

TITLE VII: TRAFFIC CODE

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CHAPTER 70: TRAFFIC RULES

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GENERAL PROVISIONS

§ 70.01 GENERALLY.

For state law as to authority of town to regulate the operation of vehicles; fix speed limits; designate stop and yield intersections; prohibit use of certain streets to certain types of vehicles; install traffic-control devices; regulate parking and the like, see VA Code Title 46.2. As to town parking regulations generally, see VA Code Title 46.2.

(Prior Code, Ch. 8, Art. I)

§ 70.02 ADOPTION OF STATE LAW.

Pursuant to the authority of VA Code Title 46.2, all of the provisions and requirements of the laws of the state contained in VA Code Title 46.2, except those provisions which are contained in this chapter and 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 town, are hereby adopted and incorporated in this chapter by reference and made applicable within the town. References to ***HIGHWAYS OF THE STATE*** contained in the provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the town. The 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 town to violate or fail, neglect or refuse to comply with any provision of VA Code Title 46.2 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 VA Code Title 46.2.

(Prior Code, § 8-1) (Am. Ord. passed 8-10-2004)

TRAFFIC SIGNS AND SIGNALS

§ 70.15 PLACEMENT OF TRAFFIC-CONTROL SIGNS, SIGNALS, MARKINGS AND DEVICES.

The Town Council [has the right to install signs within the Town limits with the authorization from the Virginia Department of Transportation.](#)

(Prior Code, § 8-3)

§ 70.16 REQUIRED COMPLIANCE WITH OFFICIAL TRAFFIC-CONTROL SIGNS, SIGNALS, MARKINGS AND DEVICES.

All traffic-control signs, signals, markings and devices which are in place anywhere within the town pursuant to authority of state law, this code or other ordinance shall be complied with, and it shall be unlawful for the driver of any vehicle or for any pedestrian to violate or fail to comply with any requirement, prohibition or directive contained in any traffic-control sign, signal, marking or device except by directive of a police officer.

(Prior Code, § 8-4) Penalty, see § 70.99

Statutory reference:

Uniform marking and signing of highways, and duty of drivers to obey signs, see VA Code § 46.1-173

EMERGENCY VEHICLES AND PERSONNEL

§ 70.30 AUTHORITY OF FIRE DEPARTMENT MEMBERS TO DIRECT TRAFFIC.

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.

(Prior Code, § 8-5)

Statutory reference:

Authority of towns to adopt ordinances relating to powers and duties of fire companies and the like, see VA Code § 27-14

§ 70.31 AUTHORITY OF RESCUE SQUAD MEMBERS TO DIRECT TRAFFIC.

Crew members of rescue squad vehicles which qualify as authorized emergency vehicles, as specified in VA Code § 46.2-920, 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.

(Prior Code, § 8-6)

§ 70.32 EMERGENCY VEHICLES.

(A) Privately owned vehicles may be used in answering fire or rescue emergency duties, and when so used each vehicle must have and use **one red light and no more than two on the front of the vehicle.**

(B) The emergency vehicles shall have the right-of-way in accordance with VA Code § 46.2-921.1

(C) Emergency vehicles are exempt from traffic regulations and speed regulations in accordance with VA Code § 46.2-920.

(Prior Code, § 8-6.1)

TRAFFIC RULES

§ 70.45 PERSONS RIDING BICYCLES OR RIDING OR DRIVING ANIMALS.

(A) (1) If any person rides a bicycle, a skateboard or roller skates on the sidewalk portion of the following streets in the Town of Boykins, he or she shall be guilty of a traffic infraction and shall be fined not less than \$5 nor more than \$25 to be paid to the Town of Boykins.

- (a) Main Street through Virginia Avenue to Elizabeth Street;
- (b) Main Street from Beaton Avenue to Bass Street; and
- (c) Main Street from Beaton Avenue to Virginia Street.

(2) The Town Sergeant shall issue a citation for the appropriate offence.

(B) Every person riding a bicycle or an animal upon a roadway and every person driving any animal thereon shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions which by their very nature can have no application.

(Prior Code, § 8-2) (Am. Ord. passed 8-10-2004) Penalty, see § 70.99

Statutory reference:

Riding bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, or mopeds; riding or driving animals, see VA Code § 46.2-800

Use of roller skates and skateboards on sidewalks and shared-use paths; operation of bicycles, electric power-assisted bicycles, and electric personal assistive mobility devices on sidewalks and crosswalks and shared-use paths; local ordinances, see VA Code Title 46.2

§ 70.46 SPEED LIMITS.

Except as provided by state law with respect to drivers of specified emergency vehicles, no person shall drive or propel a vehicle upon any street or public way of this town at a speed in excess of the speed posted on authorized traffic-control signs upon the street or public way or, in the absence of any signs, at a speed in excess of 25 mph.

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

Statutory reference:

Authority of towns with regard to increasing or decreasing speed limits, see VA Code § 46.2-878

Special speed limits on bridges and the like, see VA Code § 46.2-881

Specified emergency vehicles, see VA Code § 46.2-920

§ 70.47 UNLAWFUL RIDING.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This section 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.

(Prior Code, § 8-8) Penalty, see § 70.99

§ 70.48 BOARDING OR ALIGHTING FROM MOVING VEHICLES.

No person shall board or alight from any vehicle while the vehicle is in motion.
(Prior Code, § 8-9) Penalty, see § 70.99

§ 70.49 DRIVING THROUGH FUNERAL OR OTHER PROCESSION; MANNER OF DRIVING IN FUNERAL PROCESSIONS.

(A) No operator of a vehicle shall drive between the vehicles comprised of a funeral or other authorized procession, except when otherwise directed by a police officer.

(B) This section shall not apply to specified emergency vehicles as defined in VA Code § 46.2-920.

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

(D) Funeral processions under police escort shall have the right-of-way.
(Prior Code, § 8-10) Penalty, see § 70.99

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

(A) All motor vehicles participating in a funeral procession, when proceeding to any place of burial, shall display illuminated head lamps thereon and any other identification, if any, as the Town Sergeant may prescribe.

(B) All motor vehicles so designated shall have the right-of-way over all other vehicles, except authorized emergency vehicles as specified in VA Code § 46.2-920, at any street or highway intersection within the municipality and may proceed through a stop street or signalized intersection with proper caution and safety.
(Prior Code, § 8-11) Penalty, see § 70.99

§ 70.51 BACKING.

The operator of a vehicle in the town shall not back the vehicle unless the movement can be made with safety and without interfering with other traffic.
(Prior Code, § 8-12) Penalty, see § 70.99

§ 70.52 BLOCKING INTERSECTIONS.

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

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

§ 70.53 UNNECESSARY NOISE IN THE OPERATION OF MOTOR VEHICLES.

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

(B) The use in, upon or attached to any motor vehicle operating on any street of the town of any radio, phonograph, musical instrument, bell, whistle, loud-speaker, amplifier or device of any kind whatsoever whereby sound 'there from' (made into 2 words) is cast upon any street to promote or advertise the sale of goods, wares or merchandise, or for the purpose of advertising auction sales, sporting events or other businesses or things advertised thereby, is prohibited.

(C) The provisions of this section shall not apply to motor vehicles driven in a duly authorized parade.

(D) The use of a loud-speaker on a motor vehicle for making auction sales in streets directly in front of the property then being sold, and entirely outside of the business districts of the municipality, shall not be construed as a violation of this section when the use is limited strictly to the selling at auction of the property.

(E) 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.

(F) 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 the enumeration shall not be deemed to be exclusive:

(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 other unnecessary noise;

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

(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 the noises.

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

Statutory reference:

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

§ 70.54 TAIL GATES ON VEHICLES.

(A) It shall be unlawful for the operator of any truck, trailer or other vehicle equipped with a tail gate to lower or open the tail gate thereon, or to suffer or permit the tail gate to be lowered or opened, except during the time the vehicle is being loaded or unloaded, and except during the time the load on the vehicle necessitates a lowered or opened tail gate as a support for the load.

(B) It shall be the duty of the operator of the vehicle to see that the tail gate on the vehicle is kept closed or raised, except during the time hereinbefore specified.

(C) Any person who shall violate the provisions of this section shall be punished by a fine of not less than \$5 nor more than \$20 for each offense.

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

Cross-reference:

Disorderly conduct generally, see § 132.03

§ 70.55 RIDING BICYCLE WITHOUT USING HANDLEBARS.

