

Chapter 155

VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Town Council of the Town of Grottoes 2-3-1970 as Title 18 of the 1970 Ordinances of the Town of Grottoes. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 139.

Taxicabs — See Ch. 147.

ARTICLE I

General Provisions

§ 155-1. Adoption of statutory provisions. [Amended 7-14-1987; 7-12-1988; 7-11-1989; 11-14-1989; 8-12-1991; 8-9-1993; 7-8-1996; 12-8-2008; 7-9-2009; 10-9-2012]

- A. It is the intent of the governing body of the Town of Grottoes that certain provisions of Title 46.2 of the Code of Virginia, as amended, be incorporated into this chapter by reference, pursuant to § 46.2-1313 of the Code of Virginia. This incorporation is for the purpose of ensuring uniformity between the Code of the Town of Grottoes and state law.
- B. Pursuant to the authority of § 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the State of Virginia contained in Title 46.2, Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1, and Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2, 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. Reference to "Highways of the State" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways, and other public ways within the Town. Such provisions and requirements are hereby adopted mutatis mutandis, and made a part of this chapter as fully as if 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, Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1 and Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, which are 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 the Code of Virginia.
- C. In addition, pursuant to the authority of § 46.2-1313 of the Code of Virginia, as amended, all future provisions and requirements of the laws of the State of Virginia contained in Title 46.2, Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1 and Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2, 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 effective as of the effective date of such state law.

§ 155-2. Conflicts with other provisions.

If the section of the Code of Virginia which is incorporated by reference is in conflict with an ordinance of the Town of Grottoes which is fully set out in this chapter, the latter shall prevail, unless its provisions shall exceed powers of local authorities to adopt ordinances, as set out in § 46.2-1300 of the Code of Virginia 1950, as amended.

§ 155-3. Copies of Code of Virginia. [Amended 10-9-2012]

At least one copy of Title 46.2, Code of Virginia 1950, with all current amendments, shall be kept with each copy of the Code of the Town of Grottoes which is required to be kept in the office of the Town Clerk, Council Room or any other designated place.

**ARTICLE II
Administration**

§ 155-4. Powers and duties of Chief of Police.

- A. The Chief of Police, except as otherwise provided by this and except as otherwise directed from time to time by the Council, shall have power and is hereby authorized to regulate the operation and parking of vehicles within the corporate limits of the Town by the erection or placing of proper signs or markers indicating prohibited or limited parking, angle parking, the parking of buses, trucks and other vehicles of various weights, U-turns, turning at intersections, hazardous intersections, school zones, hospital zones, loading and unloading zones, quiet zones, traffic-control signals exhibiting colored lights or the words "go," "caution" or "stop" and other signs or markers indicating the place and manner of operating or parking vehicles in the Town. The Chief of Police, upon declaration of a weather emergency by the Town Superintendent of the Town, shall have the authority and is hereby authorized to regulate the parking of vehicles, including the prohibition of parking vehicles on such routes as the Chief of Police may designate in order to provide for the safe and orderly removal of ice, snow, floodwaters or other obstructions on the streets and alleys so designated. Said authority shall include the authority to remove vehicles in violation of said prohibition. [Amended 11-12-1990]
- B. The Chief of Police, except as otherwise provided by this chapter and except as otherwise directed from time to time by the Council, shall also have power and is hereby authorized to regulate the movement of pedestrians upon the streets and sidewalks of the Town by the erection or placing of proper signs or markers indicating the flow of pedestrian traffic.
- C. The Chief of Police, except as otherwise provided by this chapter and except as otherwise directed from time to time by the Council, shall also have power and is hereby authorized to designate bus stops and to erect signs prohibiting the parking of vehicles other than buses at such stops.
- D. The Chief of Police, except as otherwise provided by this chapter and except as otherwise directed from time to time by the Council, is further empowered and authorized to mark off

traffic lanes on streets and parts of streets indicating and directing the flow of traffic.

- E. The Chief of Police shall further have power and is hereby authorized to secure all such necessary signs, signals or markers to be erected or placed on any street or part of a street.
- F. The existence of such signs, signals or markers at any place within the corporate limits of the Town shall be prima facie evidence that such signs, signals or markers were erected or placed by and at the direction of the Chief of Police in accordance with the provisions of this section.
- G. The Chief of Police, except as otherwise provided by this chapter and except as otherwise directed from time to time by the Council, may designate intersections, other than intersections at which one or more of the intersecting streets has been designated as a part of the state highway system, at which vehicles shall come to a full stop or yield the right-of-way.
- H. The Chief of Police shall further have power and is hereby authorized to secure all such necessary signs, signals or markers to be erected or placed on or at any such intersection, so that an ordinarily observant person, who may be affected by such regulation, may be aware of such regulation.
- I. The existence of such signs, signals or markers at any place within the corporate limits of the Town shall be prima facie evidence that such signs, signals or markers were erected or placed by and at the direction of the Chief of Police in accordance with the provisions of this section.

