

CHAPTER 14.

MOTOR VEHICLES AND TRAFFIC.

ARTICLE I. In General.

- §14-1. Definitions.
- §14-2. Violations of this chapter; penalties.
- §14-2.1 Additional penalty for exceeding speed limit in certain residential districts.
- §14-3. Traffic infractions treated as misdemeanors for arrest purposes.
- §14-4. Traffic schools; requiring attendance by persons convicted of certain violations.
- §14-5. Designation of private roads as highways for law-enforcement purposes.
- § 14-6. Incorporation of Provisions from Code of Virginia.

ARTICLE II. Parking.

- §14-11. Parking in certain locations.
- §14-11.1 Stopped vehicles not to endanger others or impede traffic; removal of vehicles in violation.
- §14-12. Regulation of parking on certain parking lots.
- §14-13. Penalties for parking violations.
- §14-14. Parking tickets generally.
- §14-15. Voluntary payment or contest of parking ticket.
- §14-16. Procedure for delinquent parking tickets.
- §14-17. Record of payments received under §§ 14-15 and 14-16.
- §14-18. Presumption in prosecutions for parking violations.
- §14-19. Removal or immobilization of motor vehicles against which there are outstanding parking violations.

(ARTICLE III REPEALED)

ARTICLE IV. Driving While Under Influence of Alcohol or Drugs.

- §14-41. Driving motor vehicle, engine, etc. while intoxicated, etc.
- §14-41.1. Persons under age twenty-one driving after illegally consuming alcohol; penalty.
- §14-42. Preliminary analysis of breath to determine alcoholic content of blood.
- §14-43. Chemical testing to determine alcohol or drug content of blood.
- §14-44. Penalty for driving while intoxicated; subsequent offense; prior conviction.
- §14-45. Driving after forfeiture of license.
- §14-46. Report of conviction to Department of Motor Vehicles.
- §14-47. County to defend nurses in suits arising under article.

ARTICLE V. Licensing of Vehicles.

- §14-51. Levy of license tax.
- §14-52. Evidence of payment of personal property taxes required
- §14-53. Unlawful to fail to obtain and display license.
- §14-54. Penalty.

- §14-55. Schedule of license taxes.
- §14-56. Proration of license tax; expiration date of licenses; procedure when licensed vehicle is disposed of and not replaced; and refund of license taxes.
- §14-57. State registration card prerequisite to licensing.
- §14-58. License tags, stickers and decals generally.
- §14-59. Exemptions.
- §14-60. Record of license tags, stickers and decals issued.

(ARTICLES VI AND VII REPEALED)

CHAPTER 14.

MOTOR VEHICLES AND TRAFFIC.

ARTICLE I. In General.

§ 14-1. Definitions.

The words and phrases used in this chapter shall, for the purposes of this chapter, have the meanings respectively assigned to them in ' 46.2-100 of the Code of Virginia (1950), as amended, except in those instances where the context clearly indicates a different meaning.

State law reference--Virginia Code §§ 46.2-100, 46.2-1300 and 46.2-1313.

§ 14-2. Violations of this chapter; penalties.

It shall be unlawful for any person to violate any of the provisions of this chapter. Unless otherwise stated, these violations shall constitute traffic infractions punishable by a fine of not more than \$200.

State law reference--Virginia Code § 46.2-113.

§ 14-2.1 Additional Penalty for Exceeding Speed Limit in Certain Residential Districts.

Operation of any motor vehicle in excess of a maximum speed limit established for a highway in a residence district, when indicated by appropriately placed signs displaying the maximum speed limit and the penalty for violations, shall be unlawful and constitute a traffic infraction punishable by a fine of not more than Two Hundred Dollars (\$200.00), in addition to other penalties provided by law. Signage for the residence districts in which said additional fine shall be applicable shall be installed pursuant to and in accordance with the criteria developed by the Commonwealth Transportation Board for the applicability of Virginia Code § 46.2-878.2.

(Ord. 9/25/96)

State law reference--Virginia Code § 46.2-878.2.

§ 14-3. Traffic infractions treated as misdemeanors for arrest purposes.

A. For purposes of arrest, traffic infractions shall be treated as misdemeanors. Except as otherwise provided by this chapter, the authority and duties of arresting officers shall be the same for traffic infractions as for misdemeanors.

B. Whenever any person is detained by, or in the custody of, an arresting officer, including an arrest on a warrant, for a violation of any provision of this chapter, the arresting officer shall, except as otherwise provided in paragraph G of this section, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five (5) days after such arrest, unless the person arrested shall demand an earlier hearing, and such person shall, if he so desires, have a right to an immediate hearing or a hearing within twenty-four (24) hours, at a convenient hour, and before a court having jurisdiction under this chapter. Upon the giving by such person of his written promise to appear at such time and place, the officer shall forthwith release him from custody.

C. Any person refusing to give his written promise to appear under the provisions of this section shall be taken immediately by the arresting officer before a magistrate or other issuing officer having jurisdiction, who shall proceed according to the provisions of paragraph G of this section.

D. Any person who willfully violates his written promise to appear, given in accordance with this section, shall be treated in accordance with the provisions of paragraph F of this section.

E. Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal there from upon complaint filed by any person in a court of competent jurisdiction. This section shall not be construed to limit the removal of any officer for other misconduct in office.

F. (1) Upon the failure of any person to comply with the terms of a summons or notice given pursuant to paragraph B of this section, such person shall be guilty of a Class 1 misdemeanor and the court may direct the arresting officer or the clerk of the court to obtain a warrant for his arrest or for the violation of his written promise to appear given in accordance with paragraph B of this section and serve, or cause to be served, or attempt, or cause to be attempted, to serve such warrant on such person. The warrant shall be returnable to the court having jurisdiction of the offense and shall be accompanied by a report by the arresting officer which shall clearly identify the person arrested, specifying the section of this chapter violated, the location of the offense, a description of the motor vehicle and its registration or license number.

(2) If the warrant is returned to the court with the notation "not found" or the person named in the warrant does not appear on the return date thereof, the court shall forward a certificate of the fact of non-service or non-appearance, with a copy of the report specified in subsection (1) of this paragraph, to the commissioner of the state division of motor vehicles, who shall forthwith suspend the operator's or chauffeur's license of such person. The order of suspension shall specify the reason for the suspension. Such suspension shall continue until such time as the court has notified the commissioner that the defendant has appeared before the court under the terms of the summons or notice.

G. If any person detained by, or in the custody of, an arresting officer for a violation of this chapter is believed by the arresting officer to be likely to disregard a summons issued under paragraph B of this section, or if any such person refuses to give a written promise to appear under the provisions of section paragraph B of this section, the arresting officer shall take such person forthwith before a magistrate or other issuing authority having jurisdiction, who shall determine whether or not probable cause exists that such person is likely to disregard a summons, and may issue either a summons or warrant, as he shall determine proper.

(Ord. 4/14/99)

State law reference--Virginia Code §§ 46.2-936 *et seq.*

§ 14-4. Traffic schools; requiring attendance by persons convicted of certain violations

A. There is hereby established a traffic school in the county, at which instruction concerning laws and ordinances for the regulation of vehicular traffic, safe operation of vehicles, and such other subjects as may be prescribed shall be given.

B The direction and conduct of the school shall be vested in the General District Court of the county in conjunction with the Valley Alcohol Safety Action Program. Such direction shall include the supervision of the school, the days and hours of its operation, and its personnel.

State law reference--Virginia Code § 46.2-1314.

§ 14-5. Designation of private roads as highways for law-enforcement purposes.

The private roads in the county within any residential development containing 100 or more lots are designated as highways for law-enforcement purposes.

State law reference--Virginia Code § 46.2-1307.

§ 14-6. Incorporation of Provisions from Code of Virginia.

Pursuant to the authority of section 46.2-1313 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the commonwealth contained in title 46.2 of the Code of Virginia, as amended, 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 county are hereby adopted and incorporated in this chapter by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the county. 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 county, to violate or fail, neglect or refuse to comply with any provision of title 46.2 of the Code of Virginia, which is adopted by this section; provided, that in no event shall the penalty imposed or the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under title 46.1 of the Code of Virginia. This adoption of the provisions of title 46.2 of the Code of Virginia shall include all future amendments of such provisions by the Commonwealth of Virginia; provided,

however, that any resulting amendment to The Augusta County Code shall not become effective until the effective date of the applicable state law. (Ord. 9/9/09)

§§ 14-7 through 14-10 reserved.

ARTICLE II. Parking.

§ 14-11. Parking in certain locations.

A. No person shall park a vehicle or permit it to stand, whether attended or unattended, on a highway in front of a private driveway, within fifteen feet of a fire hydrant or the entrance to a fire station, within fifteen feet of the entrance to a plainly designated building housing rescue squad equipment or ambulances, or within twenty feet from the intersection of curb lines, or if none, then within fifteen feet of the intersection of the property lines at any highway intersection.

B. No person shall park a vehicle or permit it to stand, whether attended or unattended on Pilot Drive. (Ord. 1/13/10)

§ 14-11.1. Stopped vehicle not to endanger others or impede traffic; removal of vehicles in violation.

No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the highways by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case the vehicle shall be removed from the highway as soon as possible. Such removal may be ordered by a sheriff or deputy sheriff at the expense of the owner if the disabled vehicle creates a traffic hazard.

(Ord. 1/13/10)

State law reference--Virginia Code §§ 46.2-1239, 46.2-1306 and 46.2-1220.

§ 14-12. Regulation of parking on certain parking lots.

No person shall park a vehicle or permit it to stand, whether attended or unattended on parking lots which are open to the public and designed to accommodate fifty or more vehicles, in any of the following places:

(A) on a sidewalk.

(B) on a crosswalk.

(C) in any area designated as a fire lane. All fire lanes shall be designated by the chief of the county fire department and the chief building official of the county and shall be marked accordingly at the expense of the county.

(D) in any area not designated as spaces for parking.

(E) at any place where official signs prohibit parking.

State law reference--Virginia Code § 46.2-1219.

§ 14-13. Penalties for parking violations.