No person shall ride a bicycle upon any street without having his or her hands on the handlebars.

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

§ 70.56 THROWING OR DEPOSITING GLASS AND THE LIKE UPON STREETS AND MUNICIPAL LOTS.

(A) No person shall throw or deposit or cause to be deposited upon any street, municipal parking lot, 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 the street, municipal parking lot or highway, nor shall any person throw or deposit or cause to be deposited upon any street, municipal parking lot or highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public.

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

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

(D) Any person violating the provisions of this section shall be guilty of a misdemeanor.
(Prior Code, § 8-17) Penalty, see § 70.99

Statutory reference:

Throwing or depositing certain substances upon highway; removal of such substances, see VA Code § 18.2-324

§ 70.57 RAILROAD CARS OBSTRUCTING TOWN STREETS AND SPEED LIMIT OF TRAINS.

(A) The speed of railroad trains shall be subject to § 131.20.

(B) It shall be unlawful for any railroad train to obstruct town streets in violation of § 131.21.

(C) Upon obtaining knowledge of any fire or rescue emergency, trains shall forthwith uncouple their cars or move on (whichever is quicker) to provide passage for emergency vehicles.

(Prior Code, § 8-18) (Am. Ord. passed 3-25-2003) Penalty, see § 70.99

Statutory reference:

Railroad cars obstructing street or road; standing vehicle on railroad track, see VA Code § 56-412.1

§ 70.58 TEMPORARY REMOVAL AND DISPOSITION OF VEHICLES INVOLVED IN ACCIDENTS.

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

(Prior Code, § 8-19)

Statutory reference:

Authority of town to provide by ordinance for the removal and disposition of vehicles involved in accidents, see VA Code § 46.2-1212.1

§ 70.59 PEDESTRIANS NOT TO USE ROADWAYS EXCEPT WHEN NECESSARY; KEEPING TO LEFT; SOLICITING RULES.

(A) Pedestrians shall not use the roadways or streets, other than the sidewalks thereof, for travel, except when necessary to do so because of the absence of sidewalks, reasonably suitable and passable for their use, in which case, if they walk upon the hard surface, or the main traveled portion of the roadway, they shall keep to the extreme left side or edge thereof, or where the shoulders of the highway are of sufficient width to permit, they may walk on either shoulder thereof.

(B) Pedestrians shall not stand or stop in any roadway or street for the purpose of soliciting rides.
(Prior Code, § 8-20) Penalty, see § 70.99

Statutory reference:

Authority, see VA Code § 46.2-928

§ 70.60 DRIVING OR STANDING VEHICLE OR ANIMAL ON SIDEWALK.

(A) No person shall, except on the pavement and at places as are provided for in this code, drive a vehicle or animal upon any sidewalk. Nor shall any person permit a vehicle to stand upon the sidewalk or upon a street crossing.

(B) There shall be imposed for the violation of this section a fine of not less than \$5 nor more than \$25, except 200 feet north of #8 Schoolhouse Road.

(Prior Code, § 8-21)

§ 70.61 DIRT, COAL, SAND, TRUCKS AND THE LIKE.

The owner or operator of any vehicle, in removing or carrying dirt, sand, coal, manure, or other matter of any kind or description along or over any of the streets of the town, shall have and keep the vehicle in tight and secure condition that the matter shall not be scattered or suffered to fall on the ground or pavement. Any person violating this section shall be punished by a fine of not less than \$25 nor more than \$50 per offense.

(Prior Code, § 8-22)

§ 70.99 PENALTY.

Every person convicted of a violation of any of the provisions of this chapter for which no other penalty is provided shall be subject to the provisions of § 10.99.

Statutory reference:

Prohibiting town from imposing a penalty for violation of traffic ordinance in excess of that imposed

by state for a similar offense, see VA Code § 46.2-1300

CHAPTER 71: DRIVING WHILE INTOXICATED

Section

- 71.01 Generally
- 71.02 Analysis of breath to determine alcoholic content of blood
- 71.03 Use of chemical test to determine alcohol in blood
- 71.04 Presumptions from alcoholic content of blood

- 71.99 Penalty

§ 71.01 GENERALLY.

It shall be unlawful for any person to drive or operate any motor vehicle, engine or train while under the influence of alcohol, or while under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature.

(Prior Code, § 8-26) Penalty, see § 71.99

Statutory reference:

Driving motor vehicle, engine and the like, while intoxicated, see VA Code § 18.2-266

§ 71.02 ANALYSIS OF BREATH TO DETERMINE ALCOHOLIC CONTENT OF BLOOD.

(A) Any person who is suspected of a violation of § 71.01 shall be entitled to have his or her breath analyzed to determine the probable alcoholic content of his or her blood.

(B) The State Board of Health shall determine the proper method and equipment to be used in analyzing breath samples taken pursuant to this section and shall advise the Police Department of the same.

(C) Any person who has been stopped by a police officer of the town and is suspected by the officer to be guilty of a violation of § 71.01, shall have the right to refuse to permit his or her breath to be so analyzed, and his or her failure to permit the analysis shall not be evidence in any prosecution under § 71.01; provided, however, that nothing in this section shall be construed as limiting in any manner the provisions of § 71.03.

(D) Whenever the breath sample so taken and analyzed indicates that there is alcohol present in the blood of the person from whom the breath was taken, the officer may charge the person for the violation of § 71.01. Any person so charged shall then be subject to the provisions of § 71.03.

(E) The results of the breath analysis shall not be admitted into evidence in any prosecution under § 71.01, the purpose of this section being to permit a preliminary analysis of the alcoholic content of the blood of a person suspected of having violated the provisions of § 71.01.

(F) Police officers shall, upon stopping any person suspected of having violated the provisions of § 71.01, advise the person of his or her rights under the provisions of this section.

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

Statutory reference:

Preliminary analysis of breath to determine alcoholic content of blood, see VA Code § 18.2-267

§ 71.03 USE OF CHEMICAL TEST TO DETERMINE ALCOHOL IN BLOOD.

(A) As used in this chapter **LICENSE** means any operator's, chauffeurs or learners permit or **LICENSE** authorizing the operation of a motor vehicle upon the highways.

(B) Any person whether licensed by Virginia or not, who operates a motor vehicle upon a public highway in this state on and after 1-1-1973, shall be deemed thereby, as a condition of the operation, to have consented to have a sample of his or her blood or breath taken for a chemical test to determine the alcoholic content of his or her blood, if the person is arrested for violation of § 71.01 within two hours of the alleged offense. Any person so arrested shall elect to have either the breath or blood sample taken, but not both.

(C) If a person after being arrested for a violation of § 71.01 and after having been advised by the arresting officer that a person who operates a motor vehicle upon a public highway in this state shall be deemed thereby, as condition of the operation, to have consented to have a sample of his or her blood or breath taken for a chemical test to determine the alcoholic content of his or her blood, and that the unreasonable refusal to do so constitutes grounds for the revocation of the privilege of operating a motor vehicle upon the highways of this state, then refuses to permit the taking of a sample of his or her blood or breath for the tests, the arresting officer shall take the person arrested before a committing magistrate and if he or she does again so refuse after having been further advised by the magistrate of the law requiring a blood or breath test to be taken and the penalty for refusal, and so declares again his or her refusal in writing upon a form provided by the division of consolidated laboratory services (hereinafter referred to as division), or refuses or fails to so declare in writing and the fact is certified as prescribed in division (L) below, then no blood or breath sample shall be taken even though he or she may thereafter request same.

(D) Only a physician, registered professional nurse, graduate laboratory technician or a technician or nurse designated by order of a circuit court acting upon the recommendation of a licensed physician, using soap and water to cleanse the part of the body from which the blood is taken and using instruments sterilized by the accepted steam sterilizer or some other sterilizer which will not affect the accuracy of the test, or using chemically clean sterile disposable syringes, shall withdraw blood for the purpose of determining the alcoholic content thereof. No civil liability shall attach to any person authorized to withdraw blood as provided herein as a result of the act of withdrawing blood from any person submitting thereto, provided the blood was withdrawn according to recognized medical procedures; and provided further that the foregoing shall not relieve any person from liability for negligence in the withdrawing of any blood sample.

