

## Chapter 62

### TRAFFIC AND VEHICLES\*

#### Article I. In General

- Sec. 62-1. Compliance with chapter; penalty for violation of chapter.
- Sec. 62-2. Adoption of state law.
- Sec. 62-3. Operation of miscellaneous vehicles.
- Secs. 62-4—62-35. Reserved.

#### Article II. Motor Vehicle Decals

- Sec. 62-36. Definitions.
- Sec. 62-37. Licenses.
- Sec. 62-38. Military personnel.
- Sec. 62-39. Proration of license fee and deadline for application for license.
- Sec. 62-40. Fees; transfer; duplicate; penalties.
- Sec. 62-41. Exemption of elderly persons.
- Sec. 62-42. Licensing requirements for parked vehicles.
- Secs. 62-43—62-75. Reserved.

#### Article III. Moving Violations

- Sec. 62-76. Operator to give full time and attention to driving.
- Sec. 62-77. Vehicle to be kept under proper control.
- Secs. 62-78—62-110. Reserved.

#### Article IV. Nonmoving Violations

- Sec. 62-111. Enforcement of parking regulations.
- Sec. 62-112. Parking prohibited in specific places.
- Sec. 62-113. Parking commercial vehicles, recreational vehicles and trailers.
- Sec. 62-114. Parking on private property.

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\***Cross reference(s)**—Offenses and miscellaneous provisions, ch. 38; streets, sidewalks and other public places, ch. 50; off-street parking standards, § 66-166 et seq.

**State law reference(s)**—Identification of disabled parking spaces by abovegrade signage, Code of Virginia, § 36-99.11; motor vehicles, Code of Virginia, § 46.2-100 et seq.; local vehicle license, Code of Virginia, § 46.2-752 et seq.; abandoned vehicles, Code of Virginia, § 46.2-1200 et seq.; removal of vehicles involved in accidents, Code of Virginia, § 46.2-1212; removal or immobilization of motor vehicles against which there are outstanding parking violations, Code of Virginia, § 46.2-1216; parking regulations in cities, towns and certain counties, Code of Virginia, § 46.2-1220; general powers of local governments as to motor vehicles, Code of Virginia, § 46.2-1300 et seq.

## OCCOQUAN CODE

- Sec. 62-115. Disabled parking.
- Sec. 62-116. Parking for certain purposes prohibited.
- Sec. 62-117. Presumption as to owner of illegally parked vehicle.
- Sec. 62-118. Stopping on streets or highways generally.
- Sec. 62-119. Arrest for violations of article; release on summons and promise to appear; admitting to bail; violations.
- Sec. 62-120. When arresting officer shall take person before judicial officer in lieu of issuing summons.
- Secs. 62-121—62-150. Reserved.

### **Article V. Removal of Unattended or Immobile Vehicle**

- Sec. 62-151. Provision for removal.
- Sec. 62-152. Removal by police officer.
- Sec. 62-153. Written request.
- Sec. 62-154. Presumption of abandonment.
- Sec. 62-155. Removal, disposal of vehicle involved in accident.
- Secs. 62-156—62-185. Reserved.

### **Article VI. Keeping of Inoperable Vehicles**

- Sec. 62-186. Definitions.
- Sec. 62-187. Exceptions to provisions of article.
- Sec. 62-188. Regulated.
- Sec. 62-189. Removal.
- Sec. 62-190. Disposal.
- Sec. 62-191. Reasonable notice.

**ARTICLE I. IN GENERAL****Sec. 62-1. Compliance with chapter; penalty for violation of chapter; general powers of council relative to parking spaces.**

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

(b) Whenever a penalty is provided in the Code of Virginia for the violation of any section of the Code of Virginia adopted by reference in section 62-2, the penalty for a violation of section 62-2 shall be the same as the penalty provided by state statute for a like offense.