Any person violating any of the provisions of this article shall be deemed guilty of a traffic infraction and, upon conviction thereof, shall be fined according to the following schedule:

A. Violations of § 14-11 above:

In front of a private driveway.....	\$15.00
Within 15' of a fire hydrant	\$50.00
Within 15' of entrance to fire station.....	\$50.00
Within 15' of entrance to rescue squad	\$50.00
Within 20' of intersection of curbs	\$15.00
Within 15' of intersection without curbs	\$15.00

B. Violations of § 14-12 above:

On parking lots which are open to the public and designed to accommodate 50 or more vehicles:

On a sidewalk.....	\$15.00
On a crosswalk	\$15.00
In a fire lane	\$50.00
In any area not designated for parking.....	\$15.00
At a place where official signs prohibit parking	\$25.00

(Ord. 4/14/99)

§ 14-14. Parking tickets generally.

A. The Sheriff shall prepare an appropriate ticket and ticket stub for use in enforcing the provisions of this article. Any law enforcement officer charged with enforcing this article shall attach, in plain view, to any vehicle parked in violation of this article, a ticket notifying the owner or operator of such vehicle of the violation and instructing such owner or operator when and where to report with reference to the violation. The time of the violation shall be noted on the ticket and stub. The ticket stub shall be turned in to the office of the Treasurer of Augusta County. The ticket and stub shall have corresponding numbers.

B. The ticket shall contain the following statement:

"NOTICE: You may pay this by appearing at the Office of the County Treasurer of Augusta County, 18 Government Center Lane, Verona, Virginia, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. If you prefer, you may mail the ticket and fine to the aforementioned office at P.O. Box 590, Verona, Virginia 24482. Checks should be made payable to the Treasurer of Augusta County. If you fail to take care of this ticket within ten (10) days, then further action will be taken which could result in your having to appear in court and paying additional costs."

(Ord. 4/14/99)

§ 14-15. Voluntary payment or contest of parking ticket.

A. Within ten (10) days of the time when a ticket is attached to a vehicle pursuant to section 14-14, the owner or operator of such vehicle may appear in the Treasurer's office, during regular working hours, and waive his right to be formally tried for the violation indicated on the ticket, by paying the fine prescribed by § 14-13 above as penalty for, and in full satisfaction of, such violation.

B. In lieu of payment of the fine in accord with paragraph A above, such owner or operator may contest the parking ticket, within the time prescribed in paragraph A, by presenting it to the Treasurer of Augusta County, who shall certify such contest, in writing, on an appropriate form, to the General District Court.

(Ord. 4/14/99)

State law reference--Virginia Code § 46.2-1225.

§ 14-16. Procedure for delinquent parking tickets.

A. If the owner or operator of the motor vehicle to which a ticket is attached pursuant to this article does not appear in the Treasurer's office and pay the fine or present the ticket for certification within the time prescribed in § 14-15, the Treasurer shall, in order to secure the collection of county funds, notify the owner or operator of the vehicle in question, by mail directed to his last known address or his address as shown on the records of the Department of Motor Vehicles, that he may pay the fine provided by § 14-13 above for such violation, plus a penalty in the sum of five dollars (\$5.00), within five (5) days of the receipt of the notice, at the Treasurer's office. Such notice shall be contained in an envelope with the words "Law-Enforcement Notice" stamped or printed on the face thereof in type at least one-half inch in height.

B. If a person to whom the notice provided for in paragraph A above is given fails to pay the fine and penalty within the time prescribed in the notice, the Treasurer shall notify the officer who issued the original ticket and the Treasurer shall then cause to be issued a complaint, summons or warrant for the delinquent parking ticket. The owner or operator of the vehicle in question may pay the fine to the Treasurer prior to the date he is to appear in court, provided he also pays necessary costs and the penalty referred to in paragraph A above. The Treasurer's receipt therefor shall be conclusive evidence of such payment.

(Ord. 4/14/99)

State law reference--Virginia Code §§ 46.2-941 and 46.2-1225.

§ 14-17. Record of payments received under §§ 14-15 and 14-16.

The Treasurer of Augusta County shall keep appropriate records of, and account for, all fines and penalties paid to him pursuant to sections 14-15 and 14-16.

(Ord. 4/14/99)

State law reference--Virginia Code § 46.2-1225.

§ 14-18. Presumption in prosecutions for parking violations.

In any prosecution charging a violation of any provision of this article or any regulation or rule established pursuant hereto, proof that the vehicle described in the complaint, summons, parking ticket or warrant was parked in violation of such provision, together with proof that the defendant was, at the time of such parking violation, the registered owner of the vehicle, as required by chapter 6 (§ 46.2-600 *et seq.*) of title 46.2 of the Code of Virginia, 1950, as amended, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.

(Ord. 4/14/99)

State law reference--Virginia Code §§ 46.2-1220 and 46.2-1221.

§ 14-19. Removal or immobilization of motor vehicles against which there are outstanding parking violations.