§ 155-5. Compliance with signs required.

It shall be unlawful for any person to fail or refuse to comply with the directions indicated on any sign, signal or marker erected or placed in accordance with the provisions of § 155-4 when such sign, signal or marker so placed or erected is visible and legible.

§ 155-6. Notices; violations and penalties.

- A. Traffic violation notices shall be issued to violators of parking regulations and all other nonmoving regulations unless circumstances warrant other action, in which event the usual procedure of summons or arrest shall apply.
- B. Traffic violation notices may be settled by a payment within a period of five days after issuance, of a maximum penalty as provided in Title 46.2 and Rule 3B:2 of the Code of Virginia, which payment shall be in complete satisfaction of the offense. Payment shall be made to such person at the Town office as from time to time shall be designated by the Chief of Police to receive such payment. Failure to settle a traffic violation notice as above provided shall be unlawful. [Amended 7-8-1996]
- C. The Chief of Police shall set up and establish a full and complete procedure for handling traffic violation notices.
- D. All amounts paid in under this section shall be credited to and become a part of the general fund of the Town.

§ 155-7. Permits for parades and processions.

No funeral procession or parade, excepting the forces of the United States Army or Navy, the military forces of the state and the forces of the Police and Fire Departments of the Town, shall occupy or march or proceed along any street, except in accordance with a permit issued by the Chief of Police.

§ 155-8. Valid license plates and inspection stickers required.

- A. It is unlawful for any person to drive, stop, park or leave unattended any motor vehicle upon the streets, alleys or highways within the Town of Grottoes without valid license plates displayed thereon and attached thereto or without a valid inspection sticker display thereon and attached thereto as provided for and required under the statutory law of the Commonwealth of Virginia for persons operating said motor vehicles upon the highways of the Commonwealth of Virginia and as provided by the ordinances of the Town of Grottoes.
- B. Any person violating the provisions of this section shall be punished by a fine of not less than \$20 nor more than \$200. [Amended 7-8-1996]

§ 155-9. Fees for benefit of police officers prohibited. [Amended 7-8-1996]

No court sitting in the Town of Grottoes shall in any case in which a fine is assessed for the violation of any ordinance of the Town assess as a part of the cost of the case any fee for arrest or as a witness for the benefit of any police officer of the Town; nor shall any such police officer receive any such fee.

ARTICLE III
Miscellaneous Provisions

§ 155-10. Authority of police to direct traffic.

- A. Every police officer of this Town is authorized to act as a traffic officer in the direction of traffic on any highway where traffic is heavy or continuous and the direction by such traffic officers shall take precedence over any lights or semaphores.
- B. Officers and members of the Fire Company may direct or assist the police in directing traffic at or in the immediate vicinity of a fire and while so doing shall have all the authority of peace officers.

§ 155-11. Signs required for enforcement.

No provision of this chapter or regulation of the Chief of Police for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this chapter does not state that signs are required, such section shall be effective even though no signs are erected or in place.

§ 155-12. Opening vehicle doors; emerging from vehicles.

No person shall open the door of or emerge from or enter any vehicle in the path of any

approaching vehicle without due regard for other persons and property.

§ 155-13. Funeral and other processions.

- A. No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession, except when otherwise directed by a police officer.
- B. 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 as is practicable and safe. The headlights of each car in a funeral procession shall be turned on.¹

§ 155-14. Parking restrictions.