(c) Every person convicted of a violation of any of the provisions of this chapter or rule or regulation promulgated pursuant to this chapter, for which no other penalty is provided and which is not defined as a misdemeanor, shall be punished by a fine of not more than \$200.00; however, in no event shall any penalty imposed for a violation of any of the provisions of this chapter or rule or regulation promulgated pursuant to this chapter exceed the penalty prescribed by general law of the commonwealth for a like offense.

(d) The council shall retain authority to regulate and designate street parking, including but not limited to, motor vehicle parking space geometric qualities or properties, and to exercise the authority provided to localities in Title 46.2 of the Code of Virginia, as amended, on behalf of the town.

(Code 1981, § 6-5.11; Ord. O-2002-04, § 62-1)

**Sec. 62-2. Adoption of state law.**

(a) Pursuant to the authority of §11 of the Town Charter (1998), as amended, and pursuant to §§1-13.39:2, 18.2-268.12, and Chapter 13 of Title 46.2, specifically §§46.2-1300 and 46.2-1313, Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia effective as of, July 1, 2004, including future amendments to those state statutes as may from time to time be adopted by the General Assembly of Virginia, effective upon the same date as the effective date of such state statutes and not before, contained in Title 46.2, and Article 2 of Chapter 7 of Title 18.2, Code of Virginia, 1950, as amended, as well as those provisions and requirements of Article 9 (§16.1-278 et seq.) of Chapter 11 of Title 16.1, pertaining to the disposition of juveniles charged with violations of misdemeanors and traffic infractions contained in the previously referenced portions of Titles 18.2 and 46.2, and the Ordinances of the Town of Occoquan, are adopted and incorporated by reference and made applicable within the Town: (i) except those provisions and requirements the violation of which constitutes a felony; (ii) except those provisions and portions which specifically authorize the adoption of a local ordinance but do not provide for direct incorporation of specific provisions and requirements, requiring instead, the local governing body to provide provisions and requirements; and, (iii) except those provisions and requirements which, by their very nature, can have no application to or within the Town. The provisions and requirements of §§46.2-1247 through 46.2-1253, Code of Virginia, are specifically incorporated by reference as provided for separately in

each of those sections.

Such provisions and requirements are hereby adopted, mutatis mutandis, and made part of this section as fully as those set forth at length herein; and it shall be unlawful for any person within the Town to violate, fail, neglect or refuse to comply with any provision of Title 46.2, Code of Virginia, and Article 2 of Chapter 7 of Title 18.2, 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 adopted exceed the penalty imposed for a similar offense under Article 9 (§16.1-278 et seq.) of Chapter 11 of Title 16.1, Article 2 (§18.2-266 et seq.) of Chapter 7 of Title 18.2, or of Title 46.2.

(b) When such provisions and requirements of Title 46.2, Code of Virginia; Article 2 of Chapter 7 of Title 18.2; and Article 9 of Chapter 11 of Title 16.1 Code of Virginia, incorporate and adopted herein, make reference to or in turn incorporate other provisions of the Code of Virginia, rules or regulations promulgated by an arm or agency of the Commonwealth or the United States, the United States Code, the United States Code of Federal Regulations, the Virginia Administrative Code, federal or Virginia Motor Carrier Safety Regulations, regulations promulgated by the Superintendent of State Police pertaining to commercial motor vehicle safety pursuant to the United States Motor Carrier Act of 1984, regulations promulgated by the Virginia Division of Motor Vehicles, or to other provisions, standards, specification, regulations, or uniform codes, they shall apply, mutatis mutandis, as if set forth herein.

All definitions of words and phrases contained in such provisions and requirements hereby adopted shall apply, mutatis mutandis, to such words and phrases when used in this chapter unless clearly indicated to the contrary. References to "highways of the state" or "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.

(c) The penalties imposed for the violation of any provision or requirement adopted by this section shall be and are, mutatis mutandis, as provided by general law for the same or similar offenses under general state law, particularly, Title 46.2 or under Article 2 (§18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia or as provided for juveniles pursuant to Article 9 (§16.1-278 et seq.) of Chapter 11 of Title 16.1; effective as of July 1, 2004; including future amendments to those state statutes as may from time to time be adopted by the general assembly, effective upon the same date as the effective date of such state statutes and not before.

