

AMHERST TOWN CODE

CHAPTER 16

TRAFFIC CODE.

ARTICLE I. IN GENERAL.

Sec. 16-1. Short title

The provisions of this chapter shall be known and may be cited as the Traffic Code of the Town of Amherst, or as the Town Traffic Code¹. (Code 1965, Section 7-1.)

Sec. 16-2. Adoption of state law.

Pursuant to the authority of section 46.2-1313 of the Code of Virginia all of the provisions and requirements of the laws Virginia in title 46.2. and article 2 of chapter 7 of title of the Code of Virginia, and in effect on July 1, 1993 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 state contained in such provisions and requirements hereby adopted shall be deemed to refer to streets, highways and other public ways within the town. Such provisions and requirements are hereby adopted mutatis mutandis, and made a part of this chapter as fully as though set forth at length 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 title 46.2. or of article 2 of chapter 7 of title 18.2. of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.2. or under article 2 of chapter 7 of title 18.2. of the Code of Virginia.

Pursuant to the provisions of Section 1-13.39.2 of the Code of Virginia, future amendments to the sections of the Code of Virginia that are incorporated by reference in this section are also incorporated by reference herein. (Amended September 13, 1993)

Sec. 16-3. Repealed.

¹For charter provisions as to the authority of Town Council to regulate the operation and speed of vehicles on the streets and highways within the town, see Char., art. VII Section 1, subsec. (1). As to authority of town to regulate vehicles carrying passengers for hire; to regulate to use of motor vehicles upon the streets; to prescribe routes for carriers and trucks; and generally to prescribe such regulations concerning traffic as may be necessary for the general welfare and safety, see Char., art. IX. Section 1, subsec. (25). For state law as to authority of towns to regulate the operation of vehicles, fix speed limits, designate stop and yield intersections, prohibit use of certain streets to certain types of vehicles and to prescribe special routes through town, to regulate pedestrian traffic, to install traffic-control devices, to regulate vehicle parking, etc. see Code of Virginia, Sections 46.2-1219, 46.2-1300 through 46.2-1304, 46.2-1305 through 46.2-1310 and 46.2-1313. As to town parking regulations generally, and authority to install parking meters, see Code of Virginia Section 46.2-1220. As to authority of towns to designate limited access streets, See Code of Virginia, Section 15.2-2026.

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Sec. 16-4. Repealed.

Sec. 16-5. Repealed.

Sec. 16-6. Repealed.

Sec. 16-7. Authority of fire department officials to direct traffic.

Members of the fire department may direct or assist the police in directing traffic in the immediate vicinity of a fire, while so acting, shall have the authority of police officers. (Code 1965, Section 7-14.)

Sec. 16-8. Repealed.

Sec. 16-9. Washing, greasing, etc., vehicle on street or sidewalk.

No person shall wash, polish or grease a vehicle upon a public street or sidewalk, nor shall the owner of a vehicle permit it to be washed, polished or greased upon a public street or sidewalk. (Code 1965, 7-13.)

Sec. 16-10. Parades and processions - Permit required; exceptions; regulations generally.

No procession or parade, excepting funeral processions or convoys of the armed forces of the United States or of the state and the forces of the police and fire departments of the county or town, shall occupy, march or proceed along any street except in accordance with a permit issued by the Town Council or its duly authorized agent, and such other regulations as set forth in this chapter which may apply.

Sec. 16-11 Same - Driving through funeral or other processions; manner of driving in funeral processions.

No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession, except when otherwise directed by a police officer. This provision shall not apply to the specified emergency vehicles as defined in section 46.2-1019 of the Code of Virginia.

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 close is practicable and safe.

Sec. 16-12. Same - Identification of vehicles in funeral procession; right of way.

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

All motor vehicles so designated shall have the right of way over all other vehicles, except fire apparatus, ambulances and police vehicles at any street or highway intersection within the town and may proceed through a stop street or signaled intersection with proper caution and safety. (Code 1965, Section 7-16.)

Sec. 16-13. Repealed.

Sec. 16-14 Unlawful riding.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise. (Code 1965, Section 7-18.)

Sec. 16-15. 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 upon any street of the town of any radio, phonograph, musical instrument, bell, whistle, loud speakers, amplifier or device of any kind whatsoever whereby sound therefrom 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 business or things advertised thereby, is prohibited. The provisions of this subsection shall not apply to motor vehicles driven in a duly authorized parade. The use of a loudspeaker on a motor vehicle for making auction sales in streets directly in front of the property then being sold, and entirely outside of the business districts of the town shall not be construed as a violation of this subsection when such use is limited strictly to the selling at auction of property.

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

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

- (1) The use of a motor vehicle or motorcycle so out of repair as to cause thereby loud and unnecessary grating, grinding, rattling or any of such noises, or any other noise.
- (2) The practice of unnecessary racing of the motor of a motor vehicle or motorcycle while standing or moving thereby causing unnecessary noise from such motor.
- (3) The practice of unnecessarily retarding the spark to the motor of the motorcycle and thereby causing unnecessary, loud explosive noise from the motor.
- (4) On starting a motor vehicle or motorcycle from a standing position, the practice of gaining speed unnecessarily quickly and thereby causing unnecessary and loud noises from the motor and the screeching of tires, or other such noises.
- (5) The practice of coming to an unreasonably quick stop with a motor vehicle or motorcycle and thereby causing unnecessary grinding of brakes and screeching of tires or either of such noises. (Code 1965, Section 7-21.)