A. Any motor vehicle parked on the public highways or public grounds against which there are three (3) or more unpaid or otherwise unsettled parking violations may be removed to a place within Augusta County or in an adjacent locality designated by the Sheriff of Augusta County for the temporary storage of the vehicle, or, in the alternative, such vehicle may be immobilized in a manner which will prevent its removal or operation except by authorized law enforcement personnel. Any such removal or immobilization as authorized by this section shall only be conducted by or under the direction of an officer of the County Sheriff's Office.

B. It shall be the duty of the officer removing or immobilizing any motor vehicle, or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices for which the vehicle was removed or immobilized. In any case in which a vehicle is immobilized pursuant to this section, a notice warning that the vehicle has been immobilized and that any attempt to move the vehicle might damage it shall be placed on the vehicle in a conspicuous manner.

C. The owner of any immobilized vehicle, or other person acting on his behalf, shall be allowed at least twenty-four (24) hours from the time of immobilization to repossess or secure the release of such vehicle. Failure to repossess or secure the release of the vehicle within that time period may result in the removal of the vehicle to an authorized storage area for safekeeping under the direction of an officer of the County Sheriff's Office.

D. The owner of the removed or immobilized motor vehicle, or other person acting on his behalf, shall be permitted to repossess or to secure the release of the vehicle by payment of all outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all costs incidental to the immobilization, removal and storage and the efforts to

locate the owner of the vehicle. In the event the owner shall fail or refuse to pay such fines and costs within fifteen (15) days of the date of notice, by registered or certified mail, return receipt requested, or should the identity or whereabouts of the owner be unknown and unascertainable, the motor vehicle may be sold in accordance with the procedures set forth in § 46.2-1213 of the Code of Virginia (1950), as amended.

(Ord. 4/14/99)

§ 14-20 reserved.

(ARTICLE II REPLEASSED 9/9/09)

ARTICLE III. Reckless Driving and Improper Driving.

§ 14-21. Reckless driving; general rule.

Irrespective of the maximum speeds permitted by law, any person who drives a vehicle on any highway recklessly or at a speed or in a manner so as to endanger the life, limb or property of any person shall be guilty of reckless driving.

State law reference--Virginia Code §§ 46.2-852 and 46.2-1300.

§ 14-22. Driving vehicle which is not under control; faulty brakes.

A person shall be guilty of reckless driving who drives a vehicle which is not under proper control or which has inadequate or improperly adjusted brakes on any highway in the county.

State law reference--Virginia Code § 46.2-853.

§ 14-23. Passing on or at the crest of a grade or on a curve.

A person shall be guilty of reckless driving who, while driving a vehicle, overtakes and passes another vehicle proceeding in the same direction, on or approaching the crest of a grade or on or approaching a curve in the highway, where the driver's view along the highway is obstructed, except where the overtaking vehicle is being operated on a highway having two or more designated lanes of roadway for each direction of travel or on a designated one-way roadway or highway.

State law reference--Virginia Code § 46.2-854.

§ 14-24. Driving with driver's view obstructed or control impaired.

A person shall be guilty of reckless driving who drives a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

State law reference--Virginia Code § 46.2-855.

§ 14-25. Passing two vehicles abreast.

A person shall be guilty of reckless driving who passes or attempts to pass two other vehicles abreast, moving in the same direction, except on highways having separate roadways of three or more lanes for each direction of travel, or on designated one-way streets or highways. This section shall not apply, however, to a motor vehicle passing two other vehicles when one or both of such other vehicles is a bicycle or moped; nor shall this section apply to a bicycle or moped passing two other vehicles.

State law reference--Virginia Code § 46.2-856

§ 14-26. Driving two abreast in a single lane.

A person shall be guilty of reckless driving who drives any motor vehicle, including any motorcycle, so as to be abreast of another vehicle in a lane designed for one vehicle, or drives any motor vehicle, including any motorcycle, so as to travel abreast of any other vehicle traveling in a lane designed for one vehicle. However, this section shall not apply to any validly authorized parade, motorcade, or motorcycle escort, nor shall it apply to a motor vehicle traveling in the same lane of traffic as a bicycle or moped.

State law reference--Virginia Code § 46.2-857.

§ 14-27. Passing at a railroad grade crossing.

A person shall be guilty of reckless driving who overtakes or passes any other vehicle proceeding in the same direction at any railroad grade crossing or at any intersection of highways unless such vehicles are being operated on a highway having two or more designated lanes of roadway for each direction of travel or unless such intersection is designated and marked as a passing zone or on a designated one-way street or highway, or while pedestrians are passing or about to pass in front of either of such vehicles, unless permitted so to do by a traffic light or law-enforcement officer.

State law reference--Virginia Code § 46.2-858.

§ 14-28. Passing a stopped school bus.

A person shall be guilty of reckless driving who fails to stop, when approaching from any direction, any school bus which is stopped on any highway or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, and to remain stopped until all such persons are clear of the highway or school driveway and the bus is put in motion. The driver of a vehicle, however, need not stop when approaching a school bus if such school bus is stopped on the other roadway of a divided highway, on an access road, or on a driveway when such other roadway, access road, or driveway is separated from the roadway on which he is driving by a physical barrier or an unpaved area. The driver of a vehicle also need not stop when approaching a school bus which is loading or discharging passengers from or onto property immediately adjacent to a school if such driver is directed by a law-enforcement officer or other duly authorized uniformed school crossing guard to pass such school bus. This section shall apply to school buses which are equipped with warning devices prescribed in § 46.2-1090 of the Code of Virginia (1950), as amended, and are painted yellow

with words "School Bus" in black letters at least eight inches high on the front and rear thereof. Only school buses which are painted yellow and equipped with the required lettering and warning devices shall be identified as school buses.