(d) Each of the foregoing provisions of this section has been adopted in an endeavor to preserve and extend the public welfare and safety, it is declared to be the legislative intent that, if any portion, subsection, sentence, clause or provision of this section is held invalid or unconstitutional, or the application thereof to any person or circumstances, the remainder of this section shall not be affected or impaired by such judgment, decision, or order of any court of competent jurisdiction and shall be interpreted, if necessary, so as to give a meaning consistent with the purpose and intent of this ordinance. For this purpose the provisions of this ordinance are severable from the particular portion or provision so declared to be unconstitutional or invalid and the remaining portions thereof shall remain in full force and effect where not inseparably connected in meaning and effect with the portion or

provision of this section so declared to be unconstitutional or invalid. This paragraph reiterates § 1-5 of this Code.

If any portion of this section is found to be in conflict with any other provision of the Code of Ordinances the Town of Occoquan, the provisions of this section shall prevail. Adoption of this section, however, shall not affect nor prevent any pending or future prosecution of any violation of said Code occurring prior to the effective date of this section; nor any violation of said Code that is merely alternative to this section.

(Code 1981, § 6-1; Ord. of 5-13-1997, § 6-1; Ord. O-2004-14, § 62-2)

**Sec. 62-3. Operation of miscellaneous vehicles.**

(a) It shall be the duty of the police department to enforce this section.

(b) No person shall play on a highway designated for vehicular traffic within the town. No person shall use roller skates, skateboards, toys or other devices on wheels or runners, except bicycles, mopeds, motorcycles and other vehicles licensed by the state on highways where play is prohibited.

(c) No person riding on any bicycle, moped, roller skates, skateboards, toys or other devices on wheels or runners shall attach the device or himself to any vehicle on a roadway. This subsection is not intended to prohibit the lawful attachment or towing of trailers, etc.

(d) If any person rides any bicycle or skateboard on any sidewalk in the town, such person shall be guilty of a traffic infraction and, upon conviction, shall be fined not less than \$5.00 nor more than \$200.00.

(Code 1981, § 6-3)

**Secs. 62-4—62-35. Reserved.**

**ARTICLE II. MOTOR VEHICLE DECALS\***

**Sec. 62-36. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*License year* means a period of time that shall commence on November 16 and shall expire on the following November 15 in each year.

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\* **State law reference(s)**—Local vehicle license, Code of Virginia, § 46.2-752 et seq.

*Motor vehicle* means any land vehicle that is self-propelled or designed for self-propulsion, except mopeds.

(Code 1981, § 6-2.1; Ord. of 5-13-1997, § 6-2.1)

**Cross reference(s)**—Definitions generally, § 1-2.

**Sec. 62-37. Licenses.**

(a) The situs for the imposition of local vehicle licensing fees is in all cases, except as hereinafter provided, the county, city or town in which the motor vehicle, trailer or semitrailer 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. If 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. The owner of any motor vehicle described in this subsection shall obtain from the town a license, in the form of a motor vehicle decal, for such motor vehicle.

(b) Application for such license shall be made to the treasurer of the town or his duly appointed agent. Such application shall contain a brief description of the motor vehicle to be licensed, including make and serial number, together with such other pertinent information as the treasurer or his authorized agent may require. The applicant shall show a valid vehicle registration card showing an address within the limits of the town or proof of a business licensed by the town. Upon payment of the license fee, the treasurer or his authorized agent shall issue a decal for each vehicle for which proper application has been made. The decal shall bear a suitable number and shall be attached to the vehicle in such a manner as to be visible at all times. Such decal shall be affixed to the windshield at a location designated by the superintendent of the department of state police.

(Code 1981, § 6-2.2)

**Sec. 62-38. Military personnel.**

Military personnel, who are exempt from the provisions of this article under the provisions of the Soldier's and Sailor's Civil Relief Act, as amended, shall be required to pay a handling charge of \$1.00.