Sec. 16-16. Throwing or depositing glass, etc., upon street, etc. Repealed.

See Amherst Town Code, Chapter 11, Crimes and Offenses, Article IV., Crimes Involving Health and Safety. Or for

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corresponding provisions of state law, see Section 18.2-324, Code of Virginia.

Sec. 16-17. Tail gates on vehicles.

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 such tail gate to be lowered or opened, except during the time the vehicle is being loaded or unloaded, and except during the time the vehicle necessitates a lowered or opened tail gate as a support for the load. It shall be the duty of the operator of any such vehicle to see that the tail gate on such vehicle is kept closed or raised, except during the times hereinbefore specified. Any person who violates the provisions of this section shall be punished by a fine of not less than five dollars nor more than twenty dollars for each offense. (Code 2-14-1973)

Sec. 16-18. Repealed.

Sec. 16-19. Repealed.

Sec. 16-20. Repealed.

Sec. 16-21. Repealed.

Sec. 16-22. Repealed.

Sec. 16-23 Temporary removal and disposition of vehicles involved in accidents.

Whenever a motor vehicle, trailer or semitrailer 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 such motor vehicle, trailer or semitrailer from the highways or streets to some point in the vicinity where such motor vehicle, trailer or semitrailer will not impede the flow of traffic. (Code 2-14-1973)

Sec. 16-24 Repealed.

Sec. 16-25. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle to moving traffic for a period of time longer than necessary to load or unload passengers. (12-10-69.)

Sec. 16-26. Repealed.

Sec. 16-27. Repealed.

Sec. 16-28. Repealed.

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Sec. 16-29. Violations and penalties generally; compliance with Chapter 16.

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 thereto.

Every person convicted of a violation of the provisions of this chapter or rule or regulation promulgated and pursuant to the authority granted in section 46.2-1300, Code of Virginia, for which no other penalty is provided, such violations shall constitute traffic infractions punishable by a fine of not more than one hundred dollars. For corresponding provisions of state law see Section 46.2-113, Code of Virginia.

ARTICLE II.

DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL, NARCOTIC OR OTHER DRUG.

- Sec. 16-30. Repealed.**
See Amherst Town Code, Chapter 11, Crimes and Offenses, Article IV., Crimes Involving Health and Safety.
- Sec. 16-31. Repealed.**
See Amherst Town Code, Chapter 11, Crimes and Offenses, Article IV., Crimes Involving Health and Safety.
- Sec. 16-32. Repealed.**
See Amherst Town Code, Chapter 11, Crimes and Offenses, Article IV., Crimes Involving Health and Safety.
- Sec. 16-33. Repealed.**
See Amherst Town Code, Chapter 11, Crimes and Offenses, Article IV., Crimes Involving Health and Safety.
- Sec. 16-34. Repealed.**
See Amherst Town Code, Chapter 11, Crimes and Offenses, Article IV., Crimes Involving Health and Safety.
- Sec. 16-35. Repealed.**
See Amherst Town Code, Chapter 11, Crimes and Offenses, Article IV., Crimes Involving Health and Safety.
- Sec. 16-36. Repealed.**
See Amherst Town Code, Chapter 11, Crimes and Offenses, Article IV., Crimes Involving Health and Safety.
- Sec. 16-37. Repealed.**
See Amherst Town Code, Chapter 11, Crimes and Offenses, Article IV., Crimes Involving Health and Safety.

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ARTICLE III.

STOPPING, STANDING AND PARKING

DIVISION I.

Sec. 16-38.1. Obedience to parking signs, painted lines, and devices.

- A. Pursuant to the Code of Virginia, Section 46.2-1219, it shall be unlawful, within the Town of Amherst, for any person to park any vehicle in shopping center parking lots designed to accommodate fifty (50) or more vehicles, except in those locations designated for parking by signs or by painted lines and in no case shall any person park a vehicle so as to interfere with designated fire lanes.
- B. It shall be unlawful for any person to park a vehicle, or to permit a vehicle to remain parked, at any place within the Town of Amherst, contrary to or in violation of the notice or directive of any traffic control sign, marking, device, crosswalk, or yellow painted curbing which has been installed by the Department of Transportation or by the Town of Amherst pursuant to law.

(Amended July 11, 2007.)

Sec. 16-39. Parking in spaces reserved for persons with disabilities; Penalty.

- A. No vehicles other than those displaying disabled parking license plates, organizational removable windshield placards, or temporary removable windshield placards issued under VA Code §46.2-1247, or disabled parking license plates issued under subsection B of VA Code §46.2-739 shall be parked in any parking spaces reserved for person with disabilities.
- B. Any uniformed police officer employed by the town of Amherst is authorized to issue summons and parking tickets for violations of this section without the necessity of a summons or warrant being obtained by the owner of a private parking area (VA Code §46.2-1242, Subsection B.2).
- C. Parking a vehicle in a space reserved for persons with disabilities in violation of this section shall be punishable by a fine of \$100.00.