State law reference--Virginia Code § 46.2-859.

§ 14-29. Failing to give proper signals.

A person shall be guilty of reckless driving who fails to give adequate and timely signals of intention to turn, partly turn, slow down, or stop, as required by state law.

State law reference--Virginia Code § 46.2-860.

§ 14-30. Driving too fast for highway and traffic conditions.

A person shall be guilty of reckless driving who exceeds a reasonable speed under the circumstances and traffic conditions existing at the time, regardless of any posted speed limit.

State law reference--Virginia Code § 46.2-861.

§ 14-31. Exceeding speed limit.

A person shall be guilty of reckless driving who drives a motor vehicle on the highways in the county (i) at a speed of twenty or more miles per hour in excess of the applicable maximum speed limit where the applicable speed limit is thirty miles per hour or less, (ii) at a speed of sixty miles per hour or more where the applicable maximum speed limit is thirty-five miles per hour, (iii) at a speed of twenty miles per hour or more in excess of the applicable maximum speed limits where the applicable maximum speed limit is forty miles per hour or more, or (iv) at a speed in excess of eighty miles per hour, regardless of the applicable maximum speed limit.

State law reference--Virginia Code § 46.2-862.

§ 14-32. Failure to yield right-of-way.

A person shall be guilty of reckless driving who fails to bring his vehicle to a stop immediately before entering a highway from a side road when there is traffic approaching on such highway within 500 feet of such point of entrance, unless (i) a "Yield Right-of-Way" sign is posted or (ii) where such sign is posted, fails, upon entering such highway, to yield the right-of-way to the driver of a vehicle approaching on such highway from either direction.

State law reference--Virginia Code § 46.2-863.

§ 14-33. Reckless driving on parking lots, etc.

A person shall be guilty of reckless driving who operates any motor vehicle at a speed or in a manner so as to endanger the life, limb, or property of any person:

1. On any driveway or premises of a church, school, recreational facility, or business property open to the public; or
2. On the premises of any industrial establishment providing parking space for customers, patrons, or employees; or
3. On any highway under construction or not yet open to the public.

State law reference--Virginia Code § 46.2-864.

§ 14-34. Racing.

A. Reckless driving; penalty. Any person who engages in a race between two or more motor vehicles on the highways in the county or on any driveway or premises of a church, school, recreational facility, or business property open to the public in the County shall be guilty of reckless driving, unless authorized by the owner of the property or his agent. When any person is convicted of reckless driving under this section, in addition to any other penalties provided by law the driver's license of such person shall be suspended by the court for a period of not less than six months nor more than two years. In case of conviction the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398 of the Code of Virginia (1950), as amended.

B. Aiders or abettors. Any person, although not engaged in a race as defined in paragraph A above, who aids or abets any such race, shall be guilty of a Class 1 misdemeanor.

C. Seizure of motor vehicles. If the owner of a motor vehicle is convicted of racing such vehicle in a prearranged, organized, and planned speed competition in violation of paragraph A above, or is present in the vehicle which is being operated by another in violation of paragraph A above, and knowingly consents to the racing, the vehicle shall be seized and disposed of in the manner provided in § 4.1-339 *et seq.* of the Code of Virginia (1950), as amended, for seizure and forfeiture of conveyances or vehicles used in the illegal transportation of alcoholic beverages. Such sections shall apply *mutatis mutandis*. The penalties imposed by this section are in addition to any other penalty imposed by law.

State law reference--Virginia Code §§ 46.2-865 through 46.2-867.

§ 14-35. Reckless driving; penalties.

Every person convicted of reckless driving under the provisions of this article shall be guilty of a Class 1 misdemeanor.

State law reference--Virginia Code § 46.2-868.

§ 14-36. Improper driving; penalty.

Notwithstanding the foregoing provisions of this article, upon the trial of any person charged with reckless driving where the degree of culpability is slight, the court in its discretion may find the accused not guilty of reckless driving but guilty of improper driving. Improper driving shall be punishable as a traffic infraction punishable by a fine of not more than \$500.

State law reference--Virginia Code § 46.2-869.

§ 14-37. Suspension of license on conviction of reckless driving; generally.

A. In addition to the penalties for reckless driving prescribed in § 14-35 above, any court may suspend any license issued to a convicted person under articles 1 through 9 (§ 46.2-300 *et seq.*) of chapter 3, title 46.2 of the Code of Virginia (1950), as amended, for a period of not less than ten days nor more than six months and the court shall require the convicted person to surrender his license so suspended to the court where it will be disposed of in accordance with § 46.2-398 of the Code of Virginia (1950), as amended.