(Code 1981, § 6-2.3)

**Sec. 62-39. Proration of license fee and deadline for application for license.**

Half of the annual license fee shall be paid if application for such license is made on or after May 15 of the license year. Application for license under this article shall be made within 30 days after such motor vehicle is principally garaged, stored or parked in the town.

(Code 1981, § 6-2.4; Ord. O-2005-05, § 62-39)

**Sec. 62-40. Fees; transfer; duplicate; penalties.**

(a) The license fee shall be established annually by the town council for the ensuing license year during its budget adoption process, the amount not to exceed the license fee of the commonwealth on the vehicle.

(b) Transfer of license by an owner to a replacement vehicle shall be permitted upon payment of a fee of \$5.00.

(c) If any motor vehicle decal issued under the provisions of this article is lost or mutilated or becomes illegible, the owner shall make immediate application for and obtain a duplicate or substitute decal, upon furnishing information of such fact satisfactory to the treasurer and upon payment of \$5.00. A person, having once applied for and received a duplicate or substitute motor vehicle decal, shall not be entitled to apply again for and receive a duplicate decal during the license year for which the original motor vehicle decal was issued.

(d) It shall be unlawful for any owner of a motor vehicle to fail to obtain and display upon the vehicle the decal of the town. Failure to do so shall constitute a misdemeanor, the penalty for which shall not exceed that of a class 4 misdemeanor. A violation may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained.

(Code 1981, § 6-2.5; Ord. O-2005-05, § 62-40)

**Sec. 62-41. Exemption of elderly persons.**

(Code 1981, § 6-2.6; Repealed O-2005-05, § 62.41)

**Sec. 62-42. Licensing requirements for parked vehicles.**

It shall be unlawful for any motor vehicle to be parked on any public thoroughfare, street or alley within the town limits unless such vehicle has a valid state license plate, state emissions or other inspection sticker if required by law and, if otherwise required by the provisions of this chapter, a valid town decal. If such violation continues for more than two consecutive days, such motor vehicle may be towed away by the town at the owner's expense.

(Code 1981, § 6-2.7)

**Secs. 62-43—62-75. Reserved.**

**ARTICLE III. MOVING VIOLATIONS**

**Sec. 62-76. Operator to give full time and attention to driving.**

No person shall operate a motor vehicle upon the highways of the town without giving his full time and attention to the operation of the vehicle.

(Code 1981, § 6-4.1)

**Sec. 62-77. Vehicle to be kept under proper control.**

No person shall operate a motor vehicle upon the highways of the town, failing to keep the vehicle under proper control at all times.

(Code 1981, § 6-4.2)

**Secs. 62-78—62-110. Reserved.**

**ARTICLE IV. NONMOVING VIOLATIONS**

**Sec. 62-111. Enforcement of parking regulations.**

(a) It shall be the duty of the police department to enforce the parking regulations of the town.

(b) The police officer shall attach to the vehicle in violation a notice that such vehicle has been parked in a manner that fails to comply with the provisions of this chapter, and that the appropriate sum, according to the fine schedule, may be paid to the town treasurer or his duly appointed agent at 314 Mill Street, Occoquan, Virginia, within ten days from the time of noncompliance appearing on such notice, exclusive of Saturdays, Sundays and national holidays, and further notifying such owner that if the appropriate fine is paid within such time, no action shall be taken to prosecute the owner for the excessive or improper parking specified on such notice; otherwise, the owner will be in violation of this chapter, and a summons will be issued.

(c) If any person should fail to pay the appropriate fine, the police officer who issued the citation shall notify the violator on the records of the state department of motor vehicles that the fine provided by law for such violation may be paid within five days of receipt of such notice. The notice to the violator shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped on its face in type at least one-half inch in height.

(d) If a person should fail to respond to the notification, the police officer who issued the citation shall obtain a summons through the magistrate's office.