(Reference VA Code §46.2-1242; Adopted April 14, 2004)

Sec. 16-40. Repealed. (July 11, 2007.)

Sec. 16-40.1 Prohibited parking.

- A. It shall be unlawful to park any vehicle on any part of South Main Street or North Main Street or on Second Street from the intersection with. South Main Street to the intersection with Depot Street between the hours of 1:00 A.M and 6:00 A.M.
- B. No person shall park any truck or motor vehicle of more than 18,000 pounds gross weight, or any trailer or semi trailer, whether or not attached to a tractor, on any street for longer than two hours, except that this section shall not apply to trucks, trailers or semi trailers so parked while actually engaged in loading or unloading. In no case shall any such vehicle be parked in a manner as to obstruct the vision of vehicles entering or exiting public or private driveways or roadways.

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- C. No person shall park a truck or motor vehicle used for the purpose of transporting any explosive or more than 50 gallons of gasoline, kerosene, benzyl, naphtha, or other volatile or hazardous materials on any street or alley, between the hours of 6:00 P.M. and 6:00 A.M., regardless of whether such vehicle is loaded or empty. No person shall park any such vehicle in any residential zone for any length of time or purpose other than for the purpose of actual delivery of goods or materials.
- D. It shall be unlawful for any person to allow any motor vehicle, house trailer, camping trailer, trailer designated for the transportation of any freight or goods or livestock, or any other trailer or apparatus of any kind whatsoever designated to be attached or pulled by a motor vehicle, to remain in the same location on any street in the Town of Amherst for a longer period of time than two hours.
- E. Any person convicted of violating this section shall be fined not less than fifty dollars nor more than one hundred dollars for each violation.

(Code 1965, Section 7-111. Amended July 11, 2007.)

Sec. 16-41. Authority to establish Temporary No Parking Zones.

The Chief of Police, his or her designate, or the Town Manager may establish a temporary no parking zones for the purpose of controlling parking for a period of time prior to and during special events, parades, maintenance projects, or as necessary to safely control the flow of traffic. No such temporary No Parking Zone may remain in effect longer than thirty (30) days without approval of the Town Council.

(Adopted July 11, 2007.)

Sec. 16-42. Parking a vehicle on the streets which does not bear a current license plate and a valid State inspection certificate or sticker.

It shall be unlawful for any person to park any vehicle on the streets or highway in this town which does not bear a current State license plate and a valid State inspection certificate.

(Amended July 11, 2007.)

Sec. 16-43. Angle parking.

Notwithstanding any of the provisions of this chapter, the council may, when in it's discretion, the public interest so requires, provide angle parking on any street or portion thereof; provided, however, that such streets are marked so as to apprise an ordinarily observant person of regulation.

(Code 1965, Section 7-120.)

Sec. 16-44. Backing up to curb.

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

(Code 1965, Section 7-116.)

Sec. 16-45. Manner of using loading zones.

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

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- (a) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect. All delivery vehicles other than regular delivery trucks using such loading zones shall be identified by the owner's or company 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 actually engaged in, loading or unloading passengers or bundles when such stopping does not interfere with a vehicle used for the transportation of materials which is waiting to enter or is about to enter such loading zones.

(Code 1965, Section 7-122.)

Sec. 16-46. Manner of using bus stop.

Where a bus stop has been set apart by authority of the town council in accordance with the applicable provisions of this chapter, the following regulations shall apply as to the use thereof:

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

(Code 1965, 7-123.)

Sec. 16-47. Removal and disposition of unattended vehicles generally.

Whenever any vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any vehicle, trailer or semitrailer is left unattended for more than ten days upon any privately owned property other than the property of the owner of such vehicle, trailer or semitrailer within the Town, or is abandoned upon such privately owned property, without the permission of the owner, lessee or occupant thereof, any such vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage or garage area; provided, that no vehicle shall be removed from privately owned premises without the written request of the owner, lessee or occupant thereof. The person at whose request such vehicle, trailer or semitrailer is removed from privately owned property shall indemnify the Town against any loss or expense incurred by reason of removal, storage or sale thereof. Each removal shall be reported immediately to the police department, and notice thereof shall be given to the owner of the vehicle, trailer or semitrailer as promptly as possible.

The owner of such vehicle, trailer or semitrailer, before obtaining possession thereof, shall pay to the town all reasonable costs incidental to the removal, storage and locating the owner of such vehicle, trailer or semitrailer.

Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record in the office of the Division of Motor Vehicles of this state against the vehicle, trailer or semitrailer, the Chief of Police or other officer designated by the Town Council may, after holding the vehicle, trailer or semitrailer sixty days and after due notice of sale, dispose of the same at public sale and the proceeds from the sale shall be forwarded by the selling officer to the Town Treasurer;

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provided, that if the value of such vehicle, trailer or semitrailer be determined by three disinterested dealers or garagemen to be less than fifty dollars which would be incurred by such advertising and public sale it may be disposed of by private sale or 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 such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership. If no claim has been made by the owner for the proceeds of such sale, after the payment of the above mentioned cost of fifty dollars, the funds may be deposited to the general fund or any special fund of the Town. Any such owner shall be entitled to apply to the Town within three years from the date of such sale and if timely application is made therefore, the Town shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of such sale.

