially the following information: the amount of time of free parking to be allocated; the words MARKED TIRE ENFORCEMENT; and shall indicate the approximate extent of the zone or spaces so established by either text, parking space numbers, and/or arrows. At least 3 such signs shall be erected per city block where the entire block is subject to the same enforcement zone; or at least 1 sign per every 5 parking spaces where differing parking zones may come together within a single city block. In either circumstance, the beginning and end of any zone or series of spaces shall be clearly marked by appropriate signage.

All parking spaces subject to marked tire enforcement shall be numbered individually in yellow paint applied to the spaces surface at the point where the space merges with the public right of way. Additional numbering may be located in or adjoining the space for enforcement purposes.

13.7.2 In all zones or spaces subject to marked tire enforcement, duly authorized personnel shall monitor all such parking at least once per allotted time period for each zone or space and shall mark tires in accordance with procedures established by the Chief of Police. If a vehicle is found parked in excess of the time allotted, a citation shall be issued.

13.7.3 Where a change in signage or markings is necessitated by an authorized change or alteration, proper revised signage or markings shall be erected or installed prior to the effective date of the change or alteration.

Sec. 13.8.....General Provisions

13.8.1 The Chief of Police of Gate City shall be responsible for the administration of the provisions of the Gate City Uniform Parking Ordinance. The Chief of Police shall instruct officers and other personnel of the Gate City Police Department in the enforcement of this ordinance and its provisions, and shall provide such information as requested by the Town Manager or Town Council as to enforcement activities.

13.8.2 All revenue generated from the enforcement of this ordinance shall be placed in the General Fund of Gate City.

13.8.3 It shall be a Class IV Misdemeanor to alter, deface or otherwise tamper with any signage or markings erected or installed pursuant to this ordinance.

13.8.4 It shall be unlawful for unauthorized persons to erect or install signage or markings within or adjacent to the public right of ways for the purpose of regulating parking within

or on said right of ways for the purpose of regulating parking within or on said right of ways. Violation of this section is a Class IV Misdemeanor.

- 13.8.5 The General District Court of Scott County may be requested to approve all Town Citations to be used in the enforcement of this ordinance. Nothing in this ordinance shall restrict or prevent the use of approved Uniform Summons from the Commonwealth of Virginia if said summons may be used in lieu of Town citations in the enforcement of this ordinance. In the absence of written policies, discretionary authority in this regard shall rest with the officer issuing said citations and summons.
- 13.8.6 The Town Council at its discretion may employ person(s) in the capacity of a Parking Enforcement Officer. Said position shall be vested with the responsibility for enforcement of all parking regulations issued pursuant to this ordinance and such other ordinances as are or may be applicable. Such persons shall be under the direct supervision of the Chief of Police or his designee; and may or may not be a certified law enforcement officer. Compensation shall be established by the Town Council. Unless otherwise specified herein, the duties and responsibilities of this position shall be set out by the Chief of Police.
- 13.8.7 The Town Council may suspend for specified periods the provisions of this ordinance so as to grant free, unrestricted parking for special events, seasonal activities, or unusual circumstances.

Sec. 13.9Authority to Regulate; Examples

- 13.9.1 As authorized by Code of Virginia § 46.2-1220, Town Council may designate streets and public places, or portions of the same, upon or at which parking, stopping and standing shall be allowed, prohibited, restricted or limited in such manner and to such extent as may be considered necessary by the town. Town Council may hold a public hearing prior to such action.

Examples include but are not limited to:

- 1 No Parking
- 2 15 Minute Parking
- 3 ~~Two Hour Parking~~ **Repealed by Council on 3-12-13**
- 4 No Parking From Here to Corner
- 5 Reserved Parking — Towing Enforced
- 6 Parking This Side Only or No Parking This Side
- 7 Parking Reserved for Persons with Disabilities (Handicapped Parking)
- 8 Loading Zones
- 9 Emergency Vehicle Parking Only
- 10 Other prohibitions and limitations determined by council

13.9.2 The Town Manager shall cause appropriate signage or control devices to be placed. If permission from the State Highway Commissioner is required prior to such placement, written permission shall be obtained prior to placement.

Sec. 13.10.....Regulated Parking

13.10.1 Municipal Lots. The Town Council may issue policies concerning the use of the Municipal Parking Lots, including, but not limited to, permitted parking within said lot, hours which lot shall be open to public, granting of special use privileges for the lot, and other matters. The Town Manager is authorized to regulate parking on Municipal Parking Lots, including the lot adjacent to Town Hall at the junction of Tucker and Jackson Streets, not inconsistent with such policies.