(e) If any person should contest a parking citation, a request shall be made in writing to the town clerk or his duly appointed agent for an appointment for a slot on the issuing officer's court date. If the person cited is under age 18, the case will be heard in juvenile and domestic relations district court; if the person cited is 18 years or older, the case will be heard in general district court.

(f) The town treasurer or his duly appointed agent is authorized to collect the fines cited in this section and deposit them in the general fund of the town treasury.

(g) Fines for violation of this section are as follows:

<i>Violation</i>	<i>Fine</i>
Parked in disabled zone . . . . .	\$100.00
All other violations cited in this section . . . . .	.25.00

(Code 1981, § 6-5.1)

**Sec. 62-112. Parking prohibited in specific places.**

(a) When parking in locations other than marked parking space, 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 in marked parking spaces:

- (1) On or blocking a sidewalk.
- (2) In front of a public or private driveway.
- (3) On a pedestrian crosswalk.
- (4) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
- (5) On the roadway side of any vehicle parked at the edge or curb of a street.
- (6) In a restricted zone where such zone is marked by official signs or markings unless the vehicle properly falls within the permitted class for the restricted zone.
- (7) In a marked fire lane.
- (8) Upon any bridge.
- (9) At any place where signs prohibit parking.
- (10) In any location or manner which operates to obstruct traffic.
- (11) On the wrong side of the street (left wheel to curb).
- (12) Across marked lines of a parking space unless the parking space is too small to avoid such manner of parking.
- (13) Over the top of the curb.

- (14) In a restricted zone in excess of the permitted time limit, where such zone is marked by official signs or markings, unless the vehicle properly falls within the permitted class for the restricted zone.
- (15) Alongside a yellow curb.

(b) No person other than a police officer or a person acting at the direction of the police department shall move a vehicle onto 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 its owner or driver, or attempt to do so.

(Code 1981, § 6-5.2)

**State law reference(s)**—Parking in certain locations, Code of Virginia, § 46.2-1239.

**Sec. 62-113. Parking commercial vehicles, recreational vehicles and trailers.**

No person shall park any vehicle, including recreational vehicles, exceeding 10,000 pounds gross vehicle weight or any trailer of any type, whether or not connected to a tow vehicle, on or alongside the roads, highways and streets in the town for a continuous period of more than four hours. This section shall not be applicable to school buses or to business vehicles when parked at the established commercial business or motor vehicle carriers while picking up or delivering passengers or merchandise or to vehicles parked pursuant to the performance of work or service at such location.

(Code 1981, § 6-5.3)

**Sec. 62-114. Parking on private property.**

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner of such lot or area. 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 area.

(Code 1981, § 6-5.4)

**Sec. 62-115. Disabled parking.**

(a) It shall be unlawful for any nondisabled operator of a motor vehicle to park in a parking space reserved and marked for the disabled with an above-grade sign distinctly indicating that the space is reserved for disabled parking at privately owned shopping centers, business offices or other

commercial place of business, or to park in a disabled parking zone unless a disabled person is a passenger in the motor vehicle. If any vehicle so parked is not properly marked with disabled license plates or decals issued pursuant to Code of Virginia, § 46.2-731 or 46.2-739, or pursuant to any similar law of the state in which it is registered, it shall be deemed to be prima facie evidence of a violation of this section. A summons for this offense may be issued by a member of the town police department without the necessity of a warrant's being obtained by the owner of such shopping center or business office, or other commercial place of business.

(b) It shall be unlawful for any person to block spaces reserved and marked off for the disabled by placing, or causing to be placed, snow, dirt, construction material, or any other items that effectively deny access to the disabled parking space.

(Code 1981, § 6-5.5)

**Sec. 62-116. Parking for certain purposes prohibited.**

(a) It shall be unlawful for any person to park or place any automobile, truck, trailer or other vehicle upon or in any street or alley for the purpose of selling or offering the vehicle for sale or rent. No sign or lettering shall be attached or placed upon any automobile, truck, trailer or other vehicle parked in or upon any public street or alley of the town indicating that such vehicle is offered for sale or for rent. It shall also be unlawful to park any vehicle from which any merchandise is being sold upon any street in the town.