B. If a person so convicted has not obtained the license required by state law, or is a nonresident, the court may direct in the judgment of conviction that he shall not, for a period of not less than ten days or more than six months as may be prescribed in the judgment, drive any motor vehicle in the Commonwealth. The court or the clerk of court shall transmit the license to the Commissioner along with the report of the conviction required to be sent to the Department.

State law reference--Virginia Code § 46.2-392.

§ 14-38. Suspension of license on conviction of reckless driving; certain offenses.

A. When any person is convicted of reckless driving as provided in §§ 14-22 through 14-33 herein, in addition to any penalties provided by law, the driver's license of the person may be suspended by the court for a period of not less than sixty days nor more than six months. In case of conviction the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398 of the Code of Virginia (1950), as amended.

B. Where the conviction is a second conviction which would require revocation under the provisions of § 46.2-389 of the Code of Virginia (1950), as amended, the court shall suspend the driver's license of the person and transmit it to the Department as provided by law.

C. If the person so convicted has not obtained a license required by state law or is a nonresident, the court shall direct in the judgment of conviction that the person shall not drive any motor vehicle in the Commonwealth for a period of not less than sixty days nor more than six months.

State law reference--Virginia Code § 46.2-393.

§ 14-39. Suspension of license for reckless driving resulting in death of any person.

A. When any person is convicted of reckless driving as provided for in §§ 14-22 through 14-33 herein, and the reckless driving was the cause of the death of any person, then in addition

to any other penalties provided by law, the driver's license of the person may be suspended by the court for no more than twelve months. In case of conviction the court may order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of § 46.2-398 of the Code of Virginia (1950), as amended.

B. If the person so convicted has not obtained a license required by state law or is a nonresident, the court may direct in the judgment of conviction that the person shall not drive any motor vehicle in the Commonwealth for a period not to exceed twelve months.

C. The fact of suspension shall not be admissible as evidence in any related civil proceeding.

State law reference--Virginia Code § 46.2-396.

§ 14-40 reserved.

ARTICLE IV. Driving While Under Influence of Alcohol or Drugs.

§ 14-41. Driving motor vehicle, engine, etc. while intoxicated, etc.

A. It shall be unlawful for any person to drive or operate any motor vehicle, engine or train:

1. While such person has a blood alcohol concentration of 0.10 percent or more by weight by volume as indicated by a chemical test administered in accordance with the provisions of article 2, chapter 7, title 18.2 (§ 18.2-266 *et seq.*) of the Code of Virginia (1950), as amended;

2. While such person is under the influence of alcohol;

3. While such person is under the influence of any narcotic drugs or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely; or

4. While such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely.

B. For the purposes of this section, the term "motor vehicle" shall include mopeds, while operated on the public highways of this County.

State law reference--Virginia Code §§ 18.2-266, 46.2-1300 and 46.2-1313.

§ 14-42. Preliminary analysis of breath to determine alcoholic content of blood.

A. Any person who is suspected of a violation of § 14-41 herein shall be entitled, if such equipment be available, to have his breath analyzed to determine the probable alcoholic content of this blood.

B. The provisions of § 18.2-267, subsections A through G, of the Code of Virginia (1950), as amended are hereby incorporated by reference and adopted as part of this section, *mutatis mutandis*.

State law reference--Virginia Code §§ 18.2-267 and 46.2-1313.

§ 14-43. Chemical testing to determine alcohol or drug content of blood.

A. A person, after having been arrested for a violation of § 14-41 herein may be required to submit to tests to determine the alcohol or drug content of his blood.

B. The provisions of §§ 18.2-268.1 through 18.2-268.11 of the Code of Virginia (1950), as amended, are hereby incorporated by reference and adopted as part of this section, *mutatis mutandis*.

State law reference--Virginia Code §§ 18.2-268.2, 18.2-268.12 and 46.2-1313.

§ 14-44. Penalty for driving while intoxicated; subsequent offense; prior conviction.

A. Any person violating any provision of § 14-41 herein shall be guilty of a Class 1 misdemeanor.

B. Any person convicted of a second offense committed within less than five years after a first offense under § 14-41 herein shall be punishable by a fine of not less than \$200 nor more than \$2,500 and by confinement in jail for not less than one month nor more than one year. Forty-eight hours of such confinement shall be a mandatory, minimum sentence not subject to suspension by the court. Any person convicted of a second offense committed within a period of five to ten years of a first offense under § 14-41 herein shall be punishable by a fine of not less than \$200 nor more than \$2,500 and by confinement in jail for not less than one month nor more than one year. Any person convicted of a third offense or subsequent offense committed within ten years of an offense under § 14-51 herein shall be punishable by a fine of not less than \$500 nor more than \$2,500 and by confinement in jail for not less than two months nor more than one year. Thirty days of such confinement shall be a mandatory, minimum sentence not subject to suspension by the court if the third or subsequent offense occurs within less than five years. Ten days of such confinement shall be a mandatory, minimum sentence not subject to suspension by the court if the third or subsequent offense occurs within a period of five to ten years of a first offense.

