

**MOTOR VEHICLES AND TRAFFIC**

**Chapter 10**

**MOTOR VEHICLES AND TRAFFIC**

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# STEPHENS CITY CODE

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## ARTICLE I. IN GENERAL

### **Sec. 10-1. Short title.**

This chapter shall be known and may be cited as Traffic Ordinance of the Town of Stephens City, Virginia, or simply as the traffic ordinance.  
(Code 1975, §8-1)

### **Sec. 10-2. Adoption of State law.**

Pursuant to the authority of the Code of Virginia, §46.2-1300, et seq., all of the provisions and requirements of the laws of this State contained in the Code of Virginia, titled 46.2 and the Code of Virginia, titled 18.2, Chapter 7, Article II, (Section 182-266 et seq.) except those provisions which are contained in this Chapter and except those provisions and requirements, the violation of which constitute a felony and except those provisions and requirements which by their very nature can have no application to or within the Town, are hereby adopted and incorporated in this Chapter by reference and made applicable within the Town. Reference to “Highways of the State” or “Highways of the Commonwealth” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis and made a part of this chapter as fully as though set forth at length here, and it shall be unlawful for any person within the Town to violate any provision of the Code of Virginia, titled 46.2 or the Code of Virginia, titled 18.2, Chapter y, Article II (18.2-266 et seq) which is adopted by this Section.

Pursuant to the authority of the Code of Virginia, Section 1-12.29-2, all future amendments to the state statutes incorporated herein are in a like manner incorporated into the Town Code at the time the Virginia General Assembly legislates the changes into effective law. The specific intent of this ordinance is to incorporate future amendments of the state statutes into this ordinance. This Ordinance shall become effective after its third and final reading as a revision to the Stephens City Town Code.

**State law reference** – Disposition of fines in traffic cases, Code of Virginia, §46.2-1308.

### **Sec. 10-3. Placement of traffic control signs, signals, markings and devices.**

When the Town Council designates an intersection as one at which the driver of a vehicle is required to stop or to yield the right-of-way before entering such intersection, or designates a street upon which traffic is to proceed only in one direction, or designates a place at which turns are prohibited or at which turning movements are otherwise prohibited or restricted, or imposes any other regulation of traffic for which traffic control sign, signal, marking or device which by state law is required to be in place to give notice to drivers of vehicle or pedestrians, the council shall cause such traffic control sign, signal, marking or device to be installed and maintained as required by law.

(Code 1975, §8-3)

**State law reference**-Erection of signs and markings, Code of Virginia, §46.2-1300.

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### **Sec. 10-4. Fire lanes on private property devoted to public use.**

(a) The Town Council, when establishing fire lanes on private property devoted to public use, shall invite and consider advice from the chief of the fire department and the chief of police.

(b) When fire lanes so established by the Town Council have been marked on private property devoted to public use, the parking of vehicles therein and otherwise obstructing such fire lanes shall be prohibited at all times.

(Code 1975, §8-4)

**Cross reference**-Fire prevention and protection, ch.6, police ch.15.

### **Sec. 10-5. Traffic Control Devices.**

The Town Council delegates to the Town Engineer the authority to act and decide on its behalf the proper and appropriate placement of traffic control devices, signals, signs and markings within the Town limits. All decisions of the Engineer are deemed to have been approved and ratified by the Town Council. All traffic control devices, signals, signs and markings already in place are deemed to be appropriately place and approved by Council.

It shall be unlawful for any person to violate or fail to comply with any notice or directive indicated by a traffic control device in the Town limits.

(Ord. 5/2000)

### **Sec. 10-6. Authority of members of the fire department and rescue squad to direct traffic.**

(a) Members of the fire department may direct or assist the police in directing traffic at or in the immediate vicinity of a fire and, while so acting, shall have all the authority of police officers.

(b) Member of the Winchester and Middletown volunteer rescue squads may direct or assist the police in directing traffic at or in the immediate vicinity of an accident and, while so acting, shall have all the authority of police officers.

**Cross reference**-Rescue squads, §2-11; fire prevention and protection ch.6

**State law reference**-Ordinance as to the fire departments, etc., Code of Virginia §27-14.

### **Sec. 10-7. Injuring, tampering with, interfering with, etc., vehicles.**

(a) No person shall individually or in association with one or more others willfully break, injure, tamper with or remove any part of any motor vehicle or semitrailer for the purpose of injuring, defacing or destroying such motor vehicle, trailer or semitrailer or temporarily or permanently preventing its useful operations, or for any purpose, against the will or without the consent of the owner of such motor vehicle, trailer or semitrailer, nor shall any person in any other manner willfully or maliciously interfere with or prevent the running or operation of such motor vehicle, trailer or semitrailer.