(E) Portions of the blood sample so withdrawn shall be placed in each of two vials provided by the division which vials shall be sealed and labeled by the person taking the sample or at his or her direction, showing on each the name of the accused, the name of the person taking the blood sample, and the date and time the blood sample was taken. The vials shall be placed in two containers provided by the division, which containers shall be sealed so as not to allow tampering with the contents. The arresting or accompanying officer shall take possession of the two containers holding the vials as soon as the vials are placed in the containers and sealed, and shall transport or mail one of the vials forthwith to the division. The officer taking possession of the other container (hereinafter referred to as second container) shall immediately after taking possession of the second container give to the accused a form provided by the division which shall set forth the procedure to obtain an independent analysis of the blood in the second container, and a list of those laboratories and their addresses, approved by the division; the form shall contain a space for the accused or his or her counsel to direct the officer possessing the second container to forward that container to the approved laboratory for analysis, if desired. The officer having the second container, after delivery of the form referred to in the preceding sentence (unless at that time directed by the accused in writing on the form to forward the second container to an approved laboratory of the accused choice, in which event the officer shall do so) shall deliver the second container to the Chief Police Officer of the town in which the case will be heard, and the Chief Police Officer who receives the same shall keep it in his or her possession for a period of 72 hours, during which time the accused or his or her counsel may, in writing, on the form provided herein above, direct the Chief Police Officer having possession of the second container to mail it to the laboratory of the accused's choice chosen from the approved list.

(F) The testing of the contents of the second container shall be made in the same manner as hereafter set forth concerning the procedure to be followed by the division, and all procedures established herein for transmittal, testing and admission of the result in the trial of the case shall be the same as for the sample sent to the division.

(G) If the Chief Police Officer having possession of the second container is not directed as herein provided to mail it within 72 hours after receiving the container then the officer shall dispose of same as in accordance with all applicable state and federal laws.

(H) Upon receipt of the blood sample forwarded to the division for analysis, the division shall cause it to be examined for alcoholic content and the director of the division or his or her designated representative shall execute a certificate which shall indicate the name of the accused, the date, time and by whom the blood sample was received and examined, a statement that the container seal had not been broken or otherwise tampered with, a statement that the container was one provided by the division and a statement of the alcoholic content of the sample. The certificate attached to the vial from which the blood sample examined was taken shall be returned to the Clerk of the Court in which the charge will be heard. The certificate attached to the container forwarded on behalf of the accused shall also be returned to the Clerk of the Court in which the charge will be heard, and the certificate shall be admissible in evidence when attested by the pathologist or by the supervisor of the laboratory approved by the division.

(I) When any blood sample taken in accordance with the provisions of this section is forwarded for analysis to the division, a report of the results of the analysis shall be made and filed in that office. Upon proper identification of the vial into which the blood sample was placed, the certificate as provided for in this section shall, when duly attested by the director of the division or his or her designated representative, be admissible in any court, in any criminal or civil proceeding, as evidence of the facts therein stated and of the results of the analysis.

(J) Upon the request of the person whose blood or breath sample was taken for a chemical test to determine the alcoholic content of his or her blood, the results of the test or tests shall be made available to him or her.

(K) In any trial for a violation of § 71.01, this section shall not otherwise limit the introduction of any relevant evidence bearing upon any question at issue before the court, and the court shall, regardless of the result of the blood or breath test or tests, if any, consider other relevant evidence of the condition of the accused as shall be admissible in evidence. The failure of an accused to permit a sample of his or her blood or breath to be taken for a chemical test to determine the alcoholic content of his or her blood is not evidence and shall not be subject to comment by the town at the trial of the case, except in rebuttal; nor shall the fact that a blood or breath test had been offered the accused be evidence or the subject of comment by the town, except in rebuttal.

(L) The form referred to in division (C) above shall contain a brief statement of the law requiring the taking of a blood or breath sample and the penalty for refusal, a declaration of refusal and lines for the signature of the person from whom the blood or breath sample is sought, the date and the signature of a witness to the signing. If the person refuses or fails to execute the declaration, the committing Justice, Clerk or Assistant Clerk shall certify the fact, and that the committing Justice, Clerk or Assistant Clerk advised the person arrested that the refusal or failure, if found to be unreasonable, constitutes ground for the revocation of the person's license to drive. The committing or issuing Justice, Clerk or Assistant Clerk shall forthwith issue a warrant charging the person refusing to take the test to determine the alcoholic content of his or her blood, with violation of this section. The warrant shall be executed in the same manner as criminal warrants.

(M) The executed declaration of refusal or the certificate of the committing justice, as the case may be, shall be attached to the warrant and shall be forwarded by the committing Justice, Clerk or Assistant Clerk to the court in which the offense of driving under the influence of intoxicants shall be tried.

(N) When the court receives the declaration of refusal or certificate referred to in division (M) above together with the warrant charging the defendant with refusing to submit to having a sample of his or her blood or breath taken for the determination of the alcoholic content of his or her blood, the court shall fix a date for the trial of the warrant, at the time as the court shall designate, but subsequent to the defendant's criminal trial for driving under the influence of intoxicants.

(O) The declaration of refusal or certificate under division (M) above, as the case may be, shall be prima facie evidence that the defendant refused to submit to the taking of a sample of his or her blood or breath to determine the alcoholic content of his or her blood as provided herein above. However, this shall not be deemed to prohibit the defendant from introducing on his or her behalf evidence of the basis for his or her refusal to submit to the taking of a sample of his or her blood or breath to determine the alcoholic content of his or her blood. The court shall determine the reasonableness of the refusal.

(P) If the court shall find the defendant guilty as charged in the warrant, the court shall suspend the defendant's license for a period of 90 days for a first offense and for six months for a second or subsequent offense or refusal within one year of the first offense and the date of the second or subsequent offense; provided, that if the defendant shall plead guilty to a violation of § 71.01, the court may dismiss the warrant.

(Q) The court shall forward the defendant's license to the Commissioner of the Division of Motor Vehicles of Virginia as in other cases of similar nature for suspension of license unless, however, the defendant shall appeal his or her conviction in which case the court shall return the license to the defendant upon his or her appeal being perfected.

(R) The procedure for appeal and trial shall be the same as provided by law for misdemeanors.

(S) No person arrested for a violation of § 71.01 shall be required to execute in favor of any person or corporation a waiver or release of liability in connection with the withdrawal of blood and as a condition precedent to the withdrawal of blood as provided for herein.

(T) The court or the jury trying the case shall determine the innocence or the guilt of the defendant from all the evidence concerning his or her condition at the time of the alleged offense.

(U) (1) Chemical analysis of a person's breath, to be considered valid under the provisions of this section, shall be performed by an individual possessing a valid license to conduct the tests, with a type of equipment and in accordance with the methods approved by the State Health Commissioner. The breath-testing equipment shall be tested for its accuracy by the State Health Commissioner's office at least once every six months.

(2) The State Health Commissioner is directed to establish a training program for all individuals who are to administer the breath tests, of at least 40 hours of instruction in the operation of the breath test equipment and the administration of the tests. Upon the successful completion of the training program the Commissioner may issue a license to the individual operator indicating that he or she has completed the course and is authorized to conduct a breath test analysis.

(3) Any individual conducting a breath test under the provisions of this section and as authorized by the State Health Commissioner shall issue a certificate which will indicate that the test was conducted in accordance with the manufacturer's specifications, the equipment on which the breath test was conducted has been tested within the past six months and has been found to be accurate, the name of the accused, the date, the time the sample was taken from the accused, the alcoholic content of the sample, and by whom the sample was examined. The certificate, as provided for in this section when duly attested by the authorized individual conducting the breath test, shall be admissible in any court in any criminal proceeding as evidence of the alcoholic content of the blood of the accused. In no case may the officer making the arrest, or anyone with him or her at the time of the arrest, or anyone participating in the arrest of the accused, make the breath test or analyze the results thereof.

(V) The steps herein set forth relating to the taking, handling, identification, and disposition of blood or breath samples are procedural in nature and not substantive. Substantial compliance therewith shall be deemed to be sufficient. Failure to comply with any one or more of the steps or portions

thereof, or a variance in the results of the two blood tests shall not of itself be grounds for finding the defendant not guilty, but shall go to the weight of the evidence and shall be considered as set forth above with all the evidence in the case; provided, that the defendant shall have the right to introduce evidence on his or her own behalf to show noncompliance with the aforesaid procedure or any part thereof, and that as a result his or her rights were prejudiced.

(Prior Code, § 8-28)

Statutory reference:

Chemical testing to determine alcohol or drug content of blood, see VA Code § 18.2-268.2

§ 71.04 PRESUMPTIONS FROM ALCOHOLIC CONTENT OF BLOOD.