C. For the purpose of this section, a conviction or finding of not innocent in the case of a juvenile under the following shall be considered a prior conviction: (i) the provisions of § 18.2-266, former § 18.1-54 (formerly § 18-75), of the Code of Virginia (1950), as amended, the ordinance of any county, city or town in this Commonwealth or the laws of any other state or of the United States substantially similar to the provisions of §§ 18.2-266 through 18.2-269, or (ii) the provisions of subsection A of § 46.2-341.24 of the Code of Virginia (1950), as amended, or the substantially similar laws of any other state or of the United States.

State law reference--Virginia Code § 18.2-270.

§ 14-45. Driving after forfeiture of license.

If any person convicted of a violation of § 14-41 herein shall, during the time for which he is deprived of his right so to do, drive or operate any motor vehicle, engine or train in this county, he shall be guilty of a Class 1 misdemeanor.

State law reference--Virginia Code § 18.2-272.

§ 14-46. Report of conviction to Department of Motor Vehicles.

The clerk of every court of record and the judge of every court not of record shall, within thirty days after final conviction of any person in his court under the provisions of this article, report the fact thereof and the name, post-office address and street address of such person, together with the license plate number on the vehicle operated by such person to the Commissioner of the Department of Motor Vehicles who shall preserve a record thereof in his office.

State law reference--Virginia Code § 18.2-273.

§ 14-47. County to defend nurses in suits arising under article.

The board of supervisors intends to defend in the appropriate courts any suit brought against any nurse retained by the county to take "driving under the influence" blood samples resulting from alleged violations of this article or similar state laws. (Ord. 1/24/67)

§§ 14-48 through 14-50 reserved.

ARTICLE V. Licensing of Vehicles.

§ 14-51. Levy of license tax.

A. For each year beginning with April first thereof and ending with March thirty-first following until otherwise changed, there is hereby levied and there shall be collected from every person owning a motor vehicle, trailer or semitrailer, which is normally garaged, stored or parked within the county, a license tax on such motor vehicle, trailer or semitrailer, at the rates set forth in this article.

B. If it cannot be determined where the personal property is normally garaged, stored or parked, or if the owner is a student attending an institution of higher education, the situs for the imposition of this license tax shall be the domicile of the owner. For purposes of this article, the term "domicile" shall mean: (i) a place of abode in the county of more than thirty (30) days irrespective of any intention on the part of that person to return to or establish a residence outside the county at some future date, or (ii) the office or place of business in the county of any corporation or firm.

State law reference--Virginia Code § 46.2-752(A).

§ 14-52. Evidence of payment of personal property taxes required.

A. No motor vehicle, trailer, or semitrailer shall be licensed under this article until the applicant has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer, or semitrailer to be licensed have been paid.

B. No motor vehicle, trailer, or semitrailer shall be licensed under this Article until the applicant has produced satisfactory evidence that any delinquent motor vehicle, trailer, or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the county.

C. No motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by the county 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.

State law reference--Virginia Code § 46.2-752(C).

§ 14-53. Unlawful to fail to obtain and display license.

A. It shall be unlawful for any owner of a motor vehicle, trailer or semitrailer to fail to obtain and display any license required by this article.

B. It shall be unlawful for any owner of a motor vehicle, trailer or semitrailer to display upon a motor vehicle, trailer or semitrailer any license required by this article after its expiration date.

C. Purchasers of new or used motor vehicles shall be allowed a ten-day grace period, beginning with the date of purchase, during which to pay license fees charged under this article.

State law reference--Virginia Code § 46.2-752(G).

§ 14-54. Penalty.

A. Unless otherwise specifically provided, a violation of any provision of this article shall constitute a class 4 misdemeanor.

B. A violation of this article by the registered owner of the vehicle may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained.

C. In the case of a motor vehicle registered in Augusta County to a resident of Augusta County, local law enforcement officers are authorized to issue citations, summonses, uniform traffic summonses or parking tickets for violations of § 14-53 of this article.

D. Parking tickets for violations of § 14-53 of this article shall be issued and processed pursuant to §§ 14-14 through 14-17 of this article, *mutatis mutandis*.

E. In the event of the voluntary payment of a parking ticket for a violation of § 14-53 of this article, the penalty shall be a fine of \$15.00.

(Ord. 7/14/99)

State law reference--Virginia Code § 46.2-752(G).

§ 14-55. Schedule of license taxes.

The annual license tax for motor vehicles, trailers and semitrailers provided for in this article shall be as follows:

A. Fees for vehicles designed and used for transportation of passengers unless otherwise exempted by law:

(1) Twenty-five dollars for each private passenger car or motor home, provided such passenger car or motor home is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire, or is not operated under a lease without a chauffeur.

(2) Twenty-five dollars for a private motor vehicle other than a motorcycle with a normal seating capacity of more than ten adult persons including the driver if such private motor vehicle is not used for the transportation of passengers for compensation and is not kept or used for rent or for hire or is not operated under a lease without a chauffeur.

(3) Twenty-five dollars for private school bus or a public school bus not belonging to the Augusta County School Board.

(4) Twenty-five dollars for each trailer or semi-trailer designed for use as living quarters for human beings.