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(b) No person shall, without the consent of the owner or person in charge of a motor vehicle, trailer or semitrailer, climb into or upon such motor vehicle, trailer or semitrailer with intent to commit any crime, malicious mischief or injury thereto; or while a motor vehicle, trailer or semitrailer is at rest and unattended, shall attempt to manipulate any of the levers or starting crank or other device, brakes, or mechanism thereof or to set such motor vehicle, trailer or semi trailer in motion; except, that the foregoing provision shall not apply when any such act is done in an emergency or in furtherance of public safety or by or under the direction of an officer in the regulation of traffic or the performance of any other official duty.

(c) Any person who shall violate or fail to comply with any of the provisions of this section shall be guilty of a class 1 misdemeanor.

**State law reference-** Similar provisions, Code of Virginia, §§18.2-146, 18.2-147.

### **Sec. 10-8. Washing, greasing, etc., vehicle on street or sidewalk.**

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

**Cross reference-** Streets, sidewalks and public places, ch.17.

### **Sec. 10-9. Driving through funeral or other processions, manner of driving in funeral processions.**

(a) No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession, except when otherwise directed by a police officer. This provision shall not apply to specified emergency vehicles as defined in Code of Virginia, §46.2-920.

(b) Each driver in a funeral procession shall drive as near to the right hand edge of the roadway as is practicable and safe.

**Cross reference-**Cemeteries, burial grounds, etc., protected against vandalism, etc., §14-3

**State law reference-**Driving on right side of highways, Code of Virginia, §46.2-802.

### **Sec. 10-10. Identification of vehicles in funeral processions, right-of-way.**

(a) All motor vehicles participating in a funeral procession, when proceeding to any place of burial, shall display illuminated headlamps thereon and such other identification as the chief of police may prescribe.

(b) All motor vehicles so designated shall have the right-of-way over all other vehicles, except fire apparatus, ambulances and police vehicles, at any street or highway intersection within the town and may proceed through a stop street or signalized intersection with proper caution and safety.

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### **Sec. 10-11. Boarding or alighting from moving vehicles.**

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

### **Sec. 10-12. Unlawful riding.**

No person shall ride on any vehicle upon any portion thereof not designated 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.

### **Sec. 10-13. Noise in the operation of motor vehicles.**

(a) No vehicle shall be loaded with materials likely to create loud noises by striking together, without using every reasonable effort to deaden the noise.

(b) The use in, upon or attached to any motor vehicle operating on any street of the town of any radio, phonograph, musical instrument, bell, whistle, loud speaker, amplifier or device of any kind whatsoever whereby sound therefrom is cast upon any street to promote or advertise the sale of goods, ware or merchandise, or for the purpose of advertising auction sales, sporting events or other businesses or things advertised thereby, is prohibited without a permit granted by the Council. The provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade. The use of a loudspeaker on a motor vehicle for making auction sales in streets directly in front of the property then being sold, and entirely outside of the business district of the town, shall not be construed as a violation of this subsection when such use is limited strictly to the selling at auction of such property.

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

(d) In operating a motor vehicle or motorcycle, the following acts, among others, are declared to create loud, disturbing and unnecessary noises in violation of this section, but such enumeration shall not be deemed to be exclusive, namely:

1. The use of a motor vehicle or motorcycle so out of repair as to cause thereby loud and unnecessary grating, grinding, rattling or any such noises, or any other unnecessary noise.
2. The practice of unnecessarily racing the motor or a motor vehicle or motorcycle while standing or moving, thereby causing unnecessary noise from such motor.
3. The practice of unnecessarily retarding the spark to the motor of a motorcycle and thereby causing unnecessary, loud and explosive noise from the motor.
4. In starting a motor vehicle or motorcycle from a standing position, the practice of gaining speed unnecessarily quickly and thereby causing unnecessary and loud noise from the motor and the screeching of tires, or either or such noises.

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5. The practice of coming to an unreasonably quick stop with a motor vehicle or motorcycle and thereby causing unnecessary grinding of brakes and screeching of tires or either of such noises.
6. Use of compression release engine braking systems (also known as Jake Brakes) are prohibited within the town limits unless such use is necessary to avoid imminent danger. Emergency vehicles and school buses shall be exempt from the application of this ordinance. The penalty for violation of this ordinance shall be a fine not exceeding \$250.00, and each violation shall constitute a separate offense.

(Ord. 8/4/15)

**Cross reference**-Noise, ch.12; streets, sidewalks and public places, ch. 17.

**State law reference**-Muffler cutout, etc., illegal, Code of Virginia, §46.2-1047; mufflers on motorcycles, Code of Virginia, §46.2-1050.

### **Sec. 10-14. Throwing or depositing glass, etc., upon street, etc.**

No person shall throw or deposit or cause to be deposit upon any street or 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 street or highway, nor shall any person throw or deposit or cause to be deposit upon any street or highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public. Any person who drops, or permits to be dropped or thrown, upon any street of highway any destructive, hazardous or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle. Any person violating any of the provisions of this section shall be guilty of a class 1 misdemeanor.