In any prosecution for a violation of § 71.01, the amount of alcohol in the blood of the accused at the time of the alleged offense as indicated by a chemical analysis of a sample of the accuser's blood or breath to determine the alcoholic content of his or her blood in accordance with the provisions of § 71.01 shall give rise to the following presumptions:

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

(B) If there was at that time in excess of 0.05% but less than 0.10% by weight by volume of alcohol in the accuser's blood, the facts shall not give rise to any presumption that the accused was or was not under the influence of alcoholic intoxicants, but the facts may be considered with other competent evidence in determining the guilt or innocence of the accused; and

(C) If there was at that time 0.10% or more by weight by volume of alcohol in the accused's blood, it shall be presumed that the accused was under the influence of alcoholic intoxicants.

(Prior Code, § 8-29)

Statutory reference:

Presumptions from alcohol or drug content of blood, see VA Code § 18.2-269

§ 71.99 PENALTY.

(A) *Generally.*

(1) Any person convicted within any period of ten years of a second or other subsequent offense under § 71.01 or VA Code § 18.2-266, or convicted of a first offense under § 71.01 or VA Code § 18.2-266 after having been convicted within a period of ten years prior thereto of an offense under former VA Code § 18.1-54, shall be punishable by a fine of not less than \$200 nor more than \$1,000 and by confinement in jail for not less than one month nor more than one year.

(2) For the purpose of this section a conviction or finding of not innocent in the case of a juvenile under the provisions of § 71.01 or VA Code § 18.2-266, former VA Code § 18.1-54, the ordinance of any county, city or town in this state or the laws of any other state substantially similar to the provisions of §§ 71.01 *et seq.* or VA Code §§ 18.2-266 through 18.2-269, shall be considered a prior conviction.

(B) *Forfeiture of driver's license; suspension of sentence.*

(1) The judgment of conviction, or finding of not innocent in the case of a juvenile, if for a first offense under § 71.01 shall of itself operate to deprive the person so convicted or found not innocent of the right to drive or operate any motor vehicle, engine or train in this state for a period of not less than six months nor more than one year in the discretion of the court from the date of the judgment, and if for a second or other subsequent offense within ten years thereof for a period of three years from the date of the judgment of conviction or finding of not innocent thereof, any period in either case to run consecutively with any period of suspension for failure to permit a blood or breath sample to be taken as required by § 71.03.

(2) If any person has heretofore been convicted or found not innocent of violating any similar act of this state and thereafter is convicted or found not innocent of violating the provisions of § 71.01, the conviction or finding shall for the purpose of this section be a subsequent offense and shall be punished accordingly; and the court may, in its discretion, suspend the sentence during the good behavior of the person convicted or found not innocent.

(C) *Driving after forfeiture of license.* If any person so convicted shall, during the time for which he or she is deprived of his or her right so to do, drive or operate any motor vehicle, engine or train in this state, he or she shall be guilty of a misdemeanor and shall be confined in jail not less than ten days nor more than six months and may in addition be fined not exceeding \$500; but nothing in this section or § 71.01 or divisions (A) and (B) above shall be construed as conflicting with or repealing any ordinance or resolution of the town which restricts still further the right of the persons to drive or operate any vehicle or conveyance.

(D) *Report of conviction to division of motor vehicles.* The Clerk of every court of record and the judge of every court not of record shall within 30 days after final conviction of any person in his or her court under the provisions of this chapter, report the fact thereof and the name, post-office address and street address of the person, together with the license plate number on the vehicle operated by the person to the Commissioner of the Division of Motor Vehicles who shall preserve a record thereof in his or her office.

(Prior Code, §§ 8-30-8-34)

Statutory reference:

Driving after forfeiture of license, see VA Code § 18.2-272

Forfeiture of driver's license for driving while intoxicated, see VA Code § 18.2-271

Probation, education and rehabilitation of person charged or convicted, see VA Code § 18.2-271.1

Report of conviction to Department of Motor Vehicles, see VA Code § 18.2-273

CHAPTER 72: STOPPING, STANDING AND PARKING

Section

General Provisions

- 72.01 Traffic-control parking device directives must be obeyed; authority
- 72.02 Stopping and parking generally
- 72.03 Standing of vehicle on incline
- 72.04 Requirements of leaving motor vehicle unattended
- 72.05 Washing and greasing a vehicle on street or sidewalk
- 72.06 Stopping for advertising purposes prohibited
- 72.07 Filling of motor vehicle tanks with gasoline while motors are running
- 72.08 Removal of unattended vehicles from public or private property under certain circumstances and disposition thereof
- 72.09 Contracts with private persons for removal of vehicles under § 72.09
- 72.10 Sale of Personal Property found in unattended Vehicles.

Parking

- 72.25 Parking vehicle without state license on street
- 72.26 Parking prohibited in specified places
- 72.27 Angle parking
- 72.28 Manner of using loading zones
- 72.29 Vehicle parked at building entrance must yield to other vehicle having passengers or cargo to discharge
- 72.30 Parking on private property; generally
- 72.31 Presumption where vehicle illegally parked
- 72.32 Report of vehicle parked in violation of subchapter; notice to owner
- 72.33 Parking on town parking lot

Cross-reference:

Abandoned vehicles, generally, see § 93.50

Abandoned vehicles, cost, see § 93.52

Abandoned vehicles, removal, see § 93.51

Traffic rules, see Ch. 70

GENERAL PROVISIONS

§ 72.01 TRAFFIC-CONTROL PARKING DEVICE DIRECTIVES MUST BE OBEYED; AUTHORITY.

(A) At any place where a traffic-control sign or marking is in place, indicating that parking at the 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 the place in violation of the prohibition or limitation indicated by the sign or marking.

(B) The Town Council may [partition VDOT to consider designating](#) streets and public places, or portions thereof, within the town upon which or at which parking shall be prohibited, restricted or limited in a manner and to the extent as may be considered necessary by the Council for the regulation of the use of the 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 official traffic-control signs or markings at the places to give notice of the prohibitions, restrictions or limitations so imposed.

(C) Included within the meaning of this section are traffic-control signs and markings, among others not specified herein 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
- (11) Other prohibitions, restrictions and limitations on parking, as determined by the Town Council.

(D) In any case where, by state law, permission of the State Highway Commissioner or other state authority is required prior to erection of any traffic-control device, the permission shall be obtained prior to installation of the device.

(Prior Code, § 8-35) Penalty, see § 10.99

Statutory reference:

General authority of Town Council to enact, see VA Code §§ 46.2-1300 et seq.

§ 72.02 STOPPING AND PARKING GENERALLY.

(A) No vehicle shall be stopped on any street in a manner as to impede or interfere with or render dangerous the use of the street by another.

(B) No vehicle shall be stopped with its left side to the curb, except upon a one-way street.

(C) No vehicle shall be backed up to a curb, except during the time actually engaged in loading or unloading merchandise there from.

(D) Unless in an emergency, or to allow another vehicle or pedestrians to cross in front, no vehicle shall be stopped in any street except close to and parallel with the curb, and in no instance shall the vehicles be parked less than four feet apart, nor with the rear wheels further than six inches from the curb, except where parking regulations provide for parking at an angle to the curb, and excepting also when there are marked-off parking spaces, in which case the vehicles must be parked within the marked-off spaces.

(E) (1) Vehicles shall not be stopped in a manner as to block or obstruct the orderly and lawful passage of other traffic, nor within 15 feet of the ends of any obstruction opposite the vehicle.

(2) Vehicles stopped two or more abreast, parallel with the curb, shall be deemed to obstruct traffic, and in violation thereof.

(Prior Code, § 8-36) Penalty, see § 10.99

Statutory reference:

Stopping of vehicles on highway generally, see VA Code § 46.2-888

§ 72.03 STANDING OF VEHICLE ON INCLINE.

Whenever a vehicle is left standing on an incline, it shall be so parked that when the brake is released the curb will act as a check to prevent its movement, except under its own power, or it shall be so arranged as to prevent movement upon release of brake.

(Prior Code, § 8-37) Penalty, see § 10.99

§ 72.04 REQUIREMENTS OF LEAVING MOTOR VEHICLE UNATTENDED.

No person having control or charge of a motor vehicle shall allow it to stand on any highway unattended without first effectively setting the brakes thereof and stopping the motor, and when standing upon any grade, without turning the front wheels of the vehicle to the curb or side of the street.

