

**PITTSYLVANIA COUNTY CODE**  
**CHAPTER 9**  
**MOTOR VEHICLES AND TRAFFIC**

**State law reference(s)** -- General authority of County to regulate traffic, Code of Virginia, § 46.2-1300 et. seq.

**Article I.**

General Considerations

- § 9-1. Definitions
- § 9-2. Adoption of State Law
- § 9-3. Compliance with Chapter; General Penalty for Violations
- § 9-4. Authority of Sheriff to Move Vehicle Involved in an Accident
- § 9-5. Reserved
- § 9-6. Reserved
- § 9-7. Reserved
- § 9-8. Boarding or Alighting from Moving Vehicles
- § 9-9. Riding on Portion of Vehicle not Intended for Passengers.
- § 9-10. Riding Bicycle Without Using Handlebars
- § 9-11. Riding Bicycles at Night
- § 9-12. Limitations on Backing
- § 9-13. Vehicles Blocking Intersection
- § 9-14. Railroad Cars Obstructing Crossings; Standing Vehicle on Railroad Track
- § 9-15. Reckless Driving on Certain Parking Lots
- § 9-16. Noise from Vehicles
- § 9-17. Escape of Vehicle Loads

- § 9-18. Depositing Hazardous Substances on Highway
- § 9-19. Washing, Polishing, Greasing Vehicle on Highway or Sidewalk
- § 9-20. Keeping of Inoperative Motor Vehicles
- § 9-21. Removal of Inoperative Vehicles
- § 9-22. Prohibiting Use of Bicycle and Pedestrian Trails by Vehicles Other Than Bicycles
- § 9-23. Reckless Driving
- § 9-24. Fine
- § 9-25. - 9-45. Reserved

## **Article II.**

### **Vehicle License**

- § 9-46. Vehicles Required to be Licensed - Situs; Student Owners; Exemptions
- § 9-47. Assessment of License Fee
- § 9-48. Amount of Fee - Passenger Motor Vehicles; Trucks; Motorcycles;  
Transitional Provisions for 2007 License Year Only
- § 9-49. Same – Other Motor Vehicles, Trailers, Semi-Trailers, Etc.;  
Transitional Provisions for 2007 License Year Only
- § 9-50. Same – Exemptions and Reductions
- § 9-51. License Fees - Disposition
- § 9-52. Payment of Personal Property Taxes Pre-requisite
- § 9-53. License Year
- § 9-54. Failure to Pay License Fee, Personal Property Tax, Etc.; Penalty
- § 9-55. Unlicensed Motor Vehicle Fee–Purpose; Fee Imposed; Amount; License Year;  
Due Date; Transitional Provisions for 2007 License Year
- § 9-56. Same - Exemptions

§ 9-57. Penalty for Violations

§ 9-58. Partial Invalidity

§ 9-59. - 9-85. Reserved

### **Article III.**

#### **Driving While Under the Influence of Alcohol or Other Intoxicant or Drug**

§ 9-86. Adoption of State Law

§ 9-87. Civil Actions by County and Volunteer Rescue Squad

§ 9-88. - 9-99. Reserved

### **Article IV.**

#### **Parking**

§ 9-100. General Prohibitions

§ 9-101. Prohibited Within Travel and Fire Lanes of Certain Parking Lots

§ 9-102. Parking for Commercial Purposes

§ 9-103. Unauthorized Parking in Space Reserved for Handicapped

§ 9-104. Unauthorized Parking on Private Property

§ 9-105. Regulations on County-Owned Property

§ 9-106. Issuance of Parking Citations

§ 9-107. Penalty for Violations of Article; Contest of Parking Citations

§ 9-108. Procedure in Case of Delinquent Parking Citation

§ 9-109. Presumption in Prosecutions for Parking Violations

§ 9-110. - 9-119. Reserved

§ 9-120. - 9-150. Reserved **Article V. (RESERVED)**

§ 9-151. - 9-175. Reserved      **Article VI. (RESERVED)**

**Article VII.**

Traffic School

§ 9-176. Pittsylvania County Driver Improvement School

§ 9-177. - 9-200. Reserved

## CHAPTER 9

### MOTOR VEHICLE AND TRAFFIC

#### Article I.

#### General Considerations

#### **SEC. 9-1. DEFINITIONS.**

Wherever the term "motor vehicle" or "vehicle" is used in this chapter, the same shall be held to refer to and mean "motor vehicle" as defined in Section 46.2-100 of the Code of Virginia, 1950, as amended.

#### **SEC. 9-2. ADOPTION OF STATE LAW.**

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the state contained in title 46.2, Article 9 (Section 16.1-278 et seq.) of Chapter 11 of Title 16.1, and of Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, as in force on July 1, 2002, and as amended in the future, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the County, are hereby adopted and incorporated in this chapter by reference and made applicable within the County. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the County, to violate and fail, neglect or refuse to comply with any provisions of title 46.2, Article 9 (Section 16.1-278 et seq.), of Chapter 11 of Title 16.1, or Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2, Title 16.1, or Title 18.2

#### **SEC. 9-3. COMPLIANCE WITH CHAPTER; GENERAL PENALTY FOR VIOLATIONS.**

- 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 regulations promulgated pursuant thereto.
- B. Every person convicted of a violation of any of the provisions of this chapter, except for violations of sections 9-100 through 9-120, which penalties are set forth in sections 9-108, and such violation does not constitute a felony, or who is convicted of violating any rule or regulation promulgated pursuant to this chapter, for which no other penalty is provided shall, for a first (1<sup>st</sup>) conviction thereof, be punished by a fine of not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars or by imprisonment in jail for not less than one

(1) nor more than ten (10) days, or by both such fine and imprisonment; for a second such conviction within one (1) year, such person shall be punished by a fine of not less than twenty (\$20.00) dollars nor more than two hundred (\$200.00) dollars or by imprisonment in jail for not less than one (1) nor more than twenty (20) days, or by both such fine and imprisonment; for a third (3<sup>rd</sup>) or subsequent conviction within one (1) year such person shall be punished by a fine of not less than fifty (\$50.00) dollars nor more than three hundred (\$300.00) dollars or by imprisonment in jail for not less than ten (10) days nor more than thirty (30) days or by both such fine and imprisonment.

**State law reference(s)** -- State law as to penalties for violation of ordinances generally, Code of Virginia, Section 15.2-1429; law prohibiting counties from imposing a penalty for violations of a traffic ordinance in excess of that imposed for a similar offense by the state, Code of Virginia, Section 46.2-1300; penalty for violation of motor vehicle and traffic regulations generally, Code of Virginia, Section 46.2-113.

**SEC. 9-4. AUTHORITY OF SHERIFF TO MOVE VEHICLE INVOLVED IN ACCIDENT.**

Whenever a motor vehicle, trailer or semi trailer involved in an accident is found upon a highway in the County and is so located as to impede the orderly flow of traffic, the sheriff may, at no cost to the owner or operator, remove such motor vehicle, trailer or semi trailer from the highway to some point in the vicinity where such motor vehicle, trailer or semi trailer will not impede the flow of traffic.

**State law reference(s)** -- Authority for above section, Code of Virginia, Section 46.2-1212.

**SEC. 9-5. RESERVED**

**SEC. 9-6. RESERVED**

**SEC. 9-7. RERSERVED**

**SEC. 9-8. BOARDING OR ALIGHTING FROM MOVING VEHICLES.**

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

**SEC. 9-9. RIDING ON PORTION OF VEHICLE NOT INTENDED FOR PASSENGERS.**

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, except that no person under sixteen (16) years of age shall be transported in the rear cargo area of any pickup truck on any highway in the County, unless that person in the cargo area of a pickup truck that is being operated as part of an organized parade authorized by the County, or any town in the County, or across a highway from one field or parcel of land to another field or parcel of land in connection with farming operations.