- A. No vehicle shall be left parked on any street or alley of the Town for more than 96 hours. Any person violating this section shall be fined not less than \$5 nor more than \$25.
- B. No vehicle shall be backed up to a curb, except during the time actually engaged in loading or unloading merchandise therefrom.
- C. It shall be unlawful for any person to park any vehicle other than a taxicab in a properly designated taxicab stand.
- D. It shall be unlawful for any person to park any vehicle so as to block any driveway of any filling station or other like establishment.
- E. No lights need be displayed upon any vehicle when parked in the Town in accordance with this chapter.
- F. No vehicle shall be parked or stopped on any street or alley in such manner as to impede or interfere with or render dangerous the use of such street or alley by another. [Added 12-8-2008]
- G. Except upon one-way streets, no vehicle shall be stopped or parked except close to the right-hand curb and, except upon one-way streets, no vehicle shall be stopped or parked with its left side to the curb. [Added 12-8-2008]
- H. Except in an emergency or to allow another vehicle or a pedestrian to cross, no vehicle shall be stopped or parked in any street, except close to and parallel with the curb. In no case shall any vehicles be parked less than four feet apart nor with the curbside wheels further than six inches from the curb, except where parking regulations provide for parking at an angle to the curb. [Added 12-8-2008]
- I. No vehicle shall be stopped or parked within 15 feet of the ends of any obstruction opposite such vehicle. [Added 12-8-2008]
- J. Vehicles shall not be parked two or more abreast parallel with the curb. [Added 12-8-2008]

§ 155-14.1. Handicapped parking. [Added 1-13-1997]

¹. Editor's Note: Original Part 5, Driving Automobile, Engine, Etc., While Under the Influence of Whiskey, Drugs, Etc., as amended, which immediately followed this subsection, was deleted 7-8-1996. See now Chapter 121, Peace and Good Order.

- A. It shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard or a temporary removable windshield placard issued under 46.2-731 or DV disabled parking license plates issued under Subsection B of 46.2-739 to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk or for a person who is not limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle.
- B. A summons or parking ticket for the offense may be issued by the Grottoes Police Department to enforce parking regulations with the necessity of a warrant being obtained by the owner of private parking areas. Violation of this section shall constitute a Class 4 misdemeanor, with a fine not to exceed \$500. [Amended 12-8-2008]

§ 155-14.2. Parking in fire lanes. [Added 6-13-2005]

- A. It shall be unlawful for any person to park a motor vehicle in any space or zone designated by placard, sign, yellow curb marker or road marker indicating "FIRE LANE."
- B. For the purpose of this section, a vehicle shall be considered parked if it is not moving, notwithstanding whether the vehicle is running or not running, and further notwithstanding whether the vehicle is occupied or unoccupied.
- C. The Grottoes Police Department shall have full power to issue a summons or parking ticket for a violation of this section, notwithstanding the absence of a warrant obtained by the owner of a vehicle violating this section in a private parking area.
- D. Any person who parks a motor vehicle in violation of this section shall be guilty of a Class 4 misdemeanor and upon conviction thereof shall be fined an amount not to exceed \$50. Each calendar day that a vehicle is parked in violation of this section shall constitute a separate offense.

§ 155-14.3. (Reserved)

§ 155-14.4. Parking where lines indicate parking spaces. [Added 12-8-2008]

On all streets marked with lines on the pavement indicating spaces for the parking of vehicles, the spaces between each two lines shall constitute parking room for only one four-wheeled vehicle or two motorcycles. No vehicle parked in such space shall be parked with wheels across the lines indicating the boundaries of the space.

§ 155-14.5. Parking on sidewalk, pedestrian crossing or driveway prohibited. [Added 12-8-2008]

- A. It shall be unlawful for any person to park a vehicle on a sidewalk or pedestrian crossing.
- B. It shall be unlawful for any person to park a vehicle in such a manner as to block, in whole or in part, any driveway or entryway.

§ 155-14.6. Parking on incline. [Added 12-8-2008]

Whenever a motor 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 so arranged as to prevent movement upon release of the brake.

§ 155-14.7. Stopping or parking for advertising purposes prohibited. [Added 12-8-2008]

It shall be unlawful to stop or park a vehicle at any time upon any street, Town right-of-way or setback for the purpose of advertising for sale any article or service, including, without limitation, the sale of the vehicle itself.

§ 155-14.8. Parking by curb painted yellow prohibited. [Added 12-8-2008]

It shall be unlawful for any person to park any vehicle alongside any curb painted yellow.

§ 155-14.9. Backing to curb. [Added 12-8-2008]

No vehicle shall be backed up to a curb, except during the time merchandise is actually being loaded or unloaded.

§ 155-14.10. Unlawful opening of doors. [Added 12-8-2008]

It shall be unlawful for any person to open the door of any vehicle parked in any street in the Town in such manner as to interfere with the lawful use of any other vehicle.

§ 155-14.11. Allowing vehicle to remain parked more than five days continuously prohibited. [Added 12-8-2008]

It shall be unlawful for the owner of any motor vehicle to allow such vehicle to remain parked continuously upon any street of the Town or in the municipal parking lot for a period of more than five days.