(Prior Code, § 8-38) Penalty, see § 10.99

§ 72.05 WASHING AND GREASING A 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.

(Prior Code, § 8-41) Penalty, see § 10.99

§ 72.06 STOPPING FOR ADVERTISING PURPOSES PROHIBITED.

The stopping of a vehicle at any time upon any street for the purpose of advertising any article of any kind, or displaying thereupon advertisements of any article, or advertisement for sale of the vehicle itself, is prohibited.

(Prior Code, § 8-42) Penalty, see § 10.99

§ 72.07 FILLING OF MOTOR VEHICLE TANKS WITH GASOLINE WHILE MOTORS ARE RUNNING.

No owner or attendant of a filling station, or any other person, shall fill any motor vehicle with gasoline or other fuel while the motor is running, and all operators of motor vehicles shall stop their motors while tanks are being filled with gasoline.

(Prior Code, § 8-43) Penalty, see § 10.99

§ 72.08 REMOVAL OF UNATTENDED VEHICLES FROM PUBLIC OR PRIVATE PROPERTY UNDER CERTAIN CIRCUMSTANCES AND DISPOSITION THEREOF.

(A) Whenever a motor vehicle, trailer or semi trailer 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 a manner as to be in violation of law, or whenever any motor vehicle, trailer or semi trailer is left unattended for more than ten days upon any public property or privately owned property other than the property of the owner of the motor vehicle, trailer or semi trailer within the town, or is abandoned upon the public property or privately owned property, without permission of the owner, lessee or occupant thereof, any motor vehicle, trailer or semi trailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area; provided, that no vehicle shall be so removed from privately owned premises without the written request of the owner, lessee, or occupant thereof, and the person at whose request the motor vehicle, trailer or semi trailer is removed from privately owned property shall indemnify the town against any loss or expense incurred by reason of removal, storage or sale thereof.

(B) It shall be presumed that the motor vehicle, trailer or semi trailer, or part thereof, is abandoned if:

(1) It lacks either:

- (a) A current license plate;
- (b) A current county, city or town, plate or sticker; or
- (c) A valid state inspection certificate or sticker.

(2) It has been in a specific location for ten days without being moved. Each removal shall be reported immediately to the Town Sergeant and notice thereof given to the owner of the motor vehicle, trailer or semi trailer as promptly as possible. The owner of the vehicle or trailer or semi trailer, before obtaining possession thereof, shall pay to the town all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semi trailer. Should the owner fail or refuse to pay the cost or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search has been made, and after notice to him or her at his or her last known address and to the holder of any lien of record in the office of the Division of Motor Vehicles in Virginia against the motor vehicle, trailer or semi trailer, the Town Sergeant may, after holding the motor vehicle, trailer or semi trailer 60 days and after due notice of sale dispose thereof at public sale and the proceeds from the sale shall be forwarded by the selling officer to the Town Treasurer; provided, that if the value of the motor vehicle, trailer or semi trailer be determined by three unbiased dealers or garage men to be less than \$100 which would be incurred by the advertising and public sale, it may be disposed of by private sale or by being junked. The Town 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 the funds shall be held by him or her for the owner and paid to the owner upon satisfactory proof of ownership.

(C) If no claim has been made by the owner for the proceeds of the sale, after the payment of the above mentioned cost of \$100, the funds may be deposited to the general fund or any special fund of the town.

(D) Any owner shall be entitled to apply to the town within three years from the date of the sale and if timely application is made therefore, the town shall pay the same to the owner without interest or other charges.

(E) No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of the funds after three years from the date of the sale.

(Prior Code, § 8-48)

Statutory reference: *Abandoned vehicles generally, see VA Code §§ 46.2-1200 to 46.2-1233 et seq.*

§ 72.09 CONTRACTS WITH PRIVATE PERSONS FOR REMOVAL OF VEHICLES UNDER

(A) The town shall have the power to enter into contracts with the owners or operators of garages or places for the removal or storage of vehicles referred to in § 72.08.

(B) The contracts shall provide for the payment by the town of reasonable charges for the removal and storage of the vehicles, shall require the owners or operators to deliver the vehicles to the owners thereof or their agents upon demand therefore, upon furnishing satisfactory evidence of identity and ownership or agency and upon payment of the removal and storage charges, and that the owners or operators of the garages or places of storage will indemnify the owners of the vehicles for injury or damage thereto resulting from the negligent removal or storage thereof, and the owners or operators shall be required to provide themselves with adequate liability insurance to cover the indemnity.
(Prior Code, § 8-49)

§ 72.10 SALE OF PERSONAL PROPERTY FOUND IN UNATTENDED VEHICLES.

Any personal property found in any unattended or abandoned motor vehicle, trailer or semi trailer may be sold incident to the sale of any vehicle as authorized in § 72.08.
(Prior Code, § 8-50)

Statutory reference:

Sale of personal property found in unattended vehicles, see VA Code § 46.2-1214

PARKING

§ 72.25 PARKING VEHICLE WITHOUT STATE LICENSE ON STREET.

It shall be unlawful for any person to park any vehicle having no current state license on any street or highway in the town.
(Prior Code, § 8-39) Penalty, see § 10.99

§ 72.26 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 within 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;

(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 driveway entrance to any fire station or building housing rescue squad equipment or ambulances and on the side of a street opposite any entrance within 75 feet of the entrance when properly sign posted;

(11) Alongside or opposite any street excavation or obstruction when the parking would obstruct traffic;

(12) On the roadway side of any vehicle parked at the edge or curb of a street;

(13) Upon any bridge or other elevated structure upon a street or highway;

(14) At any place where official signs prohibit parking; or

(15) In any alley in a position as to block the alley or the driveway or entrance to any abutting property.

(B) No person other than a police officer shall move a vehicle into any prohibited area or away from a curb the 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.

(Prior Code, § 8-40) Penalty, see § 10.99

Statutory reference:

Authority of police officer, see VA Code § 46.2-106

Parking prohibited, see VA Code §§ 46.2-1220 et seq.

§ 72.27 ANGLE PARKING.

Notwithstanding any of the provisions of this subchapter, the Town Council may, when in its discretion the public interest so requires, provide for angle parking on any street, municipal parking lot or portion thereof; provided, however, that the streets or municipal parking lots are marked so as to advise an ordinarily observant person of the regulation.

(Prior Code, § 8-44)

§ 72.28 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 subchapter, the following regulations shall apply with respect to the use of the areas.

(A) (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 the zones are in effect.

(2) All delivery vehicles other than regular delivery trucks using the loading zones shall be identified by the owner's or company's name in letters three inches high on both sides of the vehicle.

(B) 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 the stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter or is about to enter the loading space.

(Prior Code, § 8-45) Penalty, see § 10.99

§ 72.29 VEHICLE PARKED AT BUILDING ENTRANCE MUST YIELD TO OTHER VEHICLE HAVING PASSENGERS OR CARGO TO DISCHARGE.

The driver of any vehicle standing at the curb in front of the entrance to any building, when not receiving or discharging passengers, freight or merchandise, shall immediately give way to the driver of any vehicle wishing to stop for the purpose of receiving or discharging passengers, freight or merchandise from the building.

(Prior Code, § 8-46) Penalty, see § 10.99

§ 72.30 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.

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

(Prior Code, § 8-51) Penalty, see § 10.99

Statutory reference:

Liability of persons furnishing free parking accommodations as to motor vehicles and property left therein, see VA Code § 46.2-1234

Removal of certain trespassing vehicles, see VA Code § 46.2-1231

§ 72.31 PRESUMPTION WHERE VEHICLE ILLEGALLY PARKED.

In any prosecution charging a violation of any parking regulation contained in this subchapter, proof that the vehicle described in the complaint, summons or warrant was parked in violation of the regulation, together with proof that the defendant was at the time of the parking the registered owner of the vehicle, as required by VA Code Title 46.2, Ch. 6, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which it was in violation of this chapter.

(Prior Code, § 8-52) Penalty, see § 10.99

Statutory reference:

Presumption where vehicle illegally parked, see VA Code §§ 46.2-1300 et seq.

§ 72.32 REPORT OF VEHICLE PARKED IN VIOLATION OF SUBCHAPTER; NOTICE TO OWNER.