(Code 1965, 7-124.)

Sec. 16-48. Contracts with private persons for removal, etc. of vehicles under preceding section.

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 the preceding section. The contracts shall provide for the payment by the Town of reasonable charges for the removal and storage of such vehicles, shall require such owners or operators to deliver such vehicles to the owners thereof or their agents upon demand therefor, upon furnishing satisfactory evidence of identity and ownership or agency and upon payment of such removal and storage charges, and that the owners or operators of such garages or places of storage shall indemnify the owners of such vehicles for injury or damage thereto resulting from the negligent removal or storage thereof, and such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnity.

(Code 1965, 7-125.)

Sec. 16-49. Sale of personal property found in unattended, etc., 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 such vehicle as authorized in section 16-47.

Sec. 16-50. Parking on private property generally.

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

(Code 1965, 7-112.)

Sec. 16-51. Leaving vehicles upon private property prohibited; removal and disposition thereof; notice of disposition.

It shall be unlawful for any person to leave any vehicle, trailer or semitrailer, or part thereof, on private property of any other person without his consent.

Upon complaint of the owner of the property on which such vehicle, trailer or semitrailer, or part

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thereof, has been abandoned for more than five days, such vehicle, trailer or semi trailer or part thereof, is so removed shall indemnify the Town against any loss or expense incurred by reason of removal, storage or sale thereof.

In the case of the removal of a vehicle, trailer or semitrailer, or part thereof, from private property, when the same cannot be readily sold, such vehicle, trailer or semitrailer, or part thereof, may be disposed of in such manner as the Town Council may provide.

In all other respects, the provisions of section 16-47 shall apply to such removals; provided, that disposal of a vehicle, trailer or semitrailer may at the option of the Town Council be carried out under either the provisions of section 16-47 or under the provisions of this section, after a diligent search for the owner, after notice to him at his last known address and to the holder of any lien of record in the office of the Division of Motor Vehicles of this state against such vehicle, trailer or semitrailer, and after the vehicle, trailer or semitrailer has been held at least sixty days.

The Division of Motor Vehicles shall be notified of the disposition of any vehicle, trailer or semitrailer under section 16-47 or the provisions hereof.

(Code 1965, 7-127.)

Sec. 16-52. Removal of trespassing vehicles by owners of property upon which trespass occurs.

It shall be unlawful for any owner, operator or lessee of any parking area or space therein or part thereof, or of any other lot or building, including the Town, to have any motor or other vehicle, occupying such lot, area, space or building or part thereof without the permission of such owner, operator, lessee or authorized agent or the one having control of such premises removed by towing or otherwise to a licensed garage for storage until called for by it's owner or his agent; provided, that notice of such action shall be first or simultaneously therewith given to at least one of the town police officers; provided further, that in the event of such removal and storage the owner of the vehicle involved shall be chargeable with and such vehicle may be held for a reasonable charge for it's removal and storage. This section shall not apply to police, fire or public health vehicles or when a vehicle shall, because of a wreck or other emergency, be parked or left temporarily upon the property of another.

(Code 1965, 7-126.)

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Sec. 16-53. Repealed. (January 14, 2009)

Sec. 16-54. Repealed. (January 14, 2009)

Sec. 16-55. Marking of parking spaces.

The Town Manager shall cause parking spaces to be marked in areas he/she deems appropriate, or as directed by Council. Such markings to indicate clearly the limits of each space wherein a vehicle may lawfully be parked.

(Amended January 14, 2009)

Sec. 16-56. Manner of Parking.

A. It shall be unlawful for any person to park any vehicle in any parking space referred to in Section 16-55 except within the lines and markings so established.

B. When a parking space is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of the vehicle shall be oriented in the direction of the flow of traffic. When a parking space is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle directed at and nearest to the curb.

C. In areas where there are no parking spaces marked, a vehicle parked on a public street shall be oriented in the direction of traffic flow.

(Amended July 11, 2007 and January 14, 2009)

Sec. 16-57. Repealed. (January 14, 2009)

Sec. 16-58. Limited Time Parking in Certain Areas.

A. It shall be unlawful for any person to permit a vehicle to remain or to be parked in any parking space designated for limited time parking by signs, decals, or painted markings if such vehicle has already been parked beyond the period of time prescribed for such parking space. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name to be parked overtime or beyond the period of legal parking time established for any parking zone.

B. The following areas are designated as two hour parking zones and shall be in effect from 9:00am until 5:00 pm Monday through Saturday: South Main Street from the intersection of Lee Street to the Intersection of Star Street, Second Street from South Main Street to Depot Street, the entirety of East Court Street and the entirety of Goodwin Street. There shall be no time limit in effect during Town Holidays.

C. Members of recognized public safety agencies shall not be subject to the provisions of this section while responding to emergency calls but shall be subject to its provisions at all other times.