**State law reference(s)** -- Authority for above section, Code of Virginia, Section 46.2-1156.1.

**SEC. 9-10. RIDING BICYCLE WITHOUT USING HANDLEBARS.**

No person shall ride a bicycle upon any highway in the County without having his hands upon the handlebars.

**SEC. 9-11. RIDING BICYCLES AT NIGHT.**

No person shall ride a bicycle upon any highway in the County after sundown, without wearing light or reflective clothing, and the bicycle must be equipped with operating headlights and taillights.

**SEC. 9-12. LIMITATIONS ON BACKING.**

The operator of a vehicle in the County shall not back such vehicle unless such movement can be made with safety and without interfering with other traffic.

**SEC. 9-13. VEHICLES BLOCKING INTERSECTION.**

No operator of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space beyond such intersection or crosswalk in the direction in which such vehicle is proceeding to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

**SEC. 9-14. RAILROAD CARS OBSTRUCTING CROSSINGS; STANDING VEHICLE ON RAILROAD TRACK.**

It shall be unlawful for any Railroad Company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five (5) minutes the free passage on any highway or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers, but a pass way shall be kept open to allow normal flow of traffic; nor shall it be lawful to stand any wagon or other vehicle on the track of any railroad which will hinder or endanger a moving train; provided, that when a train has been uncoupled, so as to make a pass way, the time necessarily required, not exceeding three (3) minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such cars or trains were standing across such highway or road. Any such railroad company, receiver or trustee, or driver of any such wagon or vehicle, violating any of the provisions of this section shall be fined not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars.

**State law reference(s)** -- Similar provisions, Code of Virginia, Section 56-412.1.

**SEC. 9-15. RECKLESS DRIVING ON CERTAIN PARKING LOTS.**

- A. For the purpose of this section, a parking lot is defined as any parking lot open to the public and designed to accommodate fifty (50) or more vehicles, as well as any privately owned road or street serving as access to the actual parking area and connecting thereto, provided the road or street is also open to the public.
- B. A person shall be guilty of reckless driving and a Class 1 misdemeanor if such person:
  - 1. Operates a motor vehicle upon a parking lot twenty (20) miles per hour or more in excess of any posted speed limit; or
  - 2. Operates a motor vehicle upon a parking lot recklessly or at a speed or in a manner so as to endanger the life, limb or property of any person.

**State law reference(s)** -- Authority for above section, Code of Virginia, Section 46.2-1219; similar provisions applicable to highways, Sections 46.2-852, 46.2-863, 46.2-881.

**SEC. 9-16. NOISE FROM VEHICLES.**

**REFERENCE CHAPTER 41 PITTSYLVANIA COUNTY CODE: NOISE CONTROL**

**SEC. 9-17. ESCAPE OF VEHICLE LOADS.**

- A. No vehicle shall be driven or moved on any highway in the county unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping there from; provided, however, that sand or any substance to increase traction or water or other substance may be applied on a roadway in the cleaning or maintaining of such roadway by the state or local government agency having such responsibilities.
- B. A violation of this section shall constitute a Class 1 misdemeanor.

**Cross reference(s)** -- vehicles used by commercial collectors of solid waste shall be constructed and equipped so as to prevent escape of load, Sections 17-5 and 17-6 Pittsylvania County Code.

**State law reference(s)** -- Similar provisions, Code of Virginia, Section 10.1-1424.

**SEC. 9-18. DEPOSITING HAZARDOUS SUBSTANCES ON HIGHWAY.**

- A. No person shall throw or deposit or cause to be deposited upon any highway any glass bottle, glass, nail, tack, wire, can or any other substance likely to injure any person or animal or damage any vehicle upon such highway, nor shall any person throw or deposit or cause to be deposited upon any highway soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public. This subsection shall not apply to the application of sand, water or other substances to a roadway as authorized by Section 9-17.

- B. Any person who drops, or permits to be dropped or thrown upon a highway any destructive, hazardous or injurious material and any person operating a vehicle from which any glass or other objects have fallen or escaped which could cause an obstruction or damage a vehicle or otherwise endanger travelers on the highway shall immediately cause the highway to be cleaned of such glass, material and objects and shall pay any costs therefore.
- C. A person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.
- D. Any person violating any of the provisions of this section shall be guilty of a Class 1 misdemeanor.

**State law reference(s)** -- Similar provisions, Code of Virginia, Sections 10.1-1424, 18.2-324.

**SEC. 9-19. WASHING, POLISHING, GREASING VEHICLE ON HIGHWAY OR SIDEWALK.**

- A. No person shall 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 upon a highway or sidewalk.
- B. A violation of this section shall constitute a Class 4 misdemeanor.

**SEC. 9-20. KEEPING OF INOPERATIVE MOTOR VEHICLES.**

- (1) It shall be unlawful for any person, firm or corporation to keep on any property zoned for residential or commercial or agricultural purposes any motor vehicle, which is inoperative, except as follows:
  - a. Three (3) or fewer inoperative vehicles may be kept on such property provided that each such vehicle,
    - (i) Is shielded or screened from view by covers; or
    - (ii) Is not visible on ground level from any exterior boundary line of such property.
  - b. Is kept on rural property, not visible from the highway, or any exterior boundary line of such property. Rural property, for the purposes of this subsection only, means property, which is within an “agricultural” zoning district, and is outside of an approved subdivision.
  - c. The inoperative motor vehicle is being kept at a commercial business in compliance with the county's zoning regulations covering such business and/or a conditional use permit issued for the operation of such business; provided, however, an inoperative vehicle being repaired at an automobile repair business shall not be kept at such

property for more than sixty (60) continuous days; or

d. The inoperative vehicle is kept within a fully enclosed building or structure; or

e. The inoperative vehicle is shielded or screened from view other than by covers.

(2) As used in this section, an "inoperative motor vehicle" shall mean any motor vehicle:

a. Which is not in operating condition; or

b. Which for a period of sixty (60) 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

c. On which there are displayed no valid license plates; or

d. On which there is displayed no valid inspection decal.

This definition of "inoperative vehicle" shall not include a registered and licensed antique vehicle, classic vehicle, or prestige vehicle.

(3) Any person found to be in violation of this ordinance shall be subject to the imposition of a penalty in accordance with the provisions of Section 15.2-2209 of the Code of Virginia, 1950, as amended, as the same may from time to time be amended. **(B.S.M. 11-20-07)**  
**(B.S.M. 06-02-08)**

(4) The Zoning Administrator and Code Enforcement Officer are hereby authorized to take any action necessary to ensure compliance with this Code section.

**State law reference(s)** -- Authority to restrict keeping of inoperative motor vehicles, etc., on residential or commercial property; removal of such vehicles, Code of Virginia, Section 15.2-904.

#### **SEC. 9-21. REMOVAL OF INOPERABLE VEHICLES.**

(1) The owner of property shall remove there from any inoperative motor vehicle, which is kept in violation of section 9-20.

(2) The County, through its agents and employees, may remove any inoperative vehicle, which is kept in violation of section 9-20, after ten (10) days notice to the owner of the property upon which such vehicle is located.

(3) After the County has removed an inoperative vehicle, in accordance with the preceding subsection, the County may dispose of such vehicle, after giving ten (10) days notice to the owner of the vehicle, or, if the name of the owner of the vehicle cannot be reasonably ascertained, after giving ten (10) days notice to the owner of the property upon which such vehicle was located.

- (4) The cost of any removal pursuant to this section shall be chargeable (a) to the owner of the vehicle and/or (b) to the owner of the property upon which such vehicle was located. The liability of all such persons shall be joint and several.
- (5) The costs of any removal pursuant to this section may be collected by the County as taxes and levies are collected.
- (6) Every cost authorized by this section 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 County.