(A) Upon ascertaining that a vehicle is parked in violation of this subchapter, it shall be the duty of the police officers of the town, acting in accordance with instructions issued by the Mayor, to report:

- (1) The place at which the violation occurs;
- (2) The state license number of the vehicle;
- (3) The time during which the vehicle has been parked in violation of any of the provisions of this subchapter; and
- (4) Any other facts a knowledge of which is necessary to a thorough understanding of the circumstances attending the violation.

(B) Each police officer filing a report as required in division (A) above shall attach to the vehicle in question a notice, to the owner or operator thereof, that the vehicle has been parked in violation of a provision of this subchapter and instructing the owner or operator to report at the police headquarters in regard to the violation; provided, that if the owner or operator of the vehicle be then and there present in person, the notice may be served on him or her personally.

(Prior Code, § 8-53)

§ 72.33 PARKING ON TOWN PARKING LOT.

(A) Effective 7-15-1987, the parking lot on the north side of the railroad tracks to the west of Main Street, shall be closed from 9:00 p.m. until 3:00 a.m. During those hours no trespassing shall be permitted.

(B) Should it be necessary for either work purposes, Fire Department functions, or other emergency events, individual(s) or clubs requesting to park in that lot during these hours may receive a permit from the Mayor 24 hours prior to such use. The permit can be effective for an individual night or up to six months in duration.

(Prior Code, § 8-63) (Am. Ord. passed 7-14-1987) Penalty, see § 10.99

CHAPTER 73: VEHICLE LICENSES

Section

- 73.01 Establishing residence
- 73.02 License year
- 73.03 Fees; generally
- 73.04 Fees; reduced after certain periods
- 73.05 Disposition of fees
- 73.06 Repealed (9-8-09)
- 73.07 Repealed (9-8-09)
- 73.08 Repealed (9-8-09)
- 73.09 Repealed (9-8-09)
- 73.10 Repealed (9-8-09)

- 73.99 Penalty

§ 73.01 ESTABLISHING RESIDENCE.

Any resident of the Town of Boykins owning a motor vehicle, trailer or semi-trailer normally garaged, stored or parked within the town limits, shall be subject to the license tax provided in this ordinance. Every new residence, after moving into the town shall be required to register their vehicles within 30 days of establishing residence and are subject to the license tax.

(Prior Code, § 8-54) (Am. Ord. passed 2-13-2006, revised 9-8-2009) Penalty, see § 73.99

§ 73.02 LICENSE YEAR.

The license year shall commence on the first day of January and shall expire on the thirty first (31st) day of December.

(Prior Code, § 8-55) (Am. Ord. passed 2-13-2006, revised 9-8-2009)

§ 73.03 FEES; GENERALLY.

(1) There is hereby imposed by the town council an annual license tax due by December 5th of each year, upon every person owning a motor vehicle, trailer or semi-trailer, regularly housed or stored in the town, except as otherwise specifically provided in this article. **License tax due whether or not vehicle is in operation.** No person shall operate a motor vehicle subject to the license tax imposed in this Article unless the requisite license tax shall be paid to the treasurer. Failure to pay the license tax shall constitute a violation of this Article, whether or not the vehicle is in actual operation or on public road or street and are as follows:

(A) *Private passenger motor vehicle.* Twenty-five dollars (\$25.00) for each private passenger car, pickup truck, panel truck or motor home if such vehicle or motor home weighs 4,000 pounds or less. An additional tax of \$5.00 shall be charged if the vehicle weighs over 4,001 pounds, provided it is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without chauffeur.

(B) *Private motor vehicle with seating for more than ten adults.* Thirty cents (\$0.30) per one hundred (100) pounds or major fraction thereof for a private motor vehicle other than a motorcycle with a normal seating capacity of more than ten adults including the driver if the private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur. In no case shall the tax be less than twenty-five dollars (\$25.00).

(C) *Private school bus.* Twenty-five dollars (\$25.00) for a bus used exclusively for transportation to and from private school.

(D) *Trailer or semi-trailer used as living quarters.* Twelve dollars (\$12.00) for each trailer or semi-trailer designed for use as living quarters for human beings.

(E) *Motor vehicle, truck or tractor truck for rent or hire.* Twenty-five dollars (\$25.00) for each motor vehicle, truck, or tractor truck kept or used for rent or hire or operated under a lease without a chauffeur for the transportation of passengers. An additional tax of five dollars (\$5.00) shall be charged if the vehicle weighs more than four thousand (4,000) pounds. This division shall not apply to vehicles used as common carriers.

(F) *Taxicabs.* Twenty-five dollars (\$25.00) for a taxicab or other vehicle which is kept for rent or hire operated with a chauffeur for the transportation of passengers, and which operates or should operate under permits issued by the Virginia Department of Motor Vehicles as required by law.

(G) *Motorcycles, with or without sidecar.* Seventeen dollars (\$17.00) for a motorcycle, with or without a sidecar.

(H) *Golf Carts.* Seventeen dollars (\$17.00) for golf carts exclusively used for transportation within the town limits of Boykins and upon streets designated in Section § 75.06.

(I) *Trailers and semi-trailers not designed and used for transportation of passengers.* The license tax for trailers and semi-trailers not designed and used for transportation of passengers shall be:

- (1) Zero to 1,500 pounds: \$ 8.00
- (2) One-thousand and five-hundred and one to 4,000 pounds: \$14.00
- (3) Four-thousand and one pounds or above: \$14.00

(Prior Code, § 8-56) (Am. Ord. passed 2-13-2006, revised 9-8-2009)

(J) *Well-drilling machinery.* Twelve dollars (\$12.00) for any motor vehicle, trailer, or semi-trailer on which well-drilling machinery is attached and which is permanently used solely for transporting such machinery.

(K) *Combination tractor trucks and semi-trailers.* Notwithstanding the provisions of subsection (2) herein below, in the case of a tractor truck and a semi-trailer, each vehicle constituting a part of such combination shall be licensed as a separate vehicle. Taxes shall be calculated in accordance with paragraphs (E) and (J) referenced herein above.

(2) The provisions of this chapter shall not apply to any vehicle exempted by the provisions of Code of Virginia § 46.2-662 through 46.2-684 and 46.2-755, nor shall the provisions of this article apply to any vehicle licensed pursuant to Code of Virginia § 46.2-750. The following motor vehicles are exempted from the provisions of subsection (1) herein above:

(A) One (1) motor vehicle per member in good standing of the volunteer fire and rescue departments.

(B) Antique vehicles that are registered with the state in (reference to Code of Virginia § 46.2-734).

(3) The manufacturer's shipping weight or scale weight shall be used for computing all fees required by this section to be based upon the weight of the vehicle.

(4) The owner bears the burden of proof that the vehicle for which licensure is sought is entitled by weight, design, and use to be licensed at the amount tendered. (Revised 06-12-2018)

§ 73.04 FEES; REDUCED AFTER CERTAIN PERIODS.

One-half (1/2) of the annual fees prescribed by this article shall be collected whenever any vehicle is registered during the period beginning the first day of July in any year and ending on the 31st day of December in the same license year. However, any owner of a vehicle(s) who has owned said vehicle(s) for the full taxable year, as defined in this chapter, shall not be permitted to pay a prorated license tax as noted hereinabove. The full license tax shall be due and payable for each such vehicle. There shall be no refund or peroration of any license tax paid for any vehicle disposed of or moved out of the town after January 1st of each year.

(Prior Code, § 8-57) (Am. Ord. passed 2-13-2006, revised 9-8-2009)

§ 73.05 DISPOSITION OF FEES.

All fees collected pursuant to this article shall be deposited by the clerk/treasurer in the general revenue fund of the town.

(Prior Code, § 8-58) (Ord. passed 2-11-2003; revised 2-13-2006, repealed 9-8-2009)

§ 73.06 Repealed

(Prior Code, § 8-59) (Ord. passed 2-11-2003; revised 2-13-2006, repealed 9-8-2009)

§ 73.07 Repealed

(Prior Code, § 8-60) (Ord. passed 2-11-2003; revised 2-13-2006, repealed 9-8-2009)

§ 73.08 Repealed

(Prior Code, § 8-23) (Ord. passed 2-11-2003; revised 2-13-2006, repealed 9-8-2009)

§ 73.09 Repealed

(Prior Code, § 8-24) (Ord. passed 2-11-2003; revised 2-13-2006, repealed 9-8-2009)

§ 73.10

(Prior Code, § 8-61) (Ord. passed 2-11-2003; revised 2-13-2006, repealed 9-8-2009)

§ 73.99 PENALTY.