(Amended January 14, 2009)

Sec. 16-59. Repealed. (January 14, 2009)

Sec. 16-60. Repealed. (January 14, 2009)

Sec. 16-61. Repealed. (January 14, 2009)

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Sec. 16-62. Bus Stops, loading zones etc.

The Town Council is authorized to set apart, spaces for loading zones, bus stops, and other places in which no parking shall be permitted or in which-parking is restricted.

(Amended August 13, 1986 and January 14, 2009)

Sec. 16-63. Repealed. (January 14, 2009)

Sec. 16-64. Repealed. (January 14, 2009)

Sec. 16-65. Penalty for parking violations; ticketing procedure; etc.

Each police officer charged with the duty of enforcing this division shall take the registration number of any vehicle found parked in violation of any provision of this article and may take any other information which may identify it's owner. Such officer shall conspicuously affix to such vehicle a parking ticket, with an envelope attached thereto, in a form provided by the Treasurer, instructing each owner when and where to report with reference to such violation. Each such owner may, within forty-eight hours of the time when such notice was attached to such vehicle, pay to the Treasurer a penalty for and in full satisfaction of such violation, the fine as specified by section 16-67.1. The failure of such owner to make such payment to the Treasurer within such forty-eight hour period, shall render such owner subject to the penalties provided for by a court of law, after issuance of a summons to appear in court.

(Adopted May 8, 2002 and amended January 14, 2009)

Sec. 16-66. Same - Presumption where vehicle illegally parked.

In any prosecution charging a violation of any parking regulation contained in this division, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such regulation, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Chapter 3 of Title 46.2 of the Code of Virginia, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at a place where, and for the time during which, such violation occurred.

(Code 1965; amended January 14, 2009)

Sec. 16-67. Same - Penalty for certain violations.

Any person who shall violate or fail to comply with any of the provisions of this division other than sections 16-60 and 16-61 and 16-65.1 shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense. As specified herein for each offense:

Parking within a designated bus stop	\$ 10.00
Parked where official sign erected:	\$20.00
Improper parking:	\$ 20.00
Double parked:	\$ 50.00
Parked at a fireplug:	\$ 50.00
Blocking driveway:	\$ 20.00
Handicap parking zone without proper permit:	\$100.00
Parking within designated fire lane:	\$ 50.00
Loading Zone:	\$20.00
Parked Opposite to Flow of Traffic:	\$10.00

(Amended May 8, 2002; July 11, 2007; and January 14, 2009)

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Sec. 16-68 Effect of parking regulations upon other traffic and parking regulations.

Nothing in this division shall alter or affect any other provision of this chapter or any existing ordinance, rule or regulation hereafter adopted, relating to traffic or parking on any street, alley, lane or highway, within the municipality, other than those included within the parking zones herein established.

(Amended January 14, 2009)

ARTICLE IV. LICENSE FEE ORDINANCE.

Sec. 16-70.1 Vehicle required to be licensed – Situs; student owners; exemptions.

(a) Every person who shall own or lease a motor vehicle, trailer or semi-trailer or semi-trailer normally garaged, stored or parked in the Town shall pay an annual Town license fee for such vehicle, trailer or semi-trailer as required herein.

(b) The situs for the imposition of licensing fees under this article shall in all cases, except as hereinafter provided, be the locality in which the motor vehicle, trailer, or semi-trailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. In the event the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he has paid a personal property tax on the motor vehicle in his domicile.

(c) The license fee imposed by this section shall not apply to any vehicle personally owned or leased, in whole or in part, by a member of the armed services of the United States on active duty. For the purposes of this section “the armed services of the United States” includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

(d) The Town of Amherst shall not impose any license fee upon any daily rental vehicle, as defined in VA. CODE ANN. § 58.1-2401 (Repl. Vol. 2004), the rental of which is subject to the tax imposed by VA. CODE ANN. § 58.1-2402 A. 4. (Cum. Supp. 2005).

Sec. 16-70.2 Assessment of License Fee.

(a) There is hereby assessed to any person owning or leasing a motor vehicle, trailer or semi-trailer, normally garaged, stored or parked in the Town of Amherst on January 1 of each year a Town of Amherst motor vehicle license fee.

(b) The chief of each volunteer fire department and volunteer emergency rescue squad will prepare and certify a list of active members of his department or squad who regularly respond to calls or perform other duties for the department or squad and who reside inside the corporate limits of the Town of Amherst. The certified list will include the complete name of each individual, his residence address, and the identification number, and description of the car owned or leased by such active member and to be certified for exemption. Each individual so certified will complete the required application form, submit it to his chief who will attach all individual applications to the certified listing and submit to the Treasurer of the Town. After reviewing and comparing the certified listing and applications with the personal property tax rolls, the Treasurer will issue an exemption certificate to each certified member without charge.

No member of a volunteer rescue squad or volunteer fire department shall be issued an exemption certificate for more than one (1) vehicle free of charge.

Sec. 16-70.3 Amount of fee – Passenger motor vehicles; trucks; motorcycles.

(a) Unless otherwise specified herein, on each and every motor vehicle there shall be annual license fee of twenty-five dollars; and on each and every motorcycle, with or without a sidecar, a license

fee of eleven dollars.