**State law reference(s)** -- Authority to restrict keeping of inoperative motor vehicles, etc., on residential or commercial property; removal of such vehicles, Code of Virginia, Section 15.2-904

**SEC. 9-22. PROHIBITING USE OF BICYCLE AND PEDESTRIAN TRAILS BY VEHICLES OTHER THAN BICYCLES.**

Whereas, the Pittsylvania County Board of Supervisors is the owner of certain real property hereafter identified; and

Whereas; the Board of Supervisors has determined that it is appropriate to promote the quiet, peaceful and safe use of the hereinafter described real property, and to protect said real property from damage, erosion, and from use inconsistent with the purpose and intent for which the land was acquired on behalf of the citizens of Pittsylvania County. According, be it hereby ORDAINED as follows:

- (1) The following activity is hereby prohibited on the herein designated real property of the Board of Supervisors of Pittsylvania County:
  - a. The operation of or being a passenger in or on any operated motor vehicle, motorcycle, moped, snow mobile, golf cart or farm tractor as said terms are defined in Virginia Code Section 46.2-100, Code of Virginia, as the same may from time to time be amended, any all-terrain vehicle as the same is defined in Section 46.2-915.1 F, Code of Virginia, as the same may from time to time be amended, and any other vehicle which is self propelled by any gasoline, electric, or diesel motor. Any such operator or passenger on or in any of the foregoing prohibited vehicles while said vehicle is being operated on the lands described herein shall be deemed to be trespassing on said property, and shall be guilty of a Class 1 misdemeanor.
- (2) The following lands to which this Ordinance shall apply are hereby declared to be as follows:
  - a. All that strip or parcel of land, containing 86.5 acres of land, more or less, and being a portion of the former right of way for the original main track of Norfolk

Southern Railway Company, as it ran between Danville and Richmond, Virginia, located in Pittsylvania County, Virginia, and beginning a short distance east of the City of Danville city limits and proceeding in a generally eastern direction to the Halifax County line, and being more particularly described in that Deed of Norfolk Southern Railway Company to Pittsylvania County, Virginia, dated December 13, 1999, said Deed being recorded in the Office of the Clerk of the Circuit Court of Pittsylvania County, Virginia in Deed Book 1191, page 765, said Deed being incorporated in its entirety herein by reference.

(3) Exceptions: The provisions of this Section shall not apply to the following:

- a. Members of fire departments and rescue squads lawfully engaged in their duties as such;
- b. Persons operating self propelled wheelchairs or self-propelled wheelchair conveyance who, by reason of physical disability, are otherwise unable to move about as pedestrians;
- c. Employees of Pittsylvania County and agents of the Board of Supervisors of Pittsylvania County, Virginia, when acting in their capacity as public employees while conducting inspection and maintenance of the foregoing real property and the property adjacent thereto; and
- d. Law Enforcement Officers lawfully engaged in their duties as such.

(4) Notices that motor vehicles, ATVs and motorcycles are prohibited, and that the operator and/or passenger shall be guilty of trespassing, punishable up to twelve months in jail and a two thousand-five hundred (\$2,500.00) dollars fine shall be posted conspicuously on the property which is the subject of this Ordinance.

**State law reference(s)** -- Establishment of bicycle trails or paths, Code of Virginia, Section 15.2-2001.

### **SEC. 9-23. RECKLESS DRIVING.**

Irrespective of the maximum speed limits as posted on the highways of Pittsylvania County any person who drives a vehicle upon a highway recklessly, or at a speed or in a manner so as to endanger life, limb or property of any person shall be guilty of reckless driving; provided that the driving of the motor vehicle in violation of any such speed limit shall not in itself constitute ground for prosecution of reckless driving under this Ordinance.

### **SEC. 9-24. FINES.**

Every person convicted of reckless driving under this Ordinance shall for the first violation be punished by a fine not exceeding five hundred (\$500.00) dollars or confinement in jail not exceeding twelve (12) months, or both, in the discretion of the jury or of the court trying the case without a jury. For each second (2<sup>nd</sup>) or subsequent conviction for the offense of reckless driving under this Ordinance or under Section 46.1-189, 46.1-190, 46.1-191, of the Code of Virginia committed within twelve (12) months before or after the date of another act of reckless driving for which he has been

convicted, such person shall be punished by a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00)dollars, or by imprisonment in jail for not less than ten (10) days nor more than twelve (12) months, or by both such fine and imprisonment. **(B.S.M. 8-5-64).**

**SEC. 9-25. -- 9-45. RESERVED.**

**Article II.**

Vehicle License

**Existing Sec. 9-46. through 9-57 repealed in its entirety and substituted with the following:  
(B.S.M. 10-2-06)**

**SEC. 9-46. VEHICLES REQUIRED TO BE LICENSED - SITUS; STUDENT OWNERS; EXEMPTIONS.**

- A. Every person who shall own or lease a motor vehicle, trailer or semi-trailer normally garaged, stored or parked in the County shall pay an annual County license fee for such vehicle, trailer or semi-trailer as required herein.
- B. Reserved.
- C. The situs for the imposition of licensing fees under this article shall in all cases, except as hereinafter provided, be the locality in which the motor vehicle, trailer, or semi-trailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.
- D. Reserved.
- E. Reserved.
- F. The license fee imposed by this section shall not apply to any vehicle personally owned or leased, in whole or in part, by a member of the armed services of the United States on active duty. For the purposes of this section "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.
- G. Pittsylvania County shall not impose any license fee upon any daily rental vehicle, as defined in VA. CODE ANN. Section 58.1-2401 (Repl. Vol. 2004), the rental of which is subject to the tax imposed by VA. CODE ANN. Section 58.1-2402 A.4. (Cum. Supp. 2005).

For state law authority, see VA. CODE ANN. §46.2-752 A. and I. (Repl. Vol. 2005), and VA. CODE ANN. §46.2-755 C. (Repl. Vol. 2005). But see also VA. CODE ANN. §§46.2-656, 46.2-657, and 46.2-662 (Repl. Vol. 2005). See also VA. CODE ANN. §46.2-221.4 (Repl. Vol. 2005).

**SEC. 9-47. ASSESSMENT OF LICENSE FEE.**

- A. There is hereby assessed to any person owning or leasing a motor vehicle, trailer or semi trailer, normally garaged, stored or parked in Pittsylvania County on January 1 of each year a Pittsylvania County motor vehicle license fee.
- B. Reserved.
- C. The chief of each volunteer fire department and volunteer emergency rescue squad will prepare and certify a list of active members of his department or squad who regularly respond to calls or perform other duties for the department or squad and who reside in the County outside the corporate limits of the Towns of Chatham, Gretna, and Hurt. The certified list will include the complete name of each individual, his residence address, and the identification number, and description of the car owned or leased by such active member and to be certified for exemption. Each individual so certified will complete the required application form, submit it to his chief who will attach all individual applications to the certified listing and submit to the Treasurer of the County. After reviewing and comparing the certified listing and applications with the personal property tax rolls, the Treasurer will issue an exemption certificate to each certified member without charge. No member of a volunteer rescue squad or volunteer fire department shall be issued an exemption certificate for more than one vehicle free of charge.

For state law authority, see VA. CODE ANN. Section 46.2-752 A.4. and A.5. and A.11. (Repl. Vol. 2005).