**Cross reference** – Animals, ch. 3

**State law reference** – Similar provisions, Code of Virginia, §18.2-324

### **Sec. 10-15. Railroad cars obstructing street or road, standing vehicle on railroad track.**

(a) It shall be unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five minutes the free passage on any street or road by standing cars or trains across the same, except a passenger train while receiving or discharging passengers, but a passway shall be kept open to allow a 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 passway, the time necessarily required, not exceeding three 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 street or road. Any such railroad company, receiver or trustee, violating any of the provisions of this section shall be fined not less than \$100.00 nor more than \$500.00, provided that the fine may be \$100.00 for each minute beyond the permitted time but the total fine shall not exceed \$500.00.

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(b) This section shall not apply when the train is stopped due to breakdown, mechanical failure or emergency.

**State law reference**-Similar provision, Code of Virginia, §56.412.1

### **Sec. 10-16. Backing.**

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

**State law reference** – certain vehicles to emit an audible alarm signal when operated in reverse gear, Code of Virginia, §46.2-1175.1.

### **Sec. 10-17. Blocking intersections.**

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

### **Sec. 10-18. State inspection sticker required.**

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

**State law reference**-Vehicle safety inspection, Code of Virginia, §46.2-1157 et seq.; imitation or counterfeit inspection stickers, Code of Virginia, §46.2-1173.

### **Sec. 10-19. Temporary removal and disposition of vehicles involved in accidents.**

Whenever a motor vehicle, trailer or semitrailer involved in an accident is so located as to impede the orderly flow of traffic, the police may, at no cost to the owner or operator, remove such motor vehicle, trailer or semitrailer to some point in the vicinity where it will not impede the flow of traffic.

**State law reference**-Authority of town to provide for temporary removal and disposition of vehicles involved in accidents, Code of Virginia, §46.2-1212.

### **Sec. 10-20. Violations of chapter, penalties.**

It shall be unlawful for any person to violate any of the provisions of this chapter. Unless otherwise stated, these violations shall constitute traffic infractions punishable by a fine of not more than \$100.00.

**State law reference**-Fees for services performed by judges or clerks of district courts in traffic cases, Code of Virginia, §14.1-123; violations of motor vehicle law, penalties, Code of



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Virginia, §46.2-113; habitual offenders, Code of Virginia, §46.2-351 et seq.; legal procedures and requirements, Code of Virginia, §46.2-936 et seq.; court or jury may consider defendant's prior traffic record before sentencing, Code of Virginia, §46.2-943; maximum penalties provided by town, Code of Virginia, §46.2-1300.

### **Sec. 10-21. Town speed limit.**

The maximum speed limit, town-wide, shall be 25 miles per hour, unless otherwise posted.

A violation of this section shall constitute a Class 4 misdemeanor.

### **Secs. 10-22 – 10-35. Reserved.**

## **ARTICLE II. STOPPING, STANDING AND PARKING\***

### **Sec. 10-36. Traffic control parking device directives must be obeyed; council may erect traffic control parking devices.**

(a) At any place where a traffic control sign or marking is in place, indicating that parking at such place is prohibited, or is prohibited during certain hours of the day or days of the week or in excess of a certain period of time, or is restricted to certain vehicles or certain uses, or is limited in any other respect, no person shall stand or park a vehicle or permit a vehicle to remain standing or parked at such place in violation of the prohibition or limitation indicated by such sign or marking.

(b) The Town Council may designate streets and public places, or portions thereof, within the town upon which or at which parking shall be prohibited, restricted or limited in such manner and to such extent as may be considered necessary by the council for the regulation of the use of such streets and public places in the best interests of the public, and may direct an appropriate town officer to place or cause to be placed traffic control signs or markings at such places to give notice of the prohibitions, restrictions or limitations so imposed. Included within the meaning of this section are traffic control signs and markings as follows:

1. No parking at any time;
2. No parking between 4:00 p.m. and 6:00 p.m.;
3. Two-hour parking;
4. Parking prohibited except Sundays and holidays;
5. No parking this side of street;
6. No parking from here to corner;
7. Bus stop;
8. Safety zone;
9. Physician parking only;
10. Official cars only; and

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11. Other prohibitions, restrictions and limitations on parking as determined by the Town Council

**\*Cross reference-**Parking or stopping in areas adjoining residential lots, §14-18.

**State law reference-**Authority of town to provide off-street parking facilities, Code of Virginia, §15.1-14; local parking regulations, Code of Virginia, §46.2-1220.

In any case where, by state law, permission of the state transportation commissioner or other state authority is required prior to erecting of any traffic control device, such permission shall be obtained prior to installation of such device.

**State law reference-**Transportation commissioner, Code of Virginia, §33.1-1; local parking regulations, Code of Virginia, §46.2-1220.

### **Sec. 10-37. Privately erected signs must be by authority of Town Council.**

No person shall erect, install or maintain any sign, notice or other device indicating that parking is prohibited, restricted or otherwise regulated upon any public street or way adjacent to his home or place of business except pursuant to authority of the Town Council, in which case such sign, notice or device shall state that the prohibition, restriction or regulation is “by order of the Town Council.” Any violation of this section shall constitute a Class 4 misdemeanor.