(b) The amount of the license fee imposed by The Town of Amherst under this article shall not be greater than the amount of the license fee imposed by the Commonwealth on said vehicle.

Sec. 16-70.4 Same – Other motor vehicles, trailers, semi-trailers, etc.

(a) On each trailer and semi-trailer, not exempt from taxation as otherwise herein provided, there shall be a license fee of eight dollars.

(b) In the case of a combination of a truck or tractor truck and a trailer or semi-trailer, each vehicle constituting a part of such combination shall be licensed as a separate vehicle and a separate fee shall be assessed therefore.

Sec. 16-70.5 Same – Exemptions and reductions.

(a) The provisions of this article shall not be construed as to impose a license fee upon any motor vehicle, trailer, or semi-trailer when:

- (1) A similar tax or license fee is imposed by another county, city or town wherein such motor vehicle, trailer or semi-trailer is normally garaged, stored or parked;
- (2) The motor vehicle, trailer or semi-trailer is owned by a nonresident or the Town of Amherst and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in paragraph (3) of this subsection.
- (3) The motor vehicle, trailer or semi-trailer is owned by a nonresident and is used for transporting into and within the Town for sale in person or by his employees of wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream, or eggs produced or grown by him, and not purchased by him for sale.
- (4) The motor vehicle, trailer, or semi-trailer is owned by an officer or employee of the Commonwealth of Virginia who is a nonresident of the Town and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;
- (5) The motor vehicle, trailer or semi-trailer is kept by a dealer or manufacturer for sale or for sales demonstration;
- (6) The motor vehicle, trailer or semi-tractor is operated by a common carrier of persons or property operating between cities and towns in this Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places without cities and towns on the other and not in intracity transportation.
- (7) Any vehicle that is exempt under provisions of state law.

(b) (RESERVED)

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(c) Motor vehicles, trailers or semi-trailers owned by the Commonwealth, political subdivisions of the Commonwealth, and regional jail authorities created pursuant to VA CODE ANN. § 53.1-95.2 *et seq.* (Repl. Vol. 2005) and used solely for governmental purposes in accordance with provisions of VA. CODE ANN. § 46.2-750 (Repl. Vol. 2005) shall display license plates or decalcomania inscribed either “Official State Use Only” or “Official Local Government Use Only,” respectively and shall be subject to a license fee equal to the cost incurred either by the Commonwealth or by the Town, respectively, in the purchase or manufacture of such decalcomania, but which Town fee shall, in no event, exceed the fee imposed by the State under VA. CODE ANN. § 46.2-750 A. (Repl. Vol. 2005); such licensing requirements shall be subject to exceptions set forth in VA. CODE ANN. § 46.2-750 (Repl. Vol. 2005) and VA. CODE ANN. § 46.2-750.1 (Repl. Vol. 2005).

(d) One motor vehicle, owned and used personally by any recipient of the Medal of Honor who holds a current state motor vehicles registration card establishing that he has received Medal of Honor state license plates as prescribed and limited in VA. CODE ANN. § 46.2-745 (Repl. Vol. 2005) or one motor vehicle owned and used personally by the un-remarried surviving spouse of such Medal of Honor recipient shall be exempt from the payment of the license fee levied and imposed by this article.

(e) The fire-fighting trucks, trailers or semi-trailers on which firefighting apparatus is permanently attached, or other vehicles, when any such vehicle is owned or under exclusive control of the Amherst Volunteer Fire Department shall be exempt from payment of the license fee imposed by this article, provided that such vehicles comply with all the provisions of VA. CODE ANN. § 46.2-649.1:1 (Repl. Vol. 2005) and VA. CODE ANN. § 46.2-752A (Repl. Vol. 2005).

(f) Ambulances or other vehicles owned or used exclusively by the Amherst Volunteer Fire Department or the Amherst Life Saving Crew, provided any such vehicle is used exclusively as an ambulance or lifesaving and first aid vehicle and is not rented, leased, or lent to any private individual, firm, or corporation, shall be exempt from payment of the license fee imposed by this article, provided that such vehicles comply with all the provisions of VA. CODE ANN. § 46.2-649.1:1 (Repl. Vol. 2005) and VA. CODE ANN. § 46.2-752A (Repl. Vol. 2005).

(g) One vehicle owned or leased, and used personally in the performance of duties by each active member of the volunteer fire departments and volunteer emergency rescue squads who lives in the Town is exempt after proper certification as indicated in Sec. 16.70.2(b) of this article.

(h) One motor vehicle, owned, used personally by any veteran who holds a current stated motor vehicle registration card establishing that he has received a disabled veteran’s exemption from the Department of Motor Vehicles, and has been issued a disabled veteran’s motor vehicle license plate, as prescribed in VA. CODE ANN. § 46.2-739 (Repl. Vol. 2005), or one motor vehicle owned and used personally by the un-remarried surviving spouse of such disabled veteran shall be exempt from the payment of the license fee levied and imposed by this article.

(i) One passenger vehicle, pickup or panel truck, as defined in VA. CODE ANN. § 46.2-100 (Repl. Vol. 2005), owned and used personally by any former prisoner of war who holds a current state motor vehicle registration card establishing that he has received prisoner of war State license plates as prescribed in VA. CODE ANN. § 46.2-746 (Repl. Vol. 2005) or one motor vehicle owned and used personally by the un-remarried surviving spouse of a person eligible to receive such special license plates shall be exempt from the

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payment of the license fee levied and imposed by the article.