**SEC. 9-48. AMOUNT OF FEE - PASSENGER MOTOR VEHICLES; TRUCKS; MOTORCYCLES; TRANSITIONAL PROVISIONS FOR 2007 LICENSE YEAR ONLY.**

- A. On each and every passenger vehicle and truck there shall be an annual license fee of thirty-eight dollars and seventy-five cent (\$38.75); and on each and every motorcycle, with or without a sidecar, a license fee of twenty-six dollars and seventy-five cents (\$26.75). **(4-5-71, §3.) (3-21-89)(4-6-09)**
- B. The amount of the license fee imposed by Pittsylvania County under this article shall not be greater than the amount of the license fee imposed by the Commonwealth on said vehicle.
- C. **Transitional provisions effective for 2007 license year only.** Notwithstanding the preceding subsections, in order to adjust the amount of the vehicle license fee for the 2007 license year in recognition of the transition from the former April 15, 2007 expiration date for decals to the new June 5, 2007 due date for vehicle license fees, the vehicle license fee for the 2007 license year only is hereby reduced by thirty-three percent (33%) such that the fee shall be nineteen dollars and seventy-five cents (\$19.75) on each and every passenger vehicle and truck, and is

hereby reduced by a corresponding thirty-three percent (33%) on motorcycles and all other motor vehicles, trailers, semi-trailers, etc., that are subject to the County license fee. This subsection shall automatically expire on or before December 31, 2007 and all annual County vehicle license fees for the 2008 license year and thereafter shall be imposed at the full amounts specified in the preceding subsections of this section and such fees shall be payable on or before June 5<sup>th</sup> of each year, beginning June 5, 2007.

For state law authority, see VA. CODE ANN. Section 46.2-752 (Repl. Vol. 2005). For state fees, see VA. CODE ANN. Section 46.2-694 (Repl. Vol. 2005), especially subdivisions 1 through 13 of A.

**SEC. 9-49. SAME - OTHER MOTOR VEHICLES, TRAILERS, SEMI-TRAILERS, ETC.;**  
**TRANSITIONAL PROVISIONS FOR 2007 LICENSE YEAR ONLY.**

- A. On each trailer or semi-trailer (i) not designed and used for the transportation of passengers on the highways of the Commonwealth and (ii) having a registered gross weight of **80,001** pounds or above, (iii) not exempt from taxation as otherwise herein provided, there shall be a license fee of twenty-five dollars and fifty cents (\$25.50).
- B. In the case of a combination of a truck or tractor truck and a trailer or semi-trailer, each vehicle constituting a part of such combination shall be licensed as a separate vehicle and a separate fee shall be assessed therefore.
- C. On each and every motor vehicle, trailer, or semi-trailer upon which well-drilling machinery is attached and which is permanently used solely for transporting such machinery, there shall be a license fee of fifteen (\$15.00) dollars.
- D. On each and every motor vehicle, trailer, or semi-trailer owned and operated by a person, firm, or corporation used or intended to be used for transporting persons to and from school, Sunday school, or church or other place of divine worship, there shall be a license fee of thirty-eight dollars and seventy-five cent (\$38.75).
- E. **Transitional provisions effective for 2007 license year only.** Notwithstanding the preceding subsections, in order to adjust the amount of the vehicle license fee for the 2007 license year in recognition of the transition from the former April 15, 2007 expiration date for decals to the new June 5, 2007 due date for vehicle license fees, the vehicle license fee for the 2007 license year only is hereby reduced by thirty-three percent (33%) such that the fee shall be nineteen dollars and seventy-five cents (\$19.75) on each and every passenger vehicle and truck, and is hereby reduced by a corresponding thirty-three percent (33%) on motorcycles and all other motor vehicles, trailers, semi-trailers, etc. that are subject to the County license fee. This subsection shall automatically expire on or before December 31, 2007 and all annual County vehicle license fees for the 2008 license year and thereafter shall be imposed at the full amounts specified in the preceding subsections of this section and such fees shall be payable on or before June 5<sup>th</sup> of each year, beginning June 5, 2007.

For state law authority, see VA. CODE ANN. §46.2-752 (Repl. Vol. 2005). See also VA. CODE ANN. §46.2-694 (Repl. Vol. 2005); VA. CODE ANN. §46.2-694.1 (Repl. Vol. 2005), and VA. CODE ANN. §46.2-700 (Repl. Vol. 2005), and VA. CODE

ANN. §46.2-701 (Repl. Vol. 2005).

Editor's note.--Former VA. CODE ANN. §46.2-699, which had provided for a state registration fee of six dollars and fifty cents (\$6.50) upon one-or two-wheeled trailers weighing no more than fifteen-hundred (1,500) pounds and designed to be pulled by a passenger car, pickup or panel truck, was repealed in 1997. That section was superseded by VA. CODE ANN. §46.2-694.1 (Repl. Vol. 2005) which prescribes such fees for trailers and semi-trailers not designed and used for transportation of passengers and sets fees according to weight category. Under such categories, a trailer of 1,500 pounds or less would be subject to a state registration fee of ten (\$10.00) dollars per year, and a trailer of fifteen thousand five-hundred and one (1,501) pounds to four thousand (4,000) pounds would be subject to a state registration fee of \$20.50 per year. Pittsylvania County is authorized to assess a County license fee equal to or lesser than the state fee.

**(B.S.M. 12-4-06)(B.S.M. 04-06-09)**

**SEC. 9-50. SAME - EXEMPTIONS AND REDUCTIONS.**

- A. The provisions of this article shall not be construed as to impose a license fee upon any motor vehicle, trailer or semi-trailer when:
1. A similar tax or license fee is imposed by another County, city or town wherein such motor vehicle, trailer or semi-trailer is normally garaged, stored or parked;
  2. The motor vehicle, trailer or semi-trailer is owned by a nonresident of Pittsylvania County and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in paragraph (3) of this subsection.
  3. The motor vehicle, trailer or semi-trailer is owned by a nonresident and is used for transporting into and within the County for sale in person or by his employees of wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream or eggs produced or grown by him, and not purchased by him for sale.
  4. The motor vehicle, trailer or semi-trailer is owned by an officer or employee of the Commonwealth of Virginia who is a nonresident of the County and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;
  5. The motor vehicle, trailer or semi-trailer is kept by a dealer or manufacturer for sale or for sales demonstration;
  6. The motor vehicle, trailer or semi-trailer is operated by a common carrier of persons or property operating between cities and towns in this Commonwealth and not in intra-city transportation or between cities and towns on the one hand and points and places without cities and towns on the other and not in intra-city transportation;
  7. Any vehicle that is exempt under provisions of state law.
- B. No license fee shall be assessed by the County upon vehicles of owners who are residents of any town located in the County when such vehicles are already subject to town license taxes.