**State law reference-**Unofficial signs prohibited, Code of Virginia, §46.2-831.

### **Sec. 10-38. Parking vehicle without state license on street, etc.**

It shall be unlawful for any person to park any vehicle having no current license plat on any street or highway in the town.

### **Sec. 10-39. Parking prohibited in specified places.**

(a) No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within 15 feet of a fire hydrant.
5. On a crosswalk.
6. Within 20 feet of a crosswalk at an intersection; provided, that where there is no crosswalk at an intersection, no person shall so park a vehicle within 20 feet from the intersection of curb lines or, if none, then with 15 feet of the intersection of property lines.
7. Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway.

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8. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings.
9. Within 50 feet of the nearest rail of a railroad grade crossing.
10. Within 15 feet of the entrance to a fire station, or within 15 feet of the entrance to a building housing rescue squad equipment or an ambulance when such building is plainly designated, or within such greater distance as may be posted by an official traffic control sign.
11. Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
12. On the roadway side of any vehicle parked at the edge or curb of a street.
13. At any place where official signs prohibit parking.
14. In any parking space marked as a handicapped parking space, unless the vehicle conspicuously displays a valid Handicapped tag or permit.

(b) No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle, or shift, change or move the levers, brake, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof, or attempt to do so.

**State law reference**-Unlawful entering or setting in motion of a vehicle, Code of Virginia, §§18.2-147, 18.2-147.1; parking in certain locations, Code of Virginia, §46.2-1239.

(c) No tractor truck, tractor truck trailer, semi-trailer, commercial bus or truck shall be parked or stored within residential district R-2 or residential district R-3. This shall not preclude a tractor truck, tractor truck trailer, semi-trailer, commercial bus or truck from loading or unloading for a period of time not to exceed two hours.

For purposes of this Section, the following are defined:

1. Tractor truck – any motor vehicle designed and used primarily for drawing or pulling other vehicles and not so constructed so as to carry a load other than a part of the load and weight of a vehicle attached.
2. Tractor truck trailer – the portion of a tractor truck without motive power, designed for carrying property or passengers wholly on its own structure.
3. Semi-trailer – every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part or its own weight and that of its own load rests on or is carried by another vehicle.
4. Commercial bus – any motor vehicle other than a station wagon or automobile which is designed and used primarily for transportation of fifteen or more individuals for hire. This shall specifically not include church, school, or civic group buses used solely for nonprofit purposes.

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5. Truck – every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of seven thousand five hundred pounds.

(d) For a violation of Section 10-39(a) (14), the violator shall be assessed a fine not exceeding \$100.00; for any violation of any other section of 10-39, the violator shall be assessed a fine not exceeding \$30.00.

### **Sec. 10-40. Stopping or parking a conveyance carrying live animals during certain hours.**

It shall be unlawful for any person driving any conveyance carrying live animals to park or stop such conveyance any place within the town between the hours of 11:00 p.m. and 7:00 a.m., except in instances of refueling, for which a maximum of 15 minutes is hereby allowed, or of an actual breakdown.

**Cross reference-**Animals, ch.3

### **Sec. 10-41. Parking spaces.**

When a parking space has been marked or otherwise designated by a traffic control device, a vehicle shall be parked so that it is entirely within such space, without any part of such vehicle or any appendage thereto or thing within or on such vehicle extending beyond such park space.

**State law reference-** Location of parked vehicles, Code of Virginia, §46.2-889.

### **Sec. 10-42. Angle parking.**

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

### **Sec. 10-43. Backing up to curbs.**

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

### **Sec. 10-44. Manner of using loading zones.**

Where a loading and unloading zone has been set apart by the Town Council in accordance with applicable provisions of this chapter, the following regulations shall apply with respect to the use of such areas:

1. No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect. All delivery vehicles other than regular delivery trucks

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using such loading zones shall be identified by the owner's or company's name in letters three inches high on both sides of the vehicle.

2. The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles when such stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter or is about to enter such loading space.

### **Sec. 10-45. Manner of using bus stops and taxicab stands.**

(a) Where a bus stop or taxicab stand has been set apart by the Town Council in accordance with the applicable provisions of this chapter, subsection (b) shall apply as to the use thereof.

(b) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

### **Sec. 10-46. Parking on private property generally.**

(a) No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area, contiguous or adjacent to a street, thoroughfare or alley, indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand or park any vehicle in such lot or lot area.

(b) Nothing in this section shall be construed to authorize or permit any person to erect or install any sign or markings indicating prohibited or restricted parking on any public street or public way except by order of the Town Council, and in such case any such sign or markings shall state "by order of the Town Council."

**State law references**-Procedure as to trespassing vehicles, Code of Virginia §46.2-1231; liability of persons furnishing free parking accommodations, Code of Virginia, §46.2-1234.