~~13.10.2 Two Hour Parking Enforcement shall be by marked tire enforcement as set forth in this Chapter. Two Hour Parking Zones shall be as defined in this section:~~

~~a. Westbound on Jackson Street from Woodland to Fir Street~~

~~b. Eastbound on Jackson Street from Park Street to Tucker Street - REPEALED
By Council on 3-12-13~~

**Sec. 13.11 Parking in Spaces Reserved for Persons with Disabilities;
Penalty; Signage**

13.11.1 Pursuant to Code of Virginia § 46.2-1242, it shall be unlawful within town limits for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under State Code § 46.2-1241, or DV disabled parking license plates issued under subsection B of State Code § 46.2-739, to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk or for a person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle.

13.11.2 Penalty. Parking a vehicle in a space reserved for persons with disabilities in violation of this section shall be punishable by a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00). A summons or parking ticket for the offense may be issued by town law-enforcement officers without the necessity of a warrant being obtained by the owner of a private parking area.

13.11.3 Signage for parking spaces reserved for persons with disabilities shall be placed according to the Code of Virginia § 36-99.11, and the Uniform Statewide Building Code. No violation of this section or an ordinance adopted pursuant to this section shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in § 36-99.11, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

13.11.4 Curbside and grade level markings for reserved parking shall be in blue paint when possible.

See. 13.12.....Prohibited Parking

No person shall park or permit to be parked any vehicle with town limits, except in compliance with the directions of a police officer or traffic-control device:

- A Within fifteen (15) feet of any fire hydrant.
- B Within fifteen (15) feet in either direction of the entrance to a fire station, or within fifteen (15) feet of the entrance to a building housing rescue squad equipment or ambulances, provided such buildings are plainly designated,
- C Within twenty (20) feet from the intersection of curblines or, if none, then within fifteen (15) feet of the intersection of property lines at an intersection of highways.
- D In front of any public or private drive.
- E Atop or blocking any sidewalk or crosswalk,
- F In an area designated "No Parking" by municipal signs and/or yellow painted curbs.
- G On the roadway side of any vehicle parked at the edge or curb of a street.
- H Against the flow of traffic on any highway or roadway with marked lanes for traffic.
In excess of any posted time limit.
- J On a Reserved Parking space on public property.
- K Occupying more than one (1) designated parking space. The length, width, or type of vehicle shall affect the foregoing.
- L In a loading zone or backed to a curb except when actively engaged in loading or unloading.
- M Parking within designated "Fire Lane" zones located on privately owned property within the corporate limits, upon written solicitation of the owner(s) of the affected property.

Sec. 13.13Exceptions

The provisions of this section shall not apply to:

- A A driver acting under direction of law enforcement, fire department, or EMS personnel during an emergency.
- B Occupying more than one (1) designated parking space while loading or unloading merchandise from 9 p.m. to 7 a.m.
- C Where a sidewalk is constructed so as to provide a ramp for loading and unloading, parking within the ramp area of the sidewalk while actively loading or unloading shall not constitute a violation of this section, provided a minimum of 4 feet is left unobstructed for pedestrian traffic.

Sec. 13.14.....Penalties

13.14.1 Initial penalty for parking offenses other than parking in spaces reserved for persons with disabilities.

- | | | |
|---|--|------|
| A | Fire Lane | \$50 |
| B | Fire Hydrant | \$50 |
| C | No Parking | \$15 |
| D | In excess of posted time | \$15 |
| E | Other violations without specified penalty | \$15 |

13.14.2 Additional penalty. There shall be an additional penalty of \$50 for any fines not paid within 14 days time.

Sec. 13.15.....Procedure

- A Each police officer or uniformed employee charged with enforcing this section shall take license and registration information of any vehicle found in violation of this ordinance and may take any other visible information which may identify the owner.
- B The officer shall conspicuously attach ticket stub with envelope to the vehicle which will include notice of violation and informing the owner:
 - 1 Prosecution for a traffic infraction may be avoided by paying the fine at town hall during regular working hours or utilizing the night deposit box within 14 days time; and
 - 2 The amount of additional penalty to be added if the fine is not paid within 14 days time.