§ 155-14.12. Parking of commercial vehicles near residences. [Added 12-8-2008]

It shall be unlawful for the owner, operator or driver of any motor passenger bus, for-hire car, truck, trailer or semitrailer to park such vehicle or to permit such vehicle to be parked on any of the streets, alleys or other public ways in the Town in front of or adjacent to any portion of any lot upon which any residence is constructed for a period longer than 30 minutes, unless such owner, operator or driver has the written consent of the owner or tenant of such lot to do so, provided that the provisions of this section shall not apply to any vehicle while actually engaged in loading or unloading.

§ 155-14.13. Nighttime parking of passenger cars near residences. [Added 12-8-2008]

It shall be unlawful for the owner, operator or driver of any motor passenger car or automobile to park such vehicle or to permit such vehicle to be parked for a continuous period of more than three hours on any of the streets, alleys or public ways of the Town in front of or adjacent to any portion of any lot on which a residence is constructed and located in an R-1 single-family residential zone for the period between one hour after sunset and one hour before sunrise of the following day, unless such person so parking such vehicle is the owner or tenant of the residence and lot in front of any part of which such vehicle is so parked, or unless the owner, operator or

driver of the vehicle has first obtained the consent of the owner or tenant of the lot in front of which, or any part of which, such vehicle is so parked during the nighttime.

§ 155-14.14. Daytime parking of passenger cars near residences. [Added 12-8-2008]

It shall be unlawful for the owner, operator or driver of any motor passenger car or automobile to park such vehicle or to permit such vehicle to be parked between one hour before sunrise and one hour after sunset of any day on any street, alley or other public way in the Town in front of or adjacent to any portion of any lot on which a residence is constructed and located in an R-1 single-family residential zone for a period longer than two hours, unless such person so parking such vehicle is the owner or tenant of the residence and lot in front of any part of which such vehicle is so parked, or unless the owner, operator or driver of such vehicle has first obtained the consent of the owner or tenant of the lot in front of which, or any part of which, such vehicle is so parked.

§ 155-14.15. Additional parking violations and fines. [Added 12-8-2008]

Any person, firm or corporation violating any of the provisions of this article shall be required to pay the following fines:

- A. Double-parking: \$15.
- B. Parking in loading zone: \$15.
- C. Parked left side to curb: \$15.
- D. Violation of highway sign: \$20.
- E. Parked within 20 feet of a corner: \$20.
- F. Parked within 30 feet of a stop sign: \$20.
- G. Parked within 15 feet of a fire hydrant: \$50.
- H. Parked in a no-parking zone/painted curb: \$20.
- I. Parked within 15 feet of a fire station entrance: \$25.
- J. Blocking establishment/driveway: \$20.
- K. Parked in fire lane: \$50.
- L. Failing to display current Town decal, inspection sticker: \$25.
- M. Failing to display current state license plates: \$25.
- N. Other: \$20.
- O. Failure to pay parking citation within 10 days will result in an additional penalty of \$15.
- P. Parked in a handicapped space: \$100.

§ 155-14.16. Parking vehicle without state license, inspection sticker or Town decal prohibited. [Added 12-8-2008]

It shall be unlawful for any person to park any vehicle within the Town on any public street or property, or any privately owned shopping center, business office or apartment complex open to the public, that lacks a current state license, inspection sticker or, if a vehicle requiring the same, a current Town decal. It is provided further that officers of the Grottoes Police Department may enter upon the parking lots of privately owned shopping centers, business offices and apartment complexes open to the public for the purpose of enforcing this section without having received a formal complaint, either written or otherwise, from the owners thereof.

§ 155-14.17. Issuance of summons. [Added 12-8-2008]

If any person fails to pay such fine within 10 days of receipt of such violation, the police officer or person having issued the original written notice of violation shall, at his or her own discretion, thereupon issue a summons for the prosecution of that person so notified for that violation.

§ 155-14.18. Compliance required; violations and penalties.

- A. It shall be unlawful for any person to refuse, fail or neglect to comply with any of the provisions of this article or any rule or regulation promulgated pursuant thereto.
- B. Every person convicted of a violation of any of the provisions of this article or any rule or regulation promulgated pursuant thereto for which no other penalty is provided shall be punished by a fine of not more than \$50.