- C. Motor vehicles, trailers or semi-trailers owned by the Commonwealth, political subdivisions of the Commonwealth, and regional jail authorities created pursuant to VA. CODE ANN. Section 53.1-95.2 et seq. (Repl. Vol. 2005) and used solely for governmental purposes in accordance with the provisions of VA. CODE ANN. Section 46.2-750 (Repl. Vol. 2005) shall display license plates or decalcomania inscribed either "Official State Use Only" or "Official Local Government Use Only," respectively, and shall be subject to a license fee equal to the cost incurred either by the Commonwealth or by the County, respectively, in the purchase or manufacture of such decalcomania, but which County fee shall, in no event, exceed the fee imposed by the State under VA. CODE ANN. Section 46.2-750 A. (Repl. Vol. 2005); such licensing requirements shall be subject to exceptions set forth in VA. CODE ANN. Section 46.2-750 (Repl. Vol. 2005) and VA. CODE ANN. Section 46.2-750.1 (Repl. Vol. 2005).
- D. The fire-fighting trucks, trailers or semi-trailers on which firefighting apparatus is permanently attached, or other vehicles, when any such vehicle is owned or under exclusive control of a chartered volunteer fire department in this County shall be exempt from payment of the license fee imposed by this article, provided that such vehicles comply with all of the provisions of VA. CODE ANN. Section 46.2-649.1:1 (Repl. Vol. 2005) and VA. CODE ANN. Section 46.2-752A (Repl. Vol. 2005).
- E. Ambulances or other vehicles owned or used exclusively by chartered volunteer fire departments or volunteer lifesaving or first aid crews or rescue squads in the County, provided any such vehicle is used exclusively as an ambulance or lifesaving and first aid vehicle and is not rented, leased, or lent to any private individual, firm, or corporation, and no charge is made by the organization for the use of the vehicle, shall be exempt from payment of the license fee imposed by this article, provided that such vehicles comply with all of the provisions of VA. CODE ANN. Section 46.2-649.1:1 (Repl. Vol. 2005) and VA. CODE ANN. Section 46.2-752A (Repl. Vol. 2005).
- F. One (1) vehicle owned or leased, and used personally in the performance of duties by each active member of the volunteer fire departments and volunteer emergency rescue squads who lives in the County outside of incorporated towns is exempt after proper certification as indicated in Sec. 9-47 of this Code.
- G. Daily rental vehicles as defined in VA. CODE ANN. Section 58.1-2401 (Repl. Vol. 2004), the rental of which are subject to the tax imposed by VA. CODE ANN. Section 58.1-2402 A 4 (Cum. Supp. 2005), shall be exempt from the payment of the license fee levied and imposed by this article.
- H. Passenger vehicles and pickup or panel trucks, as defined in VA. CODE ANN. Section 46.2-100 (Repl. Vol. 2005), owned and used personally by a member of the National Guard who has received special metal state license plates pursuant to VA. CODE ANN. Section 46.2-744 (Repl. Vol. 2005), shall be partially exempt from the payment of the license fee levied and imposed by this article to the extent of fifty percent (50%) of said fee, provided that such reduced County fee shall not exceed the reduced State tax or fee imposed under VA. CODE ANN. Section 46.2-744 (Repl. Vol. 2005) and VA. CODE ANN. Section 46.2-694 (Repl. Vol. 2005). *And Disabled Veterans with special plates issued pursuant to Section 46.2-739 VA. CODE ANN.*

For state law authority for individual subsections, see as follows: (a)(1)--VA. CODE ANN. §46.2-752 H. (Repl. Vol. 2005) and VA. CODE ANN. §46.2-755 A.1. (Repl. Vol. 2005); (a)(2)--VA. CODE ANN. §46.2-755 A.2. (Repl. Vol. 2005); (a)(3)--VA. CODE ANN. §46.2-755 A.3. (Repl. Vol. 2005); (a)(4)--VA. CODE ANN. §46.2-755 A.4. (Repl. Vol. 2005); (a)(5)--VA. CODE ANN. §46.2-755 A.5. (Repl. Vol. 2005); (a)(6)--VA. CODE ANN. §46.2-755 A.6. (Repl. Vol. 2005); (a)(7)--VA. CODE ANN. §46.2-752 A. (Repl. Vol. 2005) and VA. CODE ANN. §46.2-694 (Repl. Vol. 2005); (b)--VA. CODE ANN. §46.2-752 A. (Repl. Vol. 2005); (c)--VA. CODE ANN. §46.2-750 A. (Repl. Vol. 2005); (d) and (e)--VA. CODE ANN. §46.2-649.1:1 (Repl. Vol. 2002) and VA. CODE ANN. §46.2-752 A. (Repl. Vol. 2005), but see also VA. CODE ANN. §46.2-736 (Repl. Vol. 2005) and VA. CODE ANN. §46.2-735 (Repl. Vol. 2005); (f)--VA. CODE ANN. §46.2-752 A.4. and 5. (Repl. Vol. 2005); (g)--VA. CODE ANN. §46.2-755 C. (Repl. Vol. 2005); (h)--VA. CODE ANN. §46.2-744 (Repl. Vol. 2005).

#### **SEC. 9-51. LICENSE FEES – DISPOSITION.**

All fees collected pursuant to this article shall be deposited by the Treasurer in the general fund of the County.

For state law authority, see VA. CODE ANN. Section 46.2-752 B. (Repl. Vol. 2005).

#### **SEC. 9-52. PAYMENT OF PERSONAL PROPERTY TAXES PREREQUISITE.**

- A. No motor vehicle, trailer or semi-trailer shall be licensed by the Department of Motor Vehicles until such applicant for such license has paid all personal property taxes and the license fee assessed hereunder upon the motor vehicle, trailer or semi-trailer to be licensed and until the Department of Motor Vehicles has been provided satisfactory evidence by the Treasurer of Pittsylvania County that any delinquent motor vehicle, trailer or semi-trailer personal property taxes, penalties, fees or interest, or license fees which have been properly assessed or are assessable against the applicant by the County have been paid.
- B. No motor vehicle license shall be issued by the Virginia Department of Motor Vehicles unless the tangible personal property taxes properly assessed or assessable by the County on any tangible personal property used or usable as a dwelling titled by the Virginia Department of Motor Vehicles and owned by the taxpayer have been paid.
- C. No motor vehicle license shall be issued by the Virginia Department of Motor Vehicles to an

owner of a motor vehicle as to which a fee is required to be paid pursuant to this article, qualified under the provisions hereof to a waiver of that fee, until the applicant for such license or registration from the Department of Motor Vehicles has produced before the Pittsylvania County treasurer, or his/her agent, satisfactory evidence that all personal property taxes upon the motor vehicle licensed have been paid and satisfactory evidence that any delinquent personal property taxes due with respect to the vehicle which have been properly assessed or are assessable against the owner have been paid.

For state law authority, see VA. CODE ANN. Section 46.2-752 C. and A.12 (Repl. Vol. 2005).

Cross-reference.-For state law provisions regarding payment of taxes on leased property by lessee and requirement that certain information re taxes to be furnished to lessee by lessor, see VA. CODE ANN. Section 58.1-3516.2 (Repl. Vol. 2004). For provisions regarding proration of personal property tax, see VA. CODE ANN. Section 58.1-3516 (Repl. Vol. 2004).

### **SEC. 9-53. LICENSE YEAR.**

The license year with respect to which the fee required to be paid under this article is assessed shall be January 1<sup>st</sup> through December 31<sup>st</sup> of each year. The fee assessed under this article shall be assessed to the owner of each motor vehicle as provided in this article for motor vehicles owned on January 1st of each year. The fee shall be payable on or before June 5<sup>th</sup> of each year and with respect to any fees not paid at that time there is hereby imposed a twenty (\$20.00) dollars fee to reimburse the County of Pittsylvania for costs associated with administration of the Vehicle Registration Withholding Program with the Commonwealth of Virginia Department of Motor Vehicles (DMV) if a DMV stop order has been issued prior to payment. The fee herein assessed will be based upon ownership of vehicles on fee day, that is, January 1<sup>st</sup> of each year, and the period for which the license fee is effective shall be January 1<sup>st</sup> through December 31<sup>st</sup> of the next ensuing year.

For state law authority, see VA. CODE ANN. Section 46.2-752 A. (Repl. Vol. 2005).

### **SEC. 9-54. FAILURE TO PAY LICENSE FEE, PERSONAL PROPERTY TAX, ETC.;** **PENALTY.**

- A. In the event that the license fee required by this article is not paid, or if any personal property taxes, properly assessed against such vehicle, are not paid on or before June 5 of each year, with respect to each owner or co-owner of any motor vehicle as to which the license fee has not been paid, or any personal property taxes have not been paid, the County Treasurer shall mail to the owner/co-owner by first class mail a Notice of Intent to request the Commonwealth of Virginia Department of Motor Vehicles under the Vehicle Registration Withholding Program to deny his or her registration renewal with respect to the vehicle which is subject to the license fee or personal property tax herein. In the event of payment of that vehicle license fee and/or delinquent personal property taxes, the County Treasurer shall provide to the vehicle owner/co-owner an approved numbered receipt that clearly indicates that the vehicle owner/co-owner has paid in full all outstanding local vehicle fees and delinquent taxes to the locality, together with the penalty, interests and administrative fee hereinabove set forth.
- B. It shall be unlawful for any owner of a motor vehicle, trailer or semi-trailer to fail to pay the local license fee or personal property taxes assessed with respect to each motor vehicle,

trailer or semi-trailer after June 5<sup>th</sup> of each year.