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

(c) It shall be unlawful for any person to park a vehicle upon any street or highway for the principal purpose of greasing or repairing the vehicle, except minor repairs necessitated by emergency.

(Code 1981, § 6-5.6)

**Sec. 62-117. Presumption as to owner of illegally parked vehicle.**

In any prosecution charging a violation of any section of this article or any ordinance of the town governing the standing or parking of a vehicle, proof that the particular vehicle involved in such stated offense was parked in violation of such section or ordinance, together with proof that the defendant named in the summons or warrant was, at the time of such standing or parking, the registered owner of such vehicle, shall constitute, in evidence, a prima facie presumption that such registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(Code 1981, § 6-5.7)

**Sec. 62-118. Stopping on streets or highways generally.**

(a) No vehicle shall be stopped in such a manner as to impede or render dangerous the use of a street or highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case a report shall be made to the nearest police officer as soon as practicable; and the vehicle shall be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay; and, if such vehicle is not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard or impedes the flow of traffic.

(b) Except upon streets or portions of streets where angle parking is permitted, and except when actually loading or unloading merchandise, no vehicle shall be stopped except close to and parallel with the righthand curb. In no instance shall such vehicle be parked with the curbside wheels farther than 12 inches from the curb.

(c) No vehicle shall be stopped at or in the vicinity of a fire, accident or other area of emergency in such a manner as to create a traffic hazard or interfere with the necessary procedures of police, firefighters, rescue workers or others whose duty it is to deal with such emergencies. Any vehicle found unattended in the vicinity of such fire, accident or area of emergency may be removed by order of a police officer at the risk and expense of the owner if such vehicle creates a traffic hazard or impedes the flow of traffic, or interferes with the necessary procedures of police, firefighters, rescue workers or others whose assigned duty it is to deal with such emergencies.

(d) The provisions of this section shall not apply to any vehicle owned or controlled by the state department of transportation or the town, while actually engaged in the construction, reconstruction or maintenance of streets or highways.

(Code 1981, § 6-5.8)

**Sec. 62-119. Arrest for violations of article; release on summons and promise to appear; admitting to bail; violations.**

(a) Whenever any person is arrested for a violation of any provision of this article, the arresting officer shall, except as otherwise provided in section 62-120, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Such time shall be at least five days after such arrest unless the person arrested shall demand an earlier hearing. Such person shall, if he so desires, have a right to an immediate hearing or a hearing within 24 hours at a convenient hour, and before a court having jurisdiction within the town. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place forthwith release him from custody.

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

(c) Any person who willfully violates his written promise to appear, given in accordance with this section, shall be guilty of a class 1 misdemeanor and treated in accordance with the provisions of Code of Virginia, § 46.2-938.

(Code 1981, § 6-5.9)

**Sec. 62-120. When arresting officer shall take person before judicial officer in lieu of issuing summons.**

If any person is believed by the arresting officer to:

- (1) Have committed a felony; or
- (2) Be likely to disregard a summons issued under section 62-119;

the arresting officer, unless a summons was issued, shall take such person forthwith before the nearest or most accessible judicial officer or other person qualified to admit to bail in lieu of issuing the summons required by section 62-119, who shall determine whether or not probable cause exists that such person is likely to disregard a summons, and may issue either a summons or warrant as deemed proper.

(Code 1981, § 6-5.10)

**Secs. 62-121—62-150. Reserved.**

**ARTICLE V. REMOVAL OF UNATTENDED OR IMMOBILE VEHICLE**

**Sec. 62-151. Provision for removal.**

The police may remove for safekeeping any motor vehicle, trailer, semitrailer or parts of such vehicle if it is:

- (1) Left unattended on a public highway or other public property and constitutes a traffic hazard.
- (2) Illegally parked.
- (3) Left unattended for more than ten days either on public property or on private property without the permission of the property owner, lessee or occupant.
- (4) Immobilized on a public roadway by weather conditions or other emergency situation.