§ 155-15. Through truck travel and parking prohibited. [Amended 10-7-1980]

- A. It is unlawful for through trucks to travel on Elm Avenue (formerly Fifth Avenue) and Gum Avenue (formerly Seventh Avenue) and on Forest Avenue (formerly Sixth Avenue south of Nineteenth Street) and Holly Avenue (formerly Eighth Avenue between Route 256 and Fourteenth Street) and Fourteenth Street between Dogwood Avenue (formerly Fourth Avenue) and Holly Avenue, and Tenth Street between Dogwood Avenue and Riverside Avenue (formerly Ninth Avenue) in the Town of Grottoes, except for the purpose of delivery to residences on said streets or for delivery to other points impossible to reach except by way of said street.
- B. It shall be unlawful for the owner, operator or driver of any vehicle of over 3/4 ton capacity, including but not limited to a motor passenger bus, truck, trailer or semitrailer, to park such vehicle or to permit such vehicle to be parked in such areas zoned R-1 and R-2 on any of the streets, alleys or other public ways in such areas of the Town, provided that the provisions of this section shall not apply to any vehicle while actually engaged in loading and unloading.
- C. Any person found guilty of violating this section shall be fined \$10 for the first offense and shall be fined \$25 for any subsequent offense.

§ 155-16. Removal of injurious substances from street.

Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle.

§ 155-17. Street obstructions; railroad track obstructions. [Amended 7-8-1996]

It shall be unlawful for any railroad company or any receiver or trustee operating a railroad to obstruct for a longer period than five minutes the free passage on any street or road by standing cars or trains to cross the same, except a passenger train while receiving or discharging passengers, but a passway shall be kept open to allow normal flow of traffic; nor shall it be lawful to stand any wagon or other vehicle on the track of any railroad which will hinder or endanger a moving train, provided that when a train has been uncoupled so as to make a passway, the time necessarily required, not exceeding three minutes, to pump up the air after the train has been recoupled shall not be included in considering the time such cars or trains were standing across such street or road.

§ 155-18. Use of amusement devices on streets and highways. [Amended 7-11-1989; 3-13-2006; 12-11-2006]

- A. Items prohibited on sidewalks when used in such a way as to impede or obstruct pedestrian traffic. No person shall use on the sidewalks or walkways or on any Town property any of the following devices in such a way as to impede pedestrian traffic:
- (1) Roller skates.
 - (2) Toys.
 - (3) Bicycles.
 - (4) Scooters (unmotorized).
 - (5) Other devices operated in a way to impede pedestrian traffic.
 - (6) Skateboards.
- B. Items absolutely prohibited on sidewalks. No person shall use on the sidewalks or walkways or on any Town property any of the following devices, except as may be explicitly permitted by signage posted:
- (1) Motorized bicycles.
 - (2) Mopeds, motorized and unmotorized.
 - (3) Motorized scooters.
- C. Items prohibited on streets. No person shall use on any highway or street any of the following devices:
- (1) Roller skates.
 - (2) Toys.
 - (3) Skateboards.
- D. Items permitted on streets. Bicycles, motorcycles, scooters, and mopeds, motorized and unmotorized, shall be permitted on the streets and highways in accordance with this section.

- E. No person riding upon any bicycle, moped, roller skates, skateboard, toy, scooter, or other device on wheels or on runners shall attach the same or himself or herself to any vehicles upon a roadway.
- F. No person shall operate a moped, motorized scooter, motorcycle, or motorized bicycle upon the streets and highways of the Town without the proper use of a helmet approved by the Virginia Department of Transportation. In addition, all such riders shall obey all other traffic laws.
- G. Notwithstanding any provision of this section, the use of unmotorized bicycles shall be permitted on the walking trail in the Town park and on the bike path.
- H. Any person who violates this section shall be punishable by a civil penalty of not more than \$50.

ARTICLE IV
Abandoned Vehicles

§ 155-19. Removal and disposition of unattended or abandoned vehicles. [Amended 11-11-1980]

- A. Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semitrailer is left unattended for more than 10 days upon any privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer within the Town or is abandoned upon such privately owned property without the permission of the owner, lessee or occupant thereof, any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area; provided, however, that no such vehicle shall be so removed from privately owned premises without the written request of the owner, lessee or occupant thereof. The person at whose request such motor vehicle, trailer or semitrailer is removed from privately owned property shall indemnify the Town against any loss or expense incurred by reason of removal, storage or sale thereof. Each removal shall be reported immediately to the office of the Town Clerk and notice thereof given to the owner of the motor vehicle, trailer or semitrailer as promptly as possible. The owner of such vehicle or 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 the motor vehicle, trailer or semitrailer. Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made and after notice to him 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 semitrailer, the Chief of Police may, after holding the motor vehicle, trailer or semitrailer 40 days and after due notice of sale, dispose of the same at public sale, and the proceeds from the sale shall be forwarded by the selling officer to the Treasurer of the Town, provided that if the value of such motor vehicle, trailer or semitrailer is determined by three disinterested dealers or garage owners to be less than \$150, it may be disposed of by private sale or junked. The Treasurer shall pay from the proceeds of sale the cost of removal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him or her for the owner and paid to the owner upon

satisfactory proof of ownership.