### **Sec. 10-47. Keeping of inoperative motor vehicles, etc., on residential or commercial property; removal of such vehicles.**

(a) It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential, commercial or agricultural purposes any motor vehicle, trailer or semitrailer, as such are defined in Code of Virginia §46.2-100, which is inoperative. As used in this section, an "inoperative

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motor vehicle” means any motor vehicle which is not in operating condition; or which for a period of 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 on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this section shall not apply to a licensed business which on June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

(b) The owners of property zoned for residential, commercial or agricultural purposes shall, at such time or times as the Town Council may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure, and the town, through its own agents or employees, may remove any such inoperative motor vehicles, trailers or semitrailers, whenever the owner of the premises, after reasonable notice, has failed to do so. If the Town Council, through its own agents or employees, removes any such motor vehicles, trailers or semitrailers after having given such reasonable notice, the town may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle, and the cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the town as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises shall have been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs shall have been made to the town.

**Cross reference**-Definitions and rules of construction generally, §1-2, nuisances, ch. 13; refuse and weeds, ch. 16.

**State law reference**-Authority for above section, Code of Virginia, §15.1-11.1.

### **Sec. 10-48. Removal and disposition of unattended, abandoned or immobile vehicles.**

(a) Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such a manner as to be in violation of law, or whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten days upon any public property or privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, within the town, or is abandoned upon such public property or privately owned property, without the permission of the owner, lessee or occupant hereof, or whenever any motor vehicle, trailer or semitrailer is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on any public roadways, any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area; however, no such vehicle shall be so removed from a privately owned premises without the written request of the owner, lessee or occupant hereof. The person at whose request such motor vehicle, trailer or semitrailer is removed from privately owned property shall indemnify the town against any loss or expense incurred by reason of removal, storage or sale thereof. It shall be presumed that such motor vehicle, trailer or semitrailer, or part thereof is abandoned if:

1. It lacks either:
  - a. A current license plate;

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- b. A current county, city or town, plate or sticker; or
  - c. A valid state safety inspection certificate or sticker; and
2. It has been in a specific location for four days without being moved.

(b) Each removal shall be reported immediately to the chief of police and notice thereof given to the owner of the vehicle, trailer or semitrailer as promptly as possible. The owner of such motor vehicle, trailer or semitrailer, before obtaining possession thereof, shall pay to the parties entitled thereto all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer. Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record in the office of the state department of motor vehicles against the motor vehicle, trailer or semitrailer, the chief of police may after holding the motor vehicle, trailer or semitrailer 30 days and after due notice of sale, dispose of the same at public sale and the proceeds from the sale shall be forwarded by the selling officer to the treasurer of the town; provided, that if the value of such motor vehicle, trailer or semitrailer is determined by three disinterested dealers or garagemen to be less \$150.00, it may be disposed of by private sale or junked. The treasurer shall pay from the proceeds of sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.

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

**State law reference**-Authority for above section, Code of Virginia, §46.2-1213; abandoned vehicle, Code of Virginia, §46.2-1200 et seq.

### **Sec. 10-49. Leaving vehicles or vehicle parts upon private property prohibited; removal; disposal; notice.**

(a) It shall be unlawful for any person to leave any motor vehicle, trailer or semitrailer or part thereof on the private property of any other person without his consent. Upon complaint of the owner of the property on which such motor vehicle, trailer, semitrailer or part thereof, has been abandoned for more than 72 hours, such motor vehicle, trailer, semitrailer or part thereof may be removed by or under the direction of a police officer to a storage garage or area; provided, the person at whose request such motor vehicle, trailer, semitrailer, or part thereof, is so removed shall indemnify the town against any loss or expense incurred by reason of removal, storage or sale thereof.

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(b) In the case of the removal of motor vehicle parts from private property, when the same cannot be readily sold, such parts may be disposed of in such manner as the Town Council may decide.

(c) In all other respects, the provisions of section 10-48 shall apply to such removal.

**State law reference-**Removal and disposition of vehicle parts, Code of Virginia, §46.2-1213

### **Sec. 10-50. Contracts with private persons for removal, etc., of vehicles.**

The town shall have the power to enter into contracts with the owner or operator of garages or places for the removal or storage of vehicles referred to in section 10-47 and 10-48. The contracts shall provide for the payment by the town of reasonable charges for the removal and storage of such vehicles, shall require such owners or operators to deliver such vehicles to the owners thereof or their agents upon demand therefor, upon furnishing satisfactory evidence of identity and ownership or agency and upon payment of such removal and storage charges, and that the owners or operators of such garages or places of storage will indemnify the owners of such vehicles for injury or damage thereto resulting from the negligent removal or storage thereof, and such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnity.

### **Sec. 10-51. Sale of personal property found in unattended, etc., vehicles.**

Any personal property found in any unattended or abandoned motor vehicle, trailer or semitrailer may be sold incidental to the sale of any such vehicle as authorized in section 10-48.