- C. A violation of this section shall constitute a Class 4 misdemeanor and shall be punished by a fine of two hundred fifty (\$250.00) dollars.
- D. A violation of this section by the registered owner of the vehicle shall not be discharged by prepayment of a fine or by payment of a fine imposed by the court except upon presentation of satisfactory evidence that the required license has been obtained.

For state law authority, see VA. CODE ANN. Section 46.2-752 G (Repl. Vol. 2005). See also VA. CODE ANN. Section 18.2-11 (Repl. Vol. 2004).

**SEC. 9-55. UNLICENSED MOTOR VEHICLE FEE - PURPOSE; FEE IMPOSED; AMOUNT; LICENSE YEAR; DUE DATE; TRANSITIONAL PROVISIONS FOR 2007 LICENSE YEAR.**

- A. Recognizing that unlicensed motor vehicles are more likely to be junk vehicles than are licensed vehicles and that unlicensed motor vehicles are more likely to create safety, health, and aesthetic problems than are licensed vehicles, the Pittsylvania County Board of Supervisors, pursuant to the authority granted by VA. CODE ANN. Section 15.2-973 (Repl. Vol. 2003), does hereby impose an annual license fee of thirty-eight dollars and seventy-five cents (\$38.75) per motor vehicle on owners of motor vehicles located in Pittsylvania County which do not display current State license plates and which are not exempted from the requirements of displaying such license plates under the provisions of Section 9-55 of this Code or as specified in VA. CODE ANN. Section 15.2-973 (Repl. Vol. 2003). The license year with respect to which the fee required to be paid under this article is assessed shall be January 1 through December 31<sup>st</sup> of each year. The fee assessed under this article shall be assessed to the owner of each unlicensed motor vehicle as provided in this article for motor vehicles owned on January 1<sup>st</sup> of each year. **(B.S.M. 04-06-09)**
- B. The license fee imposed by this section shall be paid to the County Treasurer on or before June 5<sup>th</sup> of each calendar year.
- C. Reserved.
- D. It shall be presumed that the owner of the motor vehicle is the person on whose land the motor vehicle is located unless otherwise shown and it shall be presumed that the motor vehicle has been parked, kept or garaged primarily in Pittsylvania County since January 1<sup>st</sup> of the year of enforcement unless otherwise shown.
- E. **Transitional provisions effective for 2007 license year only.** Notwithstanding the preceding subsections, in order to adjust the amount of the unlicensed motor vehicle fee for the 2007 license year in recognition of the transition from the former April 15, 2007 expiration date for decals to the new June 5, 2007 due date for the unlicensed motor vehicle fees, the unlicensed motor vehicle fee for the 2007 license year only is hereby reduced by thirty-three percent (33%). This subsection shall automatically expire on or before December 31, 2007 and the County unlicensed motor vehicle fees for the 2008 license year and thereafter shall be imposed at the full amount of twenty-nine dollars and fifty cents (\$29.50) as specified in the preceding subsections of this section and such fees shall be payable on or before June 5<sup>th</sup> of each year, beginning June 5, 2007.

For state law authority, see VA. CODE ANN. Section 15.2-973 (Repl. Vol. 2003).

Editor's note-- For case law establishing that the unlicensed motor vehicle tax or fee imposed by this section shall apply to unlicensed motor vehicles as defined in Section 9-54 of this Code, whether operable or inoperable, unless specifically exempted by the provisions of Section 9-55 of this Code or unless otherwise licensed under other provisions of this chapter, see Duke v. County of Pulaski, 219 Va. 428 (247 S.E.2d 824) (1978), which case is summarized in the editor's notes following Section 9-56 of this Code.

**SEC. 9-56. SAME – EXEMPTIONS.**

- A. The following classifications of motor vehicles shall be exempted from the unlicensed motor vehicle fee imposed by Section 9-55 of this Code:
1. Vehicles exempted from the requirements of displaying current license plates under the provisions of:
    - (i) VA. CODE ANN. Section 46.2-662 et seq. (Repl. Vol. 2005) (Article 6 of Chapter 6 of Title 46.2); or
    - (ii) VA. CODE ANN. Section 46.2-1554 (Repl. Vol. 2005), regarding movement of motor vehicles by manufacturer to place of shipment or delivery; or
    - (iii) VA. CODE ANN. Section 46.2-1555 (Repl. Vol. 2005), regarding movement of motor vehicles by dealers to salesrooms, etc; or
  2. Vehicles in a public dump; or
  3. Vehicles in an automobile graveyard, as defined in Section 15-48 of this Code and VA. CODE ANN. Section 33.1-348 (Repl. Vol. 2005); or
  4. Vehicles in the possession of a licensed junk dealer; or
  5. Vehicles in the possession of a licensed motor vehicle dealer; or
  6. Any vehicles which are stored on private property for a period not in excess of sixty (60) days, for the purpose of removing parts for the repair of another vehicle; or
  7. Any vehicles being held or stored by or at the direction of any governmental authority; or
  8. Any vehicles personally owned or leased, in whole or in part, by a member of the armed services of the United States on active duty. For the purposes of this section “the armed services of the United States” includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component; or
  9. Any vehicles regularly stored within a structure; or
  10. Any vehicle that is exempted by state law from requirement to display a State license

plate.

- B. While vehicles described in subsection (a) of this section shall be exempted from the unlicensed motor vehicle fee imposed by Section 9-55 of this Code, these motor vehicles are not necessarily exempt from the Pittsylvania County Zoning Ordinance (Chapter 35 of this Code), or any other provision of this Code prohibiting or limiting the number of unlicensed or inoperative motor vehicles in certain areas of the County.

For state law authority, see VA. CODE ANN. Section 15.2-973 (Repl. Vol. 2003).

Editor's notes--VA. CODE ANN. Section 46.2-662 et seq. (Repl. Vol. 2005) pertains to licensing exemptions for backhoes, certain vehicles used for spraying fruit trees and for other agricultural, horticultural, or farm purposes, farm machinery and tractors, tractors and other vehicles used in harvesting, sawmill, mining, quarrying, or commercial fishing operations, golf carts, self-propelled wheelchairs, forklifts, snowmobiles, vehicles used for fire-fighting, lifesaving, first aid or rescue, machinery used for highway purposes, traction engines, etc.

In Duke v. County of Pulaski, 219 Va. 428 (247 S.E.2d 824) (1978), the Supreme Court of Virginia examined a similar ordinance, enacted pursuant to the authority of former VA. CODE ANN. Section 15.1-27.1, now codified as VA. CODE ANN. Section 15.2-973 (Repl. Vol. 2003). While the Court conceded that not all unlicensed vehicles are junk, it recognized that "unlicensed vehicles are much more likely to be junk vehicles than are licensed vehicles. And unlicensed vehicles are far more likely to create safety, health, and aesthetic problems than are licensed vehicles." (at p. 434). Thus, the Court found that the distinction drawn between licensed and unlicensed motor vehicles is neither unreasonable nor arbitrary. The Court then examined the exemptions in that ordinance. The exemptions were upheld as constitutional because the classifications created have a rational basis and are reasonably related to the purpose of the ordinance. Furthermore, the fact that "every possible exemption which could be justified is not provided for does not invalidate the ordinance in its application to one occupying a non-exempt status". (at p. 437). Finally, the Court held that Duke, the owner of four unlicensed vehicles, two of which were acknowledged to be otherwise operable, was subject to the unlicensed motor vehicle tax imposed by that ordinance.