- B. If no claim has been made by the owner for the proceeds of such sale, the remaining funds may be deposited to the general fund of the Town. Any such owner shall be entitled to apply to the Town within three years from the date of such sale, and if timely application is made therefor, the said 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.

§ 155-20. Removal 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.

§ 155-21. Leaving vehicles upon private property prohibited; notice of disposition.

- A. It shall be unlawful for any person to leave any motor vehicle, trailer, semitrailer or part thereof on the private property of any other person without his or her consent. Upon complaint of the owner of the property on which such motor vehicle, trailer, semitrailer or part thereof has been abandoned for more than five days, such motor vehicle, trailer, semitrailer or part thereof may be removed by or under the direction of a police officer to a storage garage or area. The person at whose request such motor vehicle, trailer, semitrailer or part thereof is so removed shall indemnify the Town against any loss or expense incurred by reason of removal, storage or sale thereof.
- B. In the case of the removal of a motor vehicle, trailer, semitrailer or part thereof from private property, when the same cannot be readily sold, such motor vehicle, trailer, semitrailer or part thereof may be disposed of in such manner as the Town Council may provide.
- C. In all other respects, the provisions of § 18.2-273 of the Code of Virginia shall apply to such removals.
- D. The Division of Motor Vehicles shall be notified of the disposition of any motor vehicle, trailer or semitrailer under § 18.2-273 of the Code of Virginia.

§ 155-22. Free parking accommodations; liability.

- A. No action shall lie or proceeding be brought against any person conducting any business and maintaining a parking lot, at which free parking accommodations are provided for customers or employees of such business when a motor vehicle is parked in such parking lot, for the total or partial loss of such motor vehicle by reason of theft or damage by any person other than an employee or for the total or partial loss of property left in such motor vehicle by reason of theft or damage by any person other than an employee.
- B. As used in this section, the term "free parking accommodations" means parking accommodations for which no specific charge is made in the patronage of the business by

customers, and the performance of the regular services for the business by employees shall not constitute the payment of any consideration for the use of the parking accommodations.

- C. Nothing in this section shall relieve any person of liability resulting from his or her wrongdoing.

ARTICLE V
Bicycles
[Amended 11-1-1977]

§ 155-23. Applicability.

Each person riding a bicycle on a roadway or upon any bikeway set aside for the exclusive use of bicycles shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their nature can have no application.

§ 155-24. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BICYCLE — Includes a lightweight vehicle with two tandem wheels, neither of which is less than 12 inches in diameter, with solid or pneumatic tires having a steering wheel or steering bar and a saddle seat or seats and propelled by the feet acting on treadles connected to cranks or levers. This shall include pedal bicycles with helper motors rated less than one brake horsepower and capable of a speed up to a maximum of 20 miles per hour, provided that such bicycle so equipped shall not be operated upon any highway or public vehicular area of this state by any person under the age of 16 years. [Amended 7-8-1996]

§ 155-25. Required lights and equipment.

- A. No bicycle shall be ridden upon any street during a period from sunset to sunrise without displaying at least one white lamp visible from a distance of 500 feet to the front of the bicycle and with a red reflector on the rear which shall be visible from all distances from 50 to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet may be used in lieu of a red reflector.
- B. Each bicycle shall be equipped with a brake which shall enable the operator to make the back wheels skid on a dry, level and clear pavement and such other equipment as shall be required to meet the standard specifications in these sections and by the Chief of Police.

§ 155-26. General regulations.

- A. Riding on right. Each person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as is practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- B. Riding on roadway prohibited; bikeway availability. Wherever a usable path or surface has been provided for bicycles adjacent to a roadway and designated by traffic control devices,

bicycle riders shall use such path or surface and shall not use the roadway.