(Code 1981, § 6-6.1)

**Sec. 62-152. Removal by police officer.**

Removal of unattended or immobile vehicles shall be carried out by or under the direction of a police officer.

(Code 1981, § 6-6.2)

**Sec. 62-153. Written request.**

Motor vehicles, trailers or semitrailers or parts of such vehicles shall not be removed from private property without written request of the owner, lessee or occupant of the premises.

(Code 1981, § 6-6.3)

**Sec. 62-154. Presumption of abandonment.**

It shall be presumed that such vehicle is abandoned if it lacks either a current license plate, a current town license decal, or a valid state emissions or other inspection sticker if required by law and if it has been in a specific location for four days without being moved.

(Code 1981, § 6-6.4)

**Sec. 62-155. Removal, disposal of vehicle involved in accident.**

(a) Whenever a motor vehicle, trailer or semitrailer involved in an accident is found upon any highway and is so located as to impede the orderly flow of traffic, the police officer may:

- (1) At no cost to the owner or operator, remove the vehicle, trailer or semitrailer to some point in the vicinity where it will not impede the flow of traffic; or
- (2) Have the vehicle removed to a storage area for safekeeping and shall report the removal to the state department of motor vehicles and to the owner of the vehicle, as promptly as possible.

(b) If the vehicle is removed to a storage area under subsection (a)(2) of this section, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage.

(Code 1981, § 6-6.5)

**Secs. 62-156—62-185. Reserved.**

**ARTICLE VI. KEEPING OF INOPERABLE VEHICLES\*****Sec. 62-186. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Inoperable motor vehicle* means any motor vehicle, trailer or semitrailer that is not in operating condition, or does not display valid license plates, a state safety inspection sticker or a town motor vehicle decal.

*Shielded or screened from view* means hidden from sight from adjoining or nearby properties or streets by plantings or fences.

**Cross reference(s)**--Definitions generally, § 1-2.

**Sec. 62-187. Exceptions to provisions of article.**

The provisions of this article shall not apply to a licensed business regularly engaged as an automobile dealer, salvage dealer or scrap processor.

**Sec. 62-188. Regulated.**

It shall be unlawful for a property owner to keep, except in 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 is defined in Code of Virginia, § 46.2-100, which is inoperable.

**Sec. 62-189. Removal.**

The owners of property zoned for residential, commercial or agricultural purposes shall, at such times as the town may prescribe, remove from their property any inoperable motor vehicle that is not kept within a fully enclosed building or structure or otherwise fully shielded or screened from view. The town may remove the inoperable motor vehicle whenever the owner of the premises, after reasonable notice, has failed to do so.

**Sec. 62-190. Disposal.**

If the town removes an inoperable motor vehicle, after having given reasonable notice, the town may dispose of the vehicle after giving additional notice to the owner of the premises. The cost of the

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\***Cross reference(s)**—Environment, ch. 18.

**State law reference(s)**—Keeping of inoperable motor vehicles, Code of Virginia, §§ 15.2-904, 15.2-905.

removal and disposal may be charged to either the owner of the inoperable vehicle or the owner of the premises, and the cost 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 has been assessed shall constitute a lien against the property from which the inoperable vehicle was removed, and the lien shall continue until actual payment of the cost has been made to the town.

**Sec. 62-191. Reasonable notice.**

Whenever reasonable notice of removal to a property owner is required, the reasonable notice shall be satisfied by the methods set forth below:

- (1) Reasonable notice of the date fixed by the town for removal of inoperable vehicles shall be given by mail or personal delivery to each property owner by written notice or by newspaper publication.
- (2) Upon failure of such property owner to remove such inoperable vehicles, by the date fixed, the town shall notify the property owner, by certified and by regular mail, that he has 15 days from the date of the notice to remove the inoperable vehicles; and upon his failure to so remove, the town shall have the vehicles removed and shall charge the cost to the owner. The requirement of notification by certified mail shall be satisfied by mailing of such certified letter to the property owner's current address, listed in the real estate tax records of the county.