**State law reference-**Similar provisions, Code of Virginia, §46.2-1214.

### **Sec. 10-52 – 10-70. Reserved**

## **ARTICLE III. VEHICLE LICENSES**

### **Sec. 10-71. Tax Imposed.**

(a) A license is hereby imposed on every motor vehicle, trailer, or semi-trailer that is normally garaged, stored or parted in the Town. If the above determination cannot be made, the license tax shall be imposed if the domicile of the owner of the motor vehicle, trailer or semi-trailer is Stephens City.

(b) After February 15 of each year, no motor vehicle, trailer, or semi-trailer shall be parked and/or operated upon the Town's streets without the owner having first obtained and conspicuously displayed a current Town decal for such vehicle. When a state license is secured after February 15 of any year, the owner shall purchase and display a Town decal within 30 days. Any new resident of the Town not displaying a valid decal issued within the Commonwealth of Virginia shall acquire a Town decal within the first 30 days of his or her residence within the Town. The application for said license shall be made to the Town Clerk for the annual renewal



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thereof not later than February 15 by mail or in person, on forms provided by the Town Clerk, and shall contain the same information as that appearing on the State automobile registration card. Upon payment of the license fee and any unpaid personal property taxes of the owner to the Town Treasurer, she shall issue the license decal.

(Code of Virginia 46.2-752,-755,-756: 5/98)

### **Sec. 10-72. Late Penalty Imposed.**

Any vehicle license purchased after February 15 of each year, which is not either a transfer or a new license, shall be assessed a late penalty of \$5.00 per year. Any transfer or new license purchased more than thirty days after the resident moves into the Town of Stephens City, or the vehicle takes situs within the Town of Stephens City, shall also be assessed a late penalty of \$5.00 per year.

(Ord. 5/2000)

### **Sec. 10-73. Vehicle license plates and decals to be issued and displayed on vehicles, prohibited acts.**

The Town Treasurer, upon issuing a vehicle license tax receipt shall, concurrently issue to the licensee a vehicle license decal. Each such decal shall be affixed either at the upper edge of the center of the windshield or at some other place which may be designated by the Superintendent of the Department of State Police. It shall be unlawful for any person to operate, permit to be operated or to park or permit to be parked upon any public street or public way in the Town, any motor vehicle, trailer or semi-trailer which does not display a current valid license decal firmly affixed thereto as provided in this Section. No such license decal shall be valid for any vehicle other than the one for which it was issued or has been assigned, nor shall it be valid after the expiration of the license year for which it was issued.

(Code Section 46.2-1-52: 5/98)

### **Sec. 10-74. Vehicle license tax relief for Stephens City, Virginia residents serving as volunteer for any fire or rescue company headquartered within Winchester or Frederick County, Virginia.**

Any Stephens City town resident who has paid all of his or her personal property taxes may request from the Town Clerk, and the Town Clerk may issue, one (1) vehicle license decal each year to each Town resident who is an active member of any Fire or Rescue Company based within Winchester or Frederick County, Virginia, including Stephens City and Middletown. The Stephens City, Virginia resident must present a letter from the Fire Chief of the Company or Captain of the Rescue Squad/Company, for the year in question, in order to receive the license decal at no charge.

(Code of Virginia, 46.2-752) (Ord 5/1996)

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**Sec. 10-75. Schedule of annual vehicle license taxes.**

(A) The motor vehicle, trailer or semi-trailer license taxes levied are:

1. Passenger cars not used for hire ..... \$25.00
2. Convertible use vehicle ..... \$25.00
3. Car trailer ..... \$12.50
4. Private school bus: .50 per hundred pounds of weight or major fraction thereof; except in no event shall any license fee be greater than \$25.00
5. Taxi cab: .75 per hundred pounds of weight or major fraction thereof; except in no event shall any license fee be greater than \$25.00
6. Motorcycle with or without side car ..... \$12.50
7. Truck as a single unit, truck-trailer combination, tractor truck and semi-trailer combination ..... \$25.00
8. Trailers and semi-trailers, whether or not part of combination units..... \$25.00

(B) When a new state license is secured for a motor vehicle, the following schedule for motor vehicle, trailer or semi-trailer license taxes levied are:

(i) If the new license is secured between January 1 and March 31 of the year:

1. Passenger cars not used for hire ..... \$25.00
2. Convertible use vehicle ..... \$25.00
3. Car trailer ..... \$12.50
4. Private school bus: .50 per hundred pounds of weight or major fraction thereof; except in no event shall any license fee be greater than \$25.00
5. Taxi cab: .75 per hundred pounds of weight or major fraction thereof; except in no event shall any license fee be greater than \$25.00
6. Motorcycle with or without side car ..... \$12.50
7. Truck as a single unit, truck-trailer combination, tractor truck and semi-trailer combination ..... \$25.00
8. Trailers and semi-trailers, whether or not part of combination units... \$25.00

(ii) If the vehicle license is acquired between April 1 and June 30:

1. Passenger cars not used for hire ..... \$18.75
2. Convertible use vehicle ..... \$18.75
3. Car trailer ..... \$ 7.50
4. Private school bus: .50 per hundred pounds of weight or major fraction thereof; except in no event shall any license fee be greater than \$18.75
5. Taxi cab: .75 per hundred pounds of weight or major fraction thereof; except in no event shall any license fee be greater than \$18.75
6. Motorcycle with or without side car ..... \$7.50

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- 7. Truck as a single unit, truck-trailer combination, tractor truck and semi-trailer combination ..... \$18.75
- 8. Trailers and semi-trailers, whether or not part of combination units..... \$18.75

(iii) If the vehicle license is acquired between July 1 and September 30:

- 1. Passenger cars not used for hire ..... \$12.50
- 2. Convertible use vehicle ..... \$12.50
- 3. Car trailer ..... \$ 7.50
- 4. Private school bus: .50 per hundred pounds of weight or major fraction thereof; except in no event shall any license fee be greater than \$12.50
- 5. Taxi cab: .75 per hundred pounds of weight or major fraction thereof; except in no event shall any license fee be greater than \$12.50
- 6. Motorcycle with or without side car .....\$7.50
- 7. Truck as a single unit, truck-trailer combination, tractor truck and semi-trailer combination ..... \$12.50
- 8. Trailers and semi-trailers, whether or not part of combination units..... \$12.50

(iv) If the vehicle license is acquired between October 1 and December 31:

- 1. Passenger cars not used for hire ..... \$ 6.25
- 2. Convertible use vehicle ..... \$ 6.25
- 3. Car trailer ..... \$ 7.50
- 4. Private school bus: .50 per hundred pounds of weight or major fraction thereof; except in no event shall any license fee be greater than \$ 6.25
- 5. Taxi cab: .75 per hundred pounds of weight or major fraction thereof; except in no event shall any license fee be greater than \$ 6.25
- 6. Motorcycle with or without side car ..... \$ 7.50
- 7. Truck as a single unit, truck-trailer combination, tractor truck and semi-trailer combination ..... \$ 6.25
- 8. Trailers and semi-trailers, whether or not part of combination units..... \$ 6.25

(Ord. 5/2000, 6/2006)

**Sec. 10-76. Transfer and Replacement of License Plate and Decals.**

(a) Transfer of License Plates and Decals shall be made from one vehicle of like design to another (i.e. passenger to passenger); provided, that the vehicle on which the license is to be used is registered in the same name for which it was originally issued. Transfers of decals from Frederick County and the City of Winchester, and any other Virginia municipality that allows a reciprocal transfer, shall also be permitted for the calendar year.

(b) The original decal from the transfer shall be surrendered to the Treasurer along with the payment of \$1.00 for each transfer.

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(c) Substitutes for lost or mutilated license plates or decals required by this article shall be issued to any person entitled thereto upon furnishing satisfactory information and for the payment of the fee of \$1.00.

### **Sec. 10-77. Persons and Vehicles Exempted by Federal or State Law.**

Nothing in this Article shall be construed to impose a Town vehicle license tax upon any person who by Federal or State law is exempted from the payment of such tax, or to require any vehicle to have affixed thereto a Town vehicle plate or decal when such vehicle is exempted by Federal or State law from the licensing thereof by the Town.

(Ord. 5/1998)

### **Sec. 10-78. Penalties and Violations.**

Any person who shall operate or permit to be operated upon a public street or public way in the Town any motor vehicle, trailer or semi-trailer which, by this Article is required to have affixed thereto a currently valid license plat or decal, while such motor vehicle, trailer or semi-trailer does not have a currently valid license plat or decal affixed thereto as required by this Article, shall be guilty of a Class 4 Misdemeanor.

(State law Reference 46.2-752 – 5/1998)

### **Sec. 10-79. Cross-jurisdictional enforcement of local motor vehicle licensing requirements.**

Pursuant to Code of Virginia, §46.2-752(K), as amended, and the regional compact for cross-jurisdictional enforcement of local motor vehicle licensing requirements entered into by the county and the town and other participating jurisdictions:

a) Any owner or operator of a motor vehicle, or any other person required by law to obtain and display a valid local license by any jurisdiction which has entered into the regional compact for cross-jurisdictional enforcement of local motor vehicle licensing requirements (“participating jurisdiction”) must display any such license while a motor vehicle upon which such license is required to be displayed is operated or parked (public street) within the boundaries of this jurisdiction.

b) A violation of this section shall constitute a Class 4 Misdemeanor:

1. When the operator is the owner of the cited vehicle, such violations shall not be discharged by payment of the requisite fine except upon presentation of satisfactory evidence that the required license has been obtained:
2. When the operator is not the owner of the cited vehicle, the violation may be discharged by the payment of the requisite fine.