- C. Signals for indicating a turn. Bicycle operators shall signify their intentions of turning by using the same hand signals established for operators of motor vehicles.
- D. Emerging from alley or driveway. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk area extending across an alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk areas and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.
- E. Clinging to moving vehicles; towing. No person riding a bicycle on any street shall cling to or attach himself or herself or his or her vehicle to any moving vehicle upon any roadway, nor shall any such person hook any object on or to anything from his or her bicycle.
- F. Endangering persons or property; excessive speed. No bicycle shall be ridden at any time at any place or in any manner as to be dangerous to any person or property. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. Reckless driving or swerving in and out of traffic is prohibited.
- G. Traffic control and traffic regulation devices. Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles unless otherwise directed by a police officer.
- H. Riding single file. All persons riding bicycles shall ride single file at all times, never abreast.
- I. Carrying articles on bicycles. No person operating a bicycle upon a highway shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars at all times.
- J. Duty of parent or guardian. No parent of any minor child or the guardian of any ward shall authorize or knowingly permit any such child or ward to violate any of the provisions above.

§ 155-27. Restricted acts.

- A. It shall be unlawful for any person or child over 15 to operate a bicycle on a sidewalk within the business or residential district.
- B. No person shall ride a bicycle upon any street or alley in the Town without having his or her hands upon the handlebars of such bicycle.
- C. It shall be unlawful for a person operating a bicycle to ride other than upon or astride the permanent and regular seat attached thereto or to carry any other person upon such bicycle other than upon a firmly attached and regular seat thereon (e.g., bicycle built for two). No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- D. It shall be unlawful for any person to park a bicycle on the sidewalk in front of any building having glass windows extending to within two feet of the sidewalk.

§ 155-28. Violations and penalties. [Amended 7-8-1996]

Any person, firm partnership or corporation who is convicted of violating any sections of this article shall be punishable in accordance with Title 46.2 and Rule 3B:2 of the Code of Virginia.

ARTICLE VI
Operation of Golf Carts and Utility Vehicles on Public Highways
[Added 12-11-2013; amended 5-9-2016; 10-10-2017]

§ 155-29. Authority to regulate.

Pursuant to § 46.2-916.2 of the Code of Virginia (1950), as amended, the Town of Grottoes may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries, and impose limitations and restrictions on the operation of golf carts and utility vehicles upon public highways within the Town of Grottoes.

§ 155-30. 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 — A self-propelled vehicle having at least four wheels which is designed to transport persons playing golf and their equipment on a golf course.

PUBLIC HIGHWAY — The entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Town of Grottoes, including streets, roads, and alleys.

UTILITY VEHICLE — A vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed; must be classified by the manufacturer as a utility vehicle and not an all-terrain vehicle; does not include pickup or panel trucks, golf carts, riding lawn mowers, and farm tractors.

§ 155-31. Required safety equipment.

All safety equipment required for inspection under § 155-34 must remain on golf carts and utility vehicles at all times when operated on any public highway or Town property.

§ 155-32. Golf cart and utility vehicle operation.

No person shall operate a golf cart or utility vehicle on or over any public highway or Town property in the Town of Grottoes except as provided in this article.

§ 155-33. Designation of Town public highways for golf cart and utility vehicle operation.

A. Pursuant to § 46.2-916.2 of the Code of Virginia, the Grottoes Town Council may authorize, by ordinance, the operation of golf carts and utility vehicles on designated public highways within the Town after: i) considering the speed, volume and character of motor vehicle traffic using such street; and ii) determining that golf cart and utility vehicle operation on particular Town public highways is compatible with state and local

transportation plans and consistent with the commonwealth's statewide pedestrian policy. No Town public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic, or if the public highway's speed limit is greater than 25 miles per hour. Any public highways with a speed limit of 25 mph or less shall be considered designated for golf cart and utility vehicle use.

§ 155-34. Town safety inspection.

- A. Golf carts and utility vehicles shall pass an annual safety inspection. Such safety inspection shall be conducted by the Grottoes Police Department and shall only cover the following items:
- (1) Headlights, taillights, brake lights and turn signals.
 - (2) Rubber or equivalent tires.
 - (3) Windshield wipers if equipped with permanent windshield.
 - (4) Horn, steering wheel, adequate steering gear, brakes, emergency or parking brake, one mirror, adequately fixed driver's seat.
 - (5) All other factory-installed safety or mechanical systems, including checking for gasoline or propane leaks.
 - (6) Safety lap belts for all occupants.
 - (7) Slow-moving-vehicle emblem.
- B. The owner/operator of the golf cart or utility vehicle shall be responsible for scheduling an appointment with the Grottoes Police Department for the safety inspection. The owner/operator shall be required to bring the completed inspection certification to the Town offices, along with proof of insurance, as more particularly detailed below, and obtain a sticker to be placed in plain view on the driver's side front portion of the golf cart or utility vehicle. The Town shall be entitled to charge a reasonable registration fee, which fee shall be included in Chapter A171 of the Town Code.