(1)Any person or entity who violates this section shall be guilty of a Class IV Misdemeanor as defined by the Code of Virginia 1950, as amended with a minimum fine of fifty dollars (\$50.00).

(2)This article shall be enforced by the Town of Boykin's office which is hereby authorized and empowered to issue a 10% late payment penalty and a 10% interest to any person or entity violating the provisions of this article.

State Law Reference: Local Motor Vehicle License, Code of Virginia § 46.2-752 et.seq.

(Prior Code, § 8-62) (Ord. passed 2-11-2003; revised 2-13-2006, revised 9-8-2009)

CHAPTER 74: TRAFFIC SCHEDULES

Schedule

I. Truck traffic prohibited

SCHEDULE I. TRUCK TRAFFIC PROHIBITED.

<i>Vehicle</i>	<i>Portion of Graham Street between Main Street and North Street</i>	<i>Penalty</i>
Any with a gross weight in excess of 5,000 pounds	Prohibited	\$25
Town of Boykins vehicles are excluded from this section.		

(Prior Code, § 8-4a) (Am. Ord. passed 5-12-1987)

CHAPTER 75: GOLF CARTS AND UTILITY VEHICLES

Section

- 75.01 Authority to Regulate
- 75.02 Definitions
- 75.03 Required Safety Equipment
- 75.04 Town Safety Inspection
- 75.05 Insurance Required
- 75.06 Operation on Public Highways
- 75.07 Local Vehicle License
- 75.08 Liability Disclaimer

- 75.99 Penalty

§ 75.01 AUTHORITY TO REGULATE

Pursuant to § 46.2-676(F) of the Code of Virginia (1950) as amended, the Town of Boykins is authorized, by ordinance to impose limitations and restrictions on the operation of golf carts and utility vehicles upon public highways within the town.

§ 75.02 DEFINITIONS

The following terms, wherever used herein, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:

Golf cart means a self-propelled vehicle having at least four wheels, which is designed to transport persons playing golf and their equipment on a golf course.

Utility vehicle means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

§ 75.03 REQUIRED SAFETY EQUIPMENT

In addition to any safety equipment required by the Code of Virginia for golf carts or utility vehicles, such shall have the following safety equipment installed:

- (A) Speed governor if gasoline powered.
- (B) Safety lap belts.

§ 75.04 TOWN SAFETY INSPECTION

Golf carts and utility vehicles shall pass a safety inspection at least once yearly. Such safety inspection shall be conducted by an official inspection station as such are designated in accordance with § 46.2-1163 of the Code of Virginia (1950) as amended or by a business which is engaged in the sale of golf carts. Such safety inspections shall only cover the following items:

- (A) Headlights, tail lights and turn signals, if the golf cart is driving between sunset and sunrise.
- (B) Rubber or equivalent tires.
- (C) Windshield wipers if equipped with permanent windshield
- (D) Horn, adequate steering gear, brakes, emergency or parking brake, one mirror, adequately fixed driver's seat.
- (E) All other factor installed safety or mechanical systems, including checking for gasoline or propane leaks.
- (F) Speed governor if gasoline powered.
- (G) Safety lap belts.

§ 75.05 INSURANCE REQUIRED

Every golf cart, utility vehicle and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in § 46.2-427 of the Code of Virginia (1950) as amended, and provide coverage during the operation of the golf cart or utility vehicle upon public highways.

§ 75.06 OPERATION ON PUBLIC HIGHWAYS

It is unlawful to operate a golf cart or utility vehicle on a public highway within the Town of Boykins unless the following requirements are met.

- (A) Golf carts and utility vehicles may be operated on the highways of the Town of Boykins that allow a maximum speed of 25 MPH.
- (B) Golf carts and utility vehicles must display a slow-moving vehicle emblem in conformity with § 46.2-1081 of the Code of Virginia (1950) as amended.
- (C) Golf carts and utility vehicles shall be operated only between sunrise and sunset unless equipped with such light as are required in Article 3 of Chapter 10 of Title 46.2 of the Code of Virginia (1950) as amended.

- (D) No person may operate a golf cart or utility vehicle unless that person is licensed to drive upon highways of the Commonwealth of Virginia and then, only in accordance with such driver's license.
- (E) Golf carts and utility vehicles must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages.
- (F) Only the number of people the golf cart or utility vehicle is designed to seat may ride on a golf cart or utility vehicle. Additionally, passengers shall not be carried on the part of a golf cart designed to carry golf bags.
- (G) Golf carts and utility vehicles must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.
- (H) Golf carts and utility vehicles may be operated in bicycle lanes provided they do not impede bicycle traffic.
- (I) Golf carts and utility vehicles shall not be operated during inclement weather; or when visibility is impaired by weather, smoke, fog or other conditions.
- (J) The Town Sergeant, or his designee, may prohibit the operation of golf carts and utility vehicles on any highway if the Sergeant determines that the prohibition is necessary in the interest of safety.

§ 75.07. LOCAL VEHICLE DECALS

No golf cart or utility vehicle shall be used on the public highways unless it has obtained a Boykins vehicle decal. Upon the payment of the personal property taxes the Town Clerk shall issue a decal in accordance with the requirements of § 73.10 and the golf cart or utility vehicle passed a safety inspection required by § 73.09.

§ 75.08. LIABILITY DISCLAIMER

This chapter is adopted to address the interest of public safety. Golf carts and utility vehicles are not designed or manufactured to be used on the public streets and the Town of Boykins is in no way advocates or endorses their operation on public streets or roads. The Town of Boykins "assumes" no liability for permitting golf carts or utility vehicles to be operated on public streets and roads under special legislation granted by the Virginia General Assembly. The Town of Boykins, by regulating such operation, is merely trying to address obvious safety issues, and adoption of or advisable if done in accordance with the chapter. All persons who operate or ride upon golf carts or utility vehicles upon public streets or roads do so at their own risk and peril, and must be observant of, and bicyclists, and pedestrians. Any person who operates a golf cart or utility vehicle is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roads. *(Revised June 9, 2015)*

§ 75.99. PENALTY.

Every person convicted of a violation of any of the provisions of this chapter for which no other penalty is provided shall be subject to the provisions of § 10.99.

Statutory reference:

Prohibiting town from imposing a penalty for violation of traffic ordinance in excess of that imposed by state for a similar offense, see VA Code § 46.2-1300

CHAPTER 76: MOPEDS

Section

- 76.01 Definition
- 76.02 Violations Of Article
- 76.03 Lights And Reflectors
- 76.04 Brakes
- 76.05 Safety Equipment Required, Operators And Passengers
- 76.06 Helmets Required For Riders Of Bicycles, Electric Personal Assistive Mobility Devices, Electric Power-Assisted Bicycles And Electric-Powered Wheeled Devices Fourteen Years Of Age Or Younger
- 76.07 Moped Not To Be Operated By Persons Under Sixteen, Speed Limit, Identification Sticker Required; Penalty
- 76.08 Regulations Pertaining To Riding Mopeds On Roadways
- 76.09 Compliance With traffic Signals And Police Directions
- 76.10 Use Of seatbelt Required; Carrying Excess Passengers
- 76.11 Rider To Keep One Hand On Handlebars
- 76.12 Regulation Pertaining To riding Mopeds on Town Sidewalks
- 76.13 Reckless Riding; Speed
- 76.14 Racing
- 76.15 Clinging To Vehicles
- 76.16 Use Of Earphones While Operating A moped
- 76.17 Special Provisions For Electric Personal Assistive Mobility Devices, Electric Power-Assisted Bicycles, And Electric-Powered Wheeled Devices

§ 76-01 DEFINITION

For the purposes of this chapter, the following words shall have the meanings ascribed to them in this section, unless clearly indicated to the contrary:

Electric personal assistive mobility device: A self-balancing two-nontandem-wheeled device that is designed to transport only one (1) person and powered by an electric propulsion system that limits the device's maximum speed to fifteen (15) miles per hour or less. The term includes, but is not limited to, Segways and similar devices. An electric personal assistive mobility device shall be a vehicle when operated on the highway.

Electric power-assisted bicycle: A bicycle equipped with an electric motor that reduces the pedal effort required of the rider, but does not eliminate the rider's need to pedal. An electric power-assisted bicycle shall be a vehicle when operated on a highway.