#### **SEC. 9-57. PENALTY FOR VIOLATIONS.**

- A. It shall be unlawful for any owner or operator of a motor vehicle to fail to pay the license fee required by this article.
- B. A violation of this section shall constitute a Class 4 misdemeanor and, upon conviction, shall be punished by a fine not exceeding two hundred and fifty (\$250.00) dollars. In the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, local law-enforcement officers may issue citations, summonses, parking tickets, or uniform traffic summonses for violations.
- C. A violation of this section by the registered owner of the vehicle shall not be discharged by payment of a fine imposed under subsection (b) hereof, except upon presentation of satisfactory evidence that the required license fee has been paid.

For state law authority, see VA. CODE ANN. §15.2-973 (Repl. Vol. 2003) and §46.2-752G (Repl. Vol. 2005). For penalty for misdemeanor, see §1-6 of this Code. See also VA. CODE ANN. §15.2-1429 (Repl.

Vol. 2003) and §18.2-11 (Repl. Vol. 2004).

**SEC. 9-58. PARTIAL INVALIDITY.**

If any section, phrase or part of this article, should for any reason, be held invalid by a court of competent jurisdiction, such decision shall not affect the remainder of the article and every remaining section, ordinance, clause, or part thereof shall continue in full force and effect.

**SEC. 9-46 through 9-58 (B.S.M. 10-2-06)**

**SEC. 9-59 – 9-85 RESERVED**

**Article III.**

**Driving while Under the Influence of Alcohol or Other Intoxicant or Drug**

**SEC. 9-86. ADOPTION OF STATE LAW.**

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Article 9 (Section 16.1-278 et seq.) of Chapter 11 of Title 16.1 and Article 2 (Section 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, as in force on July 1, 2002, and as amended in the future, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the county, to violate and fail, neglect or refuse to comply with any provisions of Article 9 of Chapter 11 of Title 16.1 and Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, 1950 as amended, which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Article 9, of Chapter 11 of Title 16.1 and Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, 1950, as amended.

**SEC. 9-87. CIVIL ACTION BY COUNTY AND VOLUNTEER RESCUE SQUAD.**

Any person convicted of a violation of Section 18.2-266, of the Code of Virginia, 1950, as amended, Section 29.1-738 of the Code of Virginia, 1950, as amended, Section 9-86 of the Pittsylvania County Code, or a similar ordinance, when operation of a motor vehicle, engine, train or watercraft while so impaired was the proximate cause of any accident or incident resulting in an appropriate emergency response, shall be liable in a separate civil action to the county or to any County volunteer rescue squad, or both, which may provide such emergency response for the expenses thereof, in an amount not to exceed one thousand (\$1,000.00) dollars in the aggregate for a particular accident or incident occurring in the County. As used in this section "appropriate emergency response" includes all costs

of providing law-enforcement, fire fighting, rescue and emergency medical services. The provisions of this section shall not preempt the County or volunteer rescue squads to recover reasonable expenses of an emergency response to an accident or incident not involving impaired driving or operation of a vehicle as set forth herein.

**SEC. 9-88. - 9-99. RESERVED.**

**Article IV.**

**Parking**

**SEC. 9-100. GENERAL PROHIBITIONS.**

A. It shall be unlawful for any person to park a motor vehicle:

1. Reserved
2. In front of a public or private driveway
3. Reserved
4. Within fifteen (15) feet of a fire hydrant or fire department connection or in any manner so as to obstruct a fire hydrant or fire department connection.
5. Within fifteen (15) feet of the entrance to a fire station or rescue squad building
6. Reserved
7. Reserved
8. Reserved
9. At any place where official signs prohibit parking.
10. Reserved

**State law reference(s)** --General authority of county to regulate parking, Code of Virginia, Section 46.1220.

**SEC. 9-101. PROHIBITED WITHIN TRAVEL AND FIRE LANES OF CERTAIN PARKING LOTS.**

No person shall stand or park a motor vehicle within any fire lane established and designated in a parking lot or travel lane open to the public.

**State law reference(s)** -- Authority for above section, Code of Virginia, Section 46.2-1220.

## **SEC. 9-102. PARKING FOR COMMERCIAL PURPOSES.**

It shall be unlawful for any person, association or corporation to park automobiles, trucks, or any other automotive equipment on or alongside the roads, highways and streets of the county or of the state, in the county, when such person, association or corporation is parking any such automobile, truck or automotive equipment in pursuance of commercial purposes. The provisions of this section shall not apply to motor vehicle carriers when picking up or discharging passengers.

**State law reference(s)** -- Authority for above section, Code of Virginia, Section 46.2-1224.

## **SEC. 9-103. UNAUTHORIZED PARKING IN SPACE RESERVED FOR HANDICAPPED.**

- A. It shall be unlawful for any operator of a motor vehicle to park in a parking space identified by an above-grade sign as Reserved for the handicapped, except:
1. A person possessing a special handicapped vehicle parking permit issued by the commissioner of motor vehicles pursuant to Section 46.2-1241 of the Code of Virginia or a person transporting by passenger car, van or pickup truck the holder of any such permit, which permit shall be displayed in the window of the vehicle transporting the holder of the permit in order to permit the vehicle to park lawfully in a parking space Reserved for the handicapped;
  2. A handicapped person driving a motor vehicle displaying state license plates designated for handicapped persons or a state decal issued to handicapped persons and issued pursuant to Section 46.2-731 of the Code of Virginia, or a person transporting a handicapped person in a motor vehicle displaying such license plates or decals; or
  3. A disabled veteran driving a motor vehicle displaying special license plates issued pursuant to Section 46.2-739 of the Code of Virginia or a person transporting a disabled veteran in a motor vehicle displaying such special license plates.
- B. Any law enforcement officer may issue a summons or parking ticket charging a person parking in violation of paragraph (a) of this section, or if such person is not known, then the registered owner of the motor vehicle parked in violation of paragraph (a).
- C. Violation of the provisions of paragraph (a) of this section shall be a traffic infraction punishable by a fine of not more than one hundred (\$100.00) dollars.
- D. The owner or duly authorized agent of a private parking space, or an agent of a public authority having control of a public space, which space is properly designated and marked for handicapped parking, shall have authority to have any vehicle not displaying handicapped parking permits or plates as described in paragraph (a) removed and stored. Possession may

be regained by payment to the person who removed the vehicle of all reasonable costs for the removal and storage. The vehicle owner may contest the removal in the manner provided by Section 46.2-1246 of the Code of Virginia, 1950, as amended.

**SEC. 9-104. UNAUTHORIZED PARKING OR LEAVING OF VEHICLES ON PRIVATE PROPERTY.**

No person shall park or leave a motor vehicle, trailer, semi-trailer, or part of a motor vehicle, trailer, or semi-trailer on any private property in excess of seventy-two (72) hours, without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any such property, contiguous or adjacent to a street, road or alley indicating that no vehicles are permitted to stand or park thereon in excess of seventy-two (72) hours, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street, road or alley into such property for the purpose of standing or parking such vehicle. (See Section 9-147 of this Code)

**State law reference(s)** -- Authority to regulate parking or leaving of a vehicle on owned property, Code of Virginia, Sections 46.2-1215.