§ 155-35. Insurance required.

Every golf cart or utility vehicle and driver thereof shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in § 46.2-472 of the Code of Virginia (1950), as amended, and provide coverage during the operation of the golf cart or utility vehicle upon public highways.

§ 155-36. Operation on public highways.

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

- A. No person shall operate a golf cart or utility vehicle on a Town public highway unless that public highway is designated for golf cart and utility vehicle operations.

- B. No golf cart or utility vehicle shall be driven across any public highway where the public highway being crossed has a posted speed limit of more than 25 miles per hour unless the public highway intersection is controlled by a traffic light and has a posted speed limit of no more than 35 miles per hour.
- C. Golf carts or utility vehicles shall only be operated on Dogwood Avenue to cross the street at the designated crossings located at the intersections of 4th Street, 5th Street, 6th Street, and 7th Street. Golf carts or utility vehicles shall not be operated on Dogwood Avenue between these designated intersections.
- D. All occupants must wear seatbelts at all times while operating on public highways or Town property.
- E. Golf carts and utility vehicles shall be operated on public highways only between sunrise and sunset unless equipped with such lights as required in Article 3 (§ 46.2-1010 et seq.) of Chapter 10 of Title 46.2 of the Code of Virginia (1950), as amended.
- F. No person may operate a golf cart or utility vehicle on public highways or Town property unless he or she has in his or her possession a valid driver's license, and then only in accordance with such driver's license.
- G. 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.
- H. 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 or on the cargo area of utility vehicles.
- I. Golf carts or utility vehicles shall not be operated on any bicycle trails or sidewalks within the Town limits.
- J. Golf carts and utility vehicles shall not be operated on any walking trails and must remain on roadways or parking areas while operated within Town parks.
- K. Every golf cart and utility vehicle, whenever operated on a public highway, shall display a slow-moving-vehicle emblem in conformity with Virginia Code § 46.2-1081.
- L. The Chief of Police, or his designee, may prohibit the operation of golf carts and utility vehicles on any public highway if the Chief, or his designee, determines that the prohibition is necessary in the interest of safety.

§ 155-37. Exceptions.

The limitations set forth in § 155-36 above shall not apply to golf carts and utility vehicles being operated to the extent necessary for Town of Grottoes employees and Town of Grottoes contractors to fulfill a governmental purpose, or as otherwise authorized by the Town Manager or his designee, provided the golf cart or utility vehicle is not operated on a Town public highway with a posted speed limit over 35 miles per hour in accordance with Virginia Code § 46.2-916.3B.2.

§ 155-38. Local vehicle license.

No golf cart or utility vehicle shall be operated on public highways or Town property until the owner has:

- A. Obtained a vehicle license by April 15. No vehicle license shall be issued to the owner of the golf cart until the vehicle license fee has been paid in accordance with Chapter A171 of the Code of the Town of Grottoes.
- B. Presented evidence that the golf cart or utility vehicle is insured in accordance with the requirements of § 155-35.
- C. Received and passed an annual safety inspection of the golf cart as required by § 155-34.

§ 155-39. Violations and penalties.

In the event any golf cart or utility vehicle is out of compliance with any of the requirements of this chapter, or in the event any owner of a golf cart or utility vehicle violates the provisions of this chapter, the Chief of Police, or his designee, may revoke the vehicle license issued for such golf cart or utility vehicle or revoke any golf cart or utility vehicle license for any owner who violates the provisions of this chapter.

§ 155-40. Liability disclaimer.

This article 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 highways, and the Town of Grottoes in no way advocates or endorses their operation on public highways. The Town of Grottoes, by regulating such operation, is merely trying to address obvious safety issues, and adoption of this article is not to be relied upon as a determination that operation on public highways is safe or advisable if done in accordance with this article. All persons who operate or ride upon golf carts and utility vehicles on public highways do so at their own risk and peril, and must be observant of, and attentive to, the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The Town of Grottoes has no liability under any theory of liability, and the Town assumes no liability for permitting golf carts and utility vehicles to be operated on the public highways under the special legislation granted by the Virginia General Assembly. 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 or utility vehicle on the public highway.