(j) Daily rental vehicles as defined in VA. CODE ANN. § 58.1-2401 (Repl. Vol. 2004), the rental of which are subject to the tax imposed by VA. CODE ANN. § 58.1-2402 A 4 (Cum. Supp. 2005), shall be exempt from the payment of the license fee levied and imposed by this article.

(k) Passenger vehicles and pickup or panel trucks as defined in VA. CODE ANN. §46.2-100 (Repl. Vol. 2005), owned and used personally by a member of the National Guard who has received special metal state license plates pursuant to VA. CODE ANN. § 46.2-744 (Repl. Vol. 2005), shall be partially exempt from the payment of the license fee levied and imposed by this article to the extent of fifty percent (50%) of said fee, provided that such reduced Town fee shall not exceed the reduced State tax or fee imposed under VA. CODE ANN. § 46.2-744 (Repl. Vol. 2005) and VA. CODE ANN. § 46.2-694 (Repl. Vol. 2005).

(l) Antique motor vehicles and antique trailers, as defined in VA. CODE ANN. § 46.2-100 (Repl. Vol. 2005), registered and licensed by the State in accordance with VA. CODE ANN. § 46.2-730 A (Repl. Vol. 2005) shall be exempt from the payment of the license fee levied under this article, provided that other conditions prescribed herein are met.

In order to qualify for exemption hereunder, an antique motor vehicle and antique trailer registered and licensed under VA. CODE ANN. § 46.2-730 (Repl. Vol. 2005) shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

(i) For participation in club activities, exhibits, tours, parades and similar events; and

(ii) On the highways of the Commonwealth for the purpose of testing their operation, obtaining repairs or maintenance, transportation to and from events as described in subdivision (i) of this subsection, and for occasional pleasure driving not exceeding 250 miles from the residence of the owner.

Sec. 16-70.6 License fees—Disposition.

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

Sec. 16-70.7 Payment of personal property taxes prerequisite.

(a) No motor vehicle, trailer or semi-trailer shall be licensed by the Department of Motor Vehicles until such applicant for such license has paid all personal property taxes and the license fee assessed hereunder upon the motor vehicle, trailer or semi-trailer to be licensed and until the Department of Motor Vehicles has been provided satisfactory evidence by the Treasurer of The Town of Amherst that any delinquent motor vehicle, trailer or semi-trailer personal property taxes or license fees which have been properly assessed or are assessable against the applicant by the Town have been paid.

(b) No motor vehicle license shall be issued by the Virginia Department of Motor Vehicles unless the tangible personal property taxes properly assessed or assessable by the Town on any tangible personal property used or usable as a dwelling titled by the Virginia Department of Motor Vehicles and owned by the taxpayer have been paid.

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(c) No motor vehicle license shall be issued by the Virginia Department of Motor Vehicles to an owner of a motor vehicle as to which a fee is required to be paid pursuant to this article, qualified under the provisions hereof to a waiver of that fee, until the applicant of such license or registration from the Department of Motor Vehicles has produced before the Town of Amherst Treasurer, or his agent, satisfactory evidence that all personal property taxes upon the motor vehicle licensed have been paid and satisfactory evidence that any delinquent personal property taxes due with respect the vehicle which have been properly assessed or are assessable against the owner have been paid.

Sec. 16-70-8 License year; transitional provisions for 2007 license year only.

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

(b) Transitional provisions effective for 2007 license year only. The fee for license year 2007, which fee shall be due December 5, 2006, shall be abated as to any motor vehicle, trailer or semi-trailer normally garaged, stored or parked in the Town on fee day January 1, 2006, and which during 2006 become normally garaged, stored or parked outside of the Town, due either to a transfer of the title thereto, or to a change in domicile of the owner thereof. Provided that, if the decal for said motor vehicle, trailer or semi-trailer was transferred to another motor vehicle, trailer or semi-trailer normally garaged, stored or parked in the Town, the fee for license year 2007 shall not be abated as to the motor vehicle, trailer or semi-trailer owned on fee day January 1, 2006.

Sec. 16-70.9 Failure to pay license fee, personal property tax, etc.; penalty.

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

(b) It shall be unlawful for any owner of a motor vehicle, trailer or semi-trailer to fail to pay the local license fee or personal property taxes assessed with respect to each motor vehicle, trailer or semi-trailer after December 5 of each year.

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(c) A violation of this section shall constitute a Class 4 misdemeanor and shall be punished by a fine of one hundred dollars (\$100.00).

(d) A violation of this section by the registered owner of the vehicle shall not be discharged by prepayment of a fine or by payment of a fine imposed by the court except upon presentation of satisfactory evidence that the required license has been obtained.

ARTICLE V. ABANDONED AND INOPERABLE MOTOR VEHICLES.

Sec. 16-74. Disposition of inoperable abandoned motor vehicles.