Electric-powered wheeled device: Any wheeled device powered by an electric motor or battery, which is capable of being self-propelled or designed for self-propulsion and produces speeds up to a maximum of thirty (30) miles per hour. For purposes of this chapter, an electric-powered wheeled device shall not include golf carts, low-speed vehicles, wheelchairs or wheelchair conveyances as defined in this chapter, but shall include wheeled devices such as "Razors," electric

seated scooters, electric-powered mini choppers, electric-powered go-peds and similar devices. For purposes of this chapter, an electric-powered wheeled device shall be a vehicle while operated on a highway and subject to the same laws and restrictions as electric power-assisted bicycles.

Gas-powered wheeled device: Any wheeled device powered by gas or any similar type fuel, which is capable of being self-propelled or designed for self-propulsion, and produces speeds up to a maximum of thirty (30) miles per hour. For purposes of this chapter, a gas-powered wheeled device shall include devices such as gas-powered pocket bikes, gas-powered seated scooters, gas-powered mini choppers, gas-powered go-peds and similar devices. For purposes of this chapter, a gas-powered wheeled device shall be a vehicle while operated on a highway and subject to the same laws and restrictions as mopeds.

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

Moped: A conveyance that is either (i) a bicycle-like device with pedals and a helper motor which is rated at no more than two (2) brake horsepower and which produces speeds up to a maximum of thirty (30) miles per hour or (ii) a motorcycle with an engine displacement of fifty (50) cubic centimeters or less and a maximum speed of less than thirty (30) miles per hour.

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

§ 76-02 VIOLATIONS OF ARTICLE

Unless otherwise specifically provided, a violation of any provision of this ordinance shall constitute a traffic infraction and shall be punishable by a fine of not more than one hundred dollars (\$100.00).

§ 76-03 LIGHTS AND REFLECTORS

(a) Every moped when in use between sunset and sunrise shall be equipped with a headlight on the front which shall emit a white light visible in clear weather from a distance of at least five hundred (500) feet to the front with a red reflector on the rear of a type approved by the superintendent of the state police which shall be visible from distances of six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.

(b) Every moped when in use between sunset and sunrise shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred (600) feet, when directly in front of lawful lower beams of headlamps of a motor vehicle, or in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred (500) feet.

(c) Every moped shall be equipped with a light emitting a red light plainly visible in clear weather from a distance of at least five hundred (500) feet to the rear when in use between sunset and sunrise and operating on any highway with a speed limit of thirty-five (35) miles per hour or greater. Any such

light shall be of a type approved by the superintendent of the state police.

§ 76-04 BRAKES

Every moped when operated on a highway shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

§ 76-05 SAFETY EQUIPMENT REQUIRED, OPERATORS AND PASSENGERS

(a) Every person operating a moped on a public street or highway of the town shall wear a face shield, safety glasses or goggles approved by the superintendent of the state police, or shall have his moped equipped with safety glass or a windshield at all times while operating such vehicle; and any operator or passengers thereon, if any, shall wear protective helmets of a type approved by the superintendent of the state police.

(b) Any person who knowingly violates this section shall be guilty of a traffic infraction and shall be subject to a fine of not more than fifty dollars (\$50.00).

§ 76-06 HELMETS REQUIRED FOR RIDERS OF BICYCLES, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, ELECTRIC POWER-ASSISTED BICYCLES AND ELECTRIC- POWERED WHEELED DEVICES FOURTEEN YEARS OF AGE OR YOUNGER

(a) Every person fourteen (14) years or younger shall be required to wear a protective helmet which meets the standards promulgated by the Consumer Product Safety Commission Standards whenever riding or being carried on a bicycle, electric personal assistive mobility device, electric power-assisted bicycle or electric-powered wheeled device on any highway, street, sidewalk or bicycle path.

(b) A violation of any provision of this section shall be punishable by fine of twenty-five dollars (\$25.00). However, with respect to any person riding or being carried on a bicycle, electric personal assistive mobility device, electric-powered-assisted bicycle or electric-powered wheeled device, such fine shall be suspended (i) for first-time violators or (ii) for any violator who, subsequent to the violation but prior to imposition of the fine, purchases a helmet of the type required by this section.

§ 76-07 MOPED NOT TO BE OPERATED BY PERSONS UNDER SIXTEEN, SPEED LIMIT, IDENTIFICATION STICKER REQUIRED; PENALTY

(a) Mopeds shall not be operated upon any highway or public vehicular area of the town (i) faster than thirty (30) miles per hour or (ii) by any person under the age of sixteen (16) years.

(b) Every person driving a moped shall carry with him some form of identification that includes his name, address and date of birth.

(c) It shall be unlawful for any person to operate a moped which does not have affixed thereto a permanent decal or sticker which states:

(1) That the operation of the moped on highways and public vehicular area by person under the age of sixteen (16) is prohibited by Virginia law;

- (2) The maximum horsepower of the moped; and
- (3) The maximum speed at which the moped may be ridden.

(d) A violation of any provision of this section shall constitute a traffic infraction punishable by a fine of no more than fifty dollars (\$50.00).

§ 76-08 REGULATIONS PERTAINING TO RIDING MOPEDS ON ROADWAYS

(a) Any person operating a moped upon a roadway at less than the normal speed of traffic at the time and place under conditions then existing shall ride as close as practicable to the right curb or edge of the roadway, except under any of the following circumstances:

- (1) When overtaking and passing any vehicle proceeding in the same direction;
- (2) When preparing for a left turn at an intersection or into a private road or driveway; and

(3) When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge. For purposes of this section, a “substandard width lane” is a lane too narrow for a moped and another vehicle to pass safely side by side within the lane.

- (4) When avoiding riding in a lane that must turn or diverge to the right; and

(5) When riding upon a one-way road or highway a person may also ride as near the left-hand curb or edge of such roadway as safely practicable.

(b) Persons riding mopeds upon a highway shall not ride two (2) or more abreast except on paths or parts of highways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic, shall move into a single file formation as quickly as practicable when being overtaken from the rear by a faster moving vehicle, and on a laned roadway, shall ride in a single lane.

§ 76-09 COMPLIANCE WITH TRAFFIC SIGNALS AND POLICE DIRECTIONS

Every person riding a moped on any highway shall comply with all traffic signs, signals and lights and with all directions by voice, hand or otherwise, given by a member of the police department of the town.

§ 76-10 USE OF SEAT REQUIRED; CARRYING EXCESS PASSENGERS

(a) A person operating a moped shall not ride other than upon or astride a permanent and regular seat attachment thereto unless the vehicle is one (1) designed for operation in a standing position.

(b) No moped shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.

§ 76-11 RIDER TO KEEP ONE HAND ON HANDLEBARS

No person shall ride a moped while carrying any package, bundle or article that prevents the driver from keeping at least one (1) hand upon the handlebars.

§ 76-12 REGULATIONS PERTAINING TO RIDING MOPEDS ON TOWN SIDEWALKS

It shall be unlawful for any person to ride a moped on any sidewalk within the town.

§ 76-13 RECKLESS RIDING; SPEED

No person shall ride a moped recklessly or at a speed faster than is reasonably proper, or in a manner so as to endanger the life, limb or property of the rider or of any other person.

§ 76-14 RACING

Moped racing on the highways is prohibited.

§ 76-15 CLINGING TO VEHICLES

No person riding upon any moped shall attach the same or himself to any moving vehicle upon a roadway.

§ 76-16 USE OF EARPHONES WHILE OPERATING A MOPED

It shall be unlawful for any person to operate a moped on the highways in the town while using earphones on or in both ears.

§ 76-17 SPECIAL PROVISIONS FOR ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, ELECTRIC POWER-ASSISTED BICYCLES, AND ELECTRIC-POWERED WHEELED DEVICES.

- (a) All electric personal assistive mobility devices, electric power-assisted bicycles, and electric-powered wheeled devices shall be equipped with spill-proof, sealed, or gel batteries. No person shall at any time or at any location drive an electric personal assistive mobility device, electric-assisted bicycle or electric-powered wheeled device faster than twenty-five (25) miles per hour.

(b) No person less than fourteen (14) years old shall drive any electric personal assistive mobility device, electric power-assisted bicycle or electric-powered wheeled device unless under the immediate supervision of a person who is at least eighteen (18) years old.

(c) An electric personal assistive mobility device may be operated on a highway with a maximum speed of twenty-five (25) miles per hour or less.
(Ord. passed 1-12-2010)