- C If the original penalty is not paid in full within 14 days time, the violator shall be notified by mail at his last known address or at the address shown on the records of the Department of Motor Vehicles, that he may pay the fine and penalty for such violation, within five days of receipt of such notice, and the authorized person issuing such summons shall be notified that the violator has failed to pay such fine within such time. The notice to the violator shall be contained in an envelope bearing the words "Law-Enforcement Notice" in all capital letters, bold face type, no smaller than the print type size used for the primary address on the envelope. (*Code of Virginia § 46.2-941.*)
- D Contesting citation. Any person who desires to contest a parking citation may, within fourteen (14) calendar days following the date of the citation, present the citation to the police department, which shall certify it on an appropriate form to the general district court. The town attorney shall seek court costs, if applicable, in addition to fines and penalties.

Sec. 13.16.....Removal of Vehicle

Any vehicle parked in violation of this chapter on any public right of way in such a manner as to impede the flow of traffic or constitute a traffic hazard may be removed by any law enforcement officer following procedures established by the Town Manager and Chief of Police. A report of such removal will be kept on file and the owner notified immediately.

Sec. 13.17.....Presumption

In any prosecution charging a violation of the ordinance or regulation, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 of title 46.2 (§ 46.2-600 et seq.) of the Code of Virginia shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

Sec. 13.18.....Existing Regulations

Unless otherwise specifically addressed, all posted parking restrictions and conditions in effect within the corporate limits shall be changed, modified or altered upon passage of this ordinance. All citations issued pursuant to previous ordinances or parts thereof repealed upon passage of this ordinance shall remain in full force and effect.

Sec. 13.19..... Other Ordinances; Repeal

All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed, except no part of Chapter 4 or 4A are repealed, and may be enforced along with or

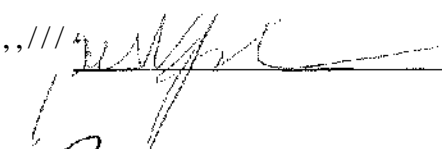
separately from the provisions of this chapter. Section 14.13 (Code 1995) is renumbered and incorporated under section 13.5 of this chapter.

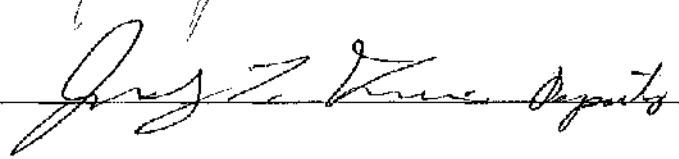
Sec. 13.20.....Severability

In the event that any provision of this ordinance be declared unconstitutional or in conflict with Virginia law, the remaining provisions shall remain in full force and effect.

Sec. 13.21.....Effective Date

The effective date of this ordinance is March 9, 2010.

Mavor  Date 7/29/10

Clerk  Deputy Date 7/29/10

Seal

An Ordinance of the Town of Gate City
to renumber sections 11.29, 14.11, 14.13, 11.30 and 11.31
of the Gate City Town Code

Whereas the Gate City Town Council, after due consideration of this matter and after conducting a public hearing giving an opportunity for public comment, finds it necessary to renumber sections of the Gate City Town Cod; already properly adopted by the council,

Now therefore the Gate City Town Council ordains and enacts the following:

That 11.29, Bank Franchise Tax be renumbered to 6.2;

That 14.11, Trash and Garbage, be renumbered to 9.12;

That 14.13, Inoperative Motor Vehicles, be renumbered to 13.5, Abandoned and Inoperative Vehicles;

That 11.30, Itinerant Flea and Sellers Market Vendors, be renumbered to 18.8;

That 11.31 Prohibited Selling on Streets, Byways, Alleys, Thoroughfares, Sidewalks, Public Parking Lots or Right of Ways to 18.9.

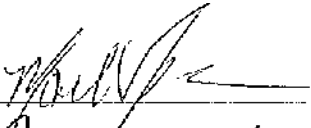
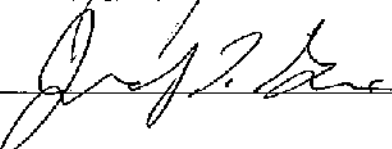
This ordinance is effective upon adoption.

Ayes: .5-

Nays: 0

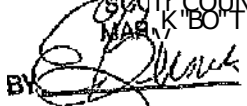
Abstaining: 0

Absent: a

	_____	Mayor	<u>7/29/10</u>	Date
	_____	Deputy Clerk	<u>7/29/10</u>	Date

FILED ^{3?} CI WIT COURT CLERK'S OFFICE TIME 9:12AR

SCOTT COUN VIRGINIA
MARK BOYD R, CLERK

BY  /3 DEPUTY CLERK