When in the opinion of the Chief of Police of the Town of Amherst any motor vehicle, trailer, semi trailer, or part thereof which is inoperable and which by virtue of it's condition cannot be feasibly restored to operable condition, such vehicle, trailer or semi trailer may be disposed of to a demolisher. The Chief of Police of the Town of Amherst shall thereupon certify on behalf of the Town to the Division of Motor Vehicles that such motor vehicle, trailer or semi trailer has been found or abandoned on property located within the Town of Amherst and was determined before it was demolished that it was inoperable and cannot be feasibly restored to operable condition. The Chief of Police shall further request reimbursement from the Commissioner of the Division of Motor Vehicles for demolishing such inoperable vehicle. (Authorization see Sec. 46.2-1205 and Sec. 46.2-1207)

Sec. 16-75. Abandoned motor vehicles.

In accordance with Section 46.2-1313 of the Code of Virginia as amended, the provisions, statutes, penalties and punishments found in Title 46.2, Chapter 11, of the Code of Virginia (1989) as amended, Sections 46.2-1200 through 46.2-1208, are hereby incorporated into this ordinance by reference:

(ABANDONED MOTOR VEHICLES.)

- SECTION 46.2-1200 Definitions.
- SECTION 46.2-1201 Ordinances.
- SECTION 46.2-1202 Notice to owner of vehicle taken into custody.
- SECTION 46.2-1203 Sale of vehicle at public auctions; disposition of proceeds.
- SECTION 46.2-1204 Vehicles abandoned in garages.
- SECTION 46.2-1205 Disposition of inoperable abandoned vehicles.
- SECTION 46.2-1206 Surrender of certificate of title, etc. where motor vehicle acquired for demolition; records to be kept by demolisher.
- SECTION 46.2-1207 Certification of disposal; reimbursement of locality by Commissioner.
- SECTION 46.2-1208 Vehicles abandoned on private property other than garages.

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The Chief of Police of the Town of Amherst is directed to enforce the provisions of the above Code Sections.

Sec. 16-76. Inoperative Motor Vehicles on Residential, Commercial or agricultural property.

It shall be unlawful for any person, firm, or corporation to keep except within a fully enclosed building or structure or otherwise shielded or screened from public view, on any property zoned Restricted Residential (R-1), General Residential (R-2), Light Business (B-1), General Business (B-2), any motor vehicle, trailer or semi trailer as such are defined in Title 46.2-100 et seq. of the Code of Virginia, or it's successor statute, which is inoperative. As used in this section, "an inoperative motor vehicle" shall mean any motor vehicle which is not in operating condition; or which for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine or other essential parts required for the operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. The provisions of this section shall not apply to any licensed business which subsequent to June 26, 1970, is regularly engaged in business as an automobile dealer, salvage dealer or scrap processor. Any violation of this section shall be a Class 4 misdemeanor with a fine of not more than \$100.00 for each offense. (Authorized Section 15.2-904, Code of Virginia.)

Sec. 16-77. Removal of Inoperative Motor Vehicles.

The owner of any property zoned Restricted Residential (R-1), General Residential (R-2), Light Business (B-1), General Business (B-2) shall remove from it's property any inoperative motor vehicles, trailers or semi trailers as defined in Title 46.2 et seq. of the Code of Virginia that are not kept within a fully enclosed building or structure. Any owner of property must remove any such vehicles, trailers or semi trailers within seven (7) days after having received notice from the Chief of Police of the Town of Amherst, the Town Manager of the Town of Amherst or the Town Council of the Town of Amherst. In the event that such vehicle, trailer or semi trailer is not removed within seven (7) days of notice to remove the same, the Town of Amherst through it's agents or employees may remove any such inoperative motor vehicle, trailer or semi trailer. In the event that the Town of Amherst removes any such inoperative motor vehicle, trailer or semi trailer after having been after having given notice to remove the same, The Town of Amherst may sell, dispose, destroy or store such inoperative vehicle, trailer or semi trailer, as the Town of Amherst deems appropriate, after having given fifteen (15) days of advance notice to the owner. The cost of any such removal and disposal shall be chargeable to the owner of the vehicle and/or the owner of the premises upon which the inoperative vehicle, trailer or semi trailer was located and may be collected when the taxes of the Town of Amherst are collected. The cost of removal and disposal as authorized by this section shall constitute a lien on the real estate from which the vehicle was removed and the lien shall continue until the payment of such costs have been made to the Town. (Authorized Section 15.2-904 of the Code of Virginia).

ARTICLE VI. TRAFFIC CODE SECTION 46.2

Sec. 16-78. Incorporation of State Code by Reference.

In accordance with section 46.2-1313 of the Code of Virginia (1989), the provisions, statutes, penalties and punishments found in Title 46.2, Chapters 1, 3, 6, 8, 10 and 12 of the Code of Virginia (1989) are hereby incorporated by reference.

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- 46.2-100 Definitions.
- 46.2-101 Applicability of title to vehicles on certain toll roads and parking facilities.
- 46.2-102 Enforcement by law-enforcement officers; officers to be uniformed; officers to be paid fixed salaries.
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TITLING, REGISTRATION AND LICENSURE.

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- 46.2-341.6 Limitation on number of driver's licenses.
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