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c) The following jurisdictions are participating jurisdictions in the cross-jurisdictional enforcement:

City of Winchester  
County of Frederick  
County of Clarke  
Town of Middletown  
Town of Berryville  
Town of Boyce

**Sec. 10-80 – 10-95. Reserved.**

### ARTICLES IV. EMERGENCY SNOW PLAN

**Sec. 10-96. Authority to declare emergency.**

The Town Manager shall determine what level of emergency exists and shall immediately endeavor to notify the public of the declaration of the Emergency, and at what level the Emergency exists. Such notification shall include the Town Police Department, local radio and television stations, and whatever local government information systems such as the Town web site as are currently available.

A Snow Emergency shall be classified into one of three levels:

Level A: Snow tires or chains are recommended for vehicles traveling within the Town

Level B: Snow tires or chains are required for vehicles traveling within the Town

Level C: Vehicles traveling within Town are restricted to Emergency/Public health or safety purposes only.

(Ord 12/2/2003)

**State law references** §46.2-1302 and §15.2-2028

**Sec. 10-97. Designation of streets.**

The following streets are designated as snow emergency routes and shall be subject to the emergency snow plan:

- 1) Main Street (U.S. Route 11)
- 2) Fairfax Street, from Main Street to the east town limit.

(Ord 5/3/1988, §8-48)

**Cross Reference** – Streets, sidewalks, and public places, Ch. 17

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### **Sec. 10-98. Signs.**

All snow emergency routes shall be posted with appropriate signs indicating their designation as snow emergency routes. Such signs shall be placed at reasonable intervals and may be as specified in The Virginia Manual on Uniform Traffic Control Devised for Streets and Highways. (Ord 5/3/1988, §8-49)

**State law reference** – Uniform marking and signing of highways, Code of Virginia, §46.2-830

### **Sec. 10-99. Prohibited acts.**

During this time the emergency snow plan is in effect, it shall be unlawful for any person to park, abandon, or fail to remove a motor vehicle or trailer on any snow emergency route, or to obstruct or impede traffic on any snow emergency route by failure to have any vehicle operated thereon equipped with snow tires or chains.

(Ord 5/3/1988, §8-50)

### **Sec. 10-100. Removal of parked, etc., vehicles; payment of charges.**

The town police may remove or cause to be removed any vehicle or trailer that is stalled, stuck, parked or abandoned on or along any designated snow emergency route. The owner of the vehicle or trailer, or someone in his behalf, shall be required to pay, in addition to any fine, the reasonable charges for such removal or storage of such vehicle before taking possession thereof.

(Ord 5/3/1988, §8-51)

### **Sec. 10-101. Penalty for Violation of Article.**

Any person convicted of a violation of this article shall be punished by a fine not to exceed \$25.00.

(Ord 5/3/1988, §8-52)

### **Sec. 10-102. Exemption from penalty.**

The following vehicles shall be exempt from the penalty provided by Section 10-101:

- (1) Commercial vehicles making emergency delivery of heating fuels, food or medicines.
- (2) Emergency vehicles of governments, public service corporations or vehicles involved in snow removal or treatment of streets.
- (3) Towtrucks.
- (4) Physicians responding to sick calls or ambulances or vehicles carrying sick or injured persons.
- (5) Police vehicles, fire vehicles or rescue squad vehicles.
- (6) Vehicles on scheduled routes carrying the U.S. mail.

(Ord 5/3/1988, §8-53)

**Cross reference** – Fire prevention and protection, ch.6, ch.15

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**Sec. 10-103 – 10-109. Reserved**

### ARTICLE V. MOPEDS

**Sec. 10-110. Required safety equipment for mopeds operating within the Town limits.**

Every person operating a moped, which is a conveyance that is either: (i) a bicycle-like device with pedals and a helper motor that is rated at no more than two brake horsepower and that produces speeds up to a maximum of 30 miles per hour; or (ii) a motorcycle with an engine displacement of 50 cubic centimeters or less and a maximum speed of less than 30 miles per hour, which is operated on a public street or highway; shall wear with a face shield, safety glasses or goggles of the type approved by the Commonwealth of Virginia, or have his moped equipped with safety glass or windshield at all times while operating such vehicles.

Additionally, all operators and passengers on the moped, if any, are required to wear protective helmets of a type approved by the Commonwealth of Virginia.  
(State Code §46.2-915.2)

**Sec. 10-111. Penalty**

Any person who knowingly violates this Ordinance shall be guilty of a traffic infraction and shall be subject to a fine of not more than \$50.00.  
(State Code §46.2-915.2)

**Sec. 10-112. Licensing, Fee, Penalty.**

Every resident owner of a moped shall obtain a license from the Town; such license shall be in the form of an adhesive decal which shall be placed upon the moped. The license fee shall be \$20.00 per year and the license decal shall be furnished by the Town upon payment of the fee and completion of a license application form provided by the Town Treasurer. Any resident owner operating a moped without a valid license shall be guilty of a misdemeanor and shall be subject to a fine of not more than \$50.00 for each violation.

(Ord 10/07/2003)

(State Code §15.2-1720)