**SEC. 9-105. REGULATING PARKING OF VEHICLES ON COUNTY OWNED PROPERTY.**

Parking of vehicles on the parking lot adjacent to the Martin Agricultural Center, at the corner of Main and Center Streets, and the additional Martin Agricultural Center parking lot at the northwest quadrant of the site shall be as follows:

- a. The parking area bounded on the east by Main Street and the south by Center Street, in the Town of Chatham, shall be for the patrons, guests and general business visitors of the agricultural facilities in the Martin Center, and for the use of the public at large, provided, however, that the County Administrator is authorized and empowered to draft and submit to the Board regulations regarding the time, hours, parking spaces and other controlled factors therein, which shall become effective upon approval by the Board and posting a concise digest thereof in a prominent and conspicuous position on the site.
- b. The parking area at the northwest quadrant of the Martin Agricultural site shall likewise be for the patrons, guests and general business visitors of the Martin Agricultural facility. The County Administrator is authorized and empowered, but not required, to erect a sign or other notice with respect to the rules and regulations which may, from time to time, be drafted by the Administrator and approved by the Board for this site.
- c. All County owned or leased property to the east of the Circuit Courthouse, north of Bank Street, west of the County School Board administration facilities, and south of the County owned lot presently under lease to the Town of Chatham, shall be for general public parking, provided that the County Administrator is authorized and empowered to select and restrict suitable parking areas and post the same as restricted for use by the Sheriff's Department, local police and any other emergency or law enforcement vehicles as may be requisite in and about the operation and maintenance of the County jail, magistrate's office and law enforcement

facilities.

- d. The County Administrator is authorized and empowered to draft and submit to the Board for approval rules and regulations for the control of all of the said parking facilities, including the establishment and enforcement procedures for fines and costs for violation of the same. All such regulations and rules, or a concise statement of the parking regulations and directions, shall be posted at a prominent and conspicuous location on the sites and shall be enforced thereafter.
- e. Nothing herein contained shall be construed to authorize or permit the assignment or delegation of specific or Reserved parking areas for any person or office holder, employee or staff member, (except as provided in paragraph (c) above without the express approval of the Board.
- f. The County Administrator is authorized to collect non-contested fines as may be established in the rules and regulations to administer the parking facilities and to cause to be issued summons or complaints for violation thereof, all in accordance with Section 46.1-254 of the Code of Virginia, 1950, as amended.
- g. Violations of any of the rules and regulations as adopted and posted shall be a misdemeanor and shall be punished by such fine as shall be, from time to time, established in the rules and regulations approved by the Board. (B.S.M. 12-1-BO)

**State law reference(s)** -- Authority to regulate parking on county-owned property, Code of Virginia, Sections 46.2-1221 and 46.2-1225.

#### **SEC. 9-106. ISSUANCE OF PARKING CITATIONS.**

This article shall be enforced by the Pittsylvania County Sheriffs Office.

#### **SEC. 9-107. PENALTY FOR VIOLATIONS OF ARTICLE; CONTEST OF PARKING CITATIONS.**

- A. The violation of any provision of this article shall be a traffic infraction punishable by a fine as follows:
  1. If the fine is paid to the treasurer, who is hereby designated as the local administrative official for the purposes of this article, prior to the issuance of the notice required by Section 9-108(a), the fine shall be ten (\$10.00) dollars, except the fine for violations of Sections 9-100(a) (4), 9-100(a)(5) or 9-101, which shall be fifty (\$50.00) dollars, and the fine for violation of Section 9-103, which shall be up to one hundred (\$100.00) dollars.
  2. If the fine is paid after the issuance by the local administrative official of the notice required by Section 9-108(a), but prior to the issuance of a court summons, the fine shall be the amount set forth above, plus three (\$3.00) dollars.

3. If a court summons is issued, but the summons is not contested, the fine shall be twenty-four (\$24.00) dollars, plus court costs, except for violations of Sections 9-100(a)(4), 9-100(a)(5) or 9-101, which shall be seventy-five (\$75.00) dollars, plus court costs, or for violations of Section 9-103, which shall be one hundred fifty (\$150.00) dollars, plus court costs.
  4. If a court summons is issued and the summons is contested, upon conviction the fine shall be an amount not to exceed one hundred (\$100.00) dollars, plus court costs, or for violations of Section 9-103, for which the fine shall be an amount not less than one hundred (\$100.00) dollars, and not to exceed five hundred (\$500.00) dollars, plus court costs.
- B. The uncontested payment of parking citation penalties shall be collected and accounted for by the local administrative official.
- C. The contest by any person of any parking citation shall be certified in writing, on an appropriate form, to the general district court by the local administrative official.

**SEC. 9-108. PROCEDURES IN CASE OF DELINQUENT PARKING CITATION.**

- A. Where any parking citation remains unpaid for more than ten (10) days after its issuance, the local administrative official shall, on a form to be provided by the county, notify the violator by certified mail at his last known address or at the address shown for such violator on the records of the state department of motor vehicles, that the violator may pay the fine provided by law for such violation within ten (10) days of the mailing of such notice and if such fine is not paid within the time so prescribed, that the officer issuing the summons shall be notified that the violator has failed to pay such fine within the time so prescribed, and a summons will be issued by the general district court. Such notice shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed on the face thereof in type at least one-half inch in height.
- B. After notice has been mailed as required by subsection (a) of this section, and payment has not been received by the local administrative official within the time prescribed, the local administrative official shall certify by affidavit to the clerk of the General District Court, that he mailed the required notice to the violator and that the fine remains unpaid.
- C. The local administrative official shall cause complaints, summons or warrants to be issued for delinquent parking citations in accordance with Sections 9-106 through 9-108.

**SEC. 9-109. PRESUMPTION IN PROSECUTIONS FOR PARKING VIOLATIONS.**

In any prosecution charging a violation of any parking provision contained in this article, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such regulation, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by chapter 6 of title 46.2 of the Code of Virginia, 1950, as amended shall

constitute in evidence a prima facie rebuttable presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.

State law reference(s) -- Similar provisions, Code of Virginia, Section 46.2-1220.

**SEC. 9-110. - 9-119. RESERVED**

**Article V. (Reserved)**

**SEC. 9-120. – 9-150. RESERVED**

**Article VI. (Reserved)**

**SEC. 9-151. - 9-175. RESERVED**

**Article VII.**

**TRAFFIC SCHOOL**

**SEC. 9-176. PITTSYLVANIA COUNTY DRIVER IMPROVEMENT SCHOOL.**

An ordinance to provide for the establishment within Pittsylvania County of a traffic school to be known as Pittsylvania County Driver Improvement School, at which there shall be given instructions concerning laws and ordinances; for the regulation of vehicular traffic, safe operation of vehicles, and such other subjects as may be prescribed.

The direction and conduct of such school in Pittsylvania County shall be vested in the Pittsylvania County Court and the Pittsylvania County Juvenile and Domestic Relations Court, both of which Courts shall provide for the supervision and control of such school, the days and hours when it shall be conducted, and the personnel who are to be instructors thereof.

**Effective Dates**

**The above Ordinance is amended and provided for pursuant to Section 46.1-16.1 of the Code of Virginia, 1950, as amended. (B.S.M. 6-3-69)**

**The amendments to existing ordinances or establishment of ordinances as provided for in the Chapter are, by act of the Board of Supervisors, effective October 1, 2002.**

**Article II, Sec. 9-49 adopted by the Board of Supervisors on June 21, 2005 and became effective July 1, 2005.**

**Article II, Sec. 9-46 through 9-58 adopted by the Board of Supervisors on, October 2, 2006.**

**Article II, Sec. 9-49 amended by the Board of Supervisors on December 4, 2006.**

**Amended by the Board of Supervisors on April 17, 2007.**

**Amended by the Board of Supervisors on November 20, 2007.**

**Amended by the Board of Supervisors on June 2, 2008.**

**Article II, Sec. 9-46 through 9-55 amended by the Board of Supervisors on April 6, 2009.**

**Article II, Sec. 9-50(h) amended by the Board of Supervisors on September 8, 2009.**