(5) Twenty dollars for each motor vehicle, trailer or semitrailer used as a common carrier of passengers, operating either intrastate or interstate, or the amount of license tax imposed by the Commonwealth if less than twenty dollars.

(6) Twenty dollars for each motor vehicle, trailer or semitrailer kept or used for rent or for hire or operated under a lease without a chauffeur for the transportation of passengers, or the amount of license tax imposed by the Commonwealth if less than twenty dollars. This subsection does not apply to vehicles used as common carriers.

(7) Twenty-five dollars for a taxicab or other vehicles kept for rent or hire with a chauffeur for the transportation of passengers. This subsection does not apply to vehicles used as common carriers.

(8) Twenty dollars for a motorcycle, with or without a sidecar.

(9) Twenty-five dollars for a bus used exclusively for transportation to and from Sunday School or Church, for the purpose of divine worship.

(10) Twenty dollars for any other passenger carrying vehicle, or the amount of license tax imposed by the Commonwealth if less than twenty dollars.

B. Fees for vehicles not designed or used for transportation of passengers unless otherwise exempted by law:

(1) Six dollars and fifty cents (a) for a cradle, flatbed or open pickup type which (i) has one or two wheels and a body width not greater than the width of the motor vehicle to which it is attached at any time of operation, (ii) is pulled or towed by a passenger car or a pickup or panel truck having an actual gross vehicle weight not exceeding 5,000 pounds, and (iii) is used for carrying property no more than 1,500 pounds at any one time, and (b) for all trailers designed exclusively to transport boats. This subsection does not apply to trailers or semitrailers designed for use as living quarters for human beings or to those trailers or semitrailers operated under lease or rental agreement, or operated for compensation.

(2) Fifteen dollars for any motor vehicle, trailer, or semitrailer upon which well-drilling machinery is attached and which is permanently used solely for transporting such machinery.

(3) Fifteen dollars for any "specialized mobile equipment" as defined by state law.

(4) Fifteen dollars for any "farm motor vehicle" as defined by state law.

(5) Twenty-five dollars for a "pickup or panel truck" as defined by state law.

(6) Twenty dollars for any other motor vehicle not designed and used for the transportation of passengers, or the amount of license tax imposed by the Commonwealth if less than twenty dollars.

C. In case of a combination of a truck or tractor truck and a trailer or semitrailer, each vehicle constituting a part of such combination shall be licensed as a separate vehicle and separate license tags, stickers or decals shall be issued therefor.

D. Notwithstanding any other provision of this Article, in the event the Virginia Department of Motor Vehicles has issued a permanent license plate without decal and without a month and year of expiration for any vehicle, the Treasurer may issue a permanent license decal or tag without a month and year of expiration upon payment of a license fee equal to the license fee paid to the Commonwealth. The applicant shall provide the Treasurer with such evidence of the issuance of the permanent state license and payment of the state fee as the Treasurer may require.

(Ord. 6/14/00-Eff. 4/1/2001; Ord. 8/28/02)

State law reference--Virginia Code § 46.2-752(A).

§ 14-56. Proration of license tax; expiration date of licenses; procedure when licensed vehicle is disposed of and not replaced; and refund of license taxes.

A. Only one-half of the license tax prescribed by this article shall be assessed and collected whenever any such license tax first becomes assessable during the period beginning on the first day of October in the same license tax year and only one-third of such license tax shall be assessed and collected whenever any such license tax first becomes assessable or after the first day of January in the same license tax year.

B. Every license issued upon the payment of the license tax thereon shall expire at the end of the license tax year in which the same was issued.

C. Any person holding a current registration certificate and license plate, sticker or decal who disposes of the vehicle for which issued and does not purchase another vehicle upon the surrender of the registration certificate and license plate, or in the case of a sticker or decal, upon certification, on forms provided by the Treasurer, that such sticker or decal affixed to the vehicle disposed of has been destroyed, is entitled to make a request for and to be paid a refund for the unused portion of the fee paid as provided by this section.

D. The Treasurer shall refund to the applicant one-half of the total cost of the registration and license plates, sticker or decal if application for such refund is made prior to the first day of October of the current license year, but such refund shall only be one-third of such total cost when the application therefor is made subsequent to the thirtieth day of September of the current license year, but prior to the first day of January of the current license year. No refund shall be made when the application therefor is made after the thirty-first day of December of the current license year.

State law reference--Virginia Code § 46.2-752(A).

§ 14-57. State registration card prerequisite to licensing.

Each applicant for a license under this article shall present to the Treasurer his state registration card, if any, before a license application can be issued to him. If the applicant has no state registration card, the applicant shall present in its place the vehicle certificate of title or other proof of ownership.

A. Any person coming under the provisions of this article shall make application for license upon forms prescribed by the Treasurer, and upon payment of the required license tax, shall be issued as evidence, a license tag, sticker or decal which shall be displayed on the vehicle as follows:

1. License tags shall be placed upon the front or rear of the vehicle in such a manner as to be plainly visible in the manner prescribed for state license tags.

2. Stickers or decals shall be affixed to the windshield adjacent to the state inspection sticker and on the right hand side of the windshield in the manner as prescribed by the superintendent of state police.

B. It shall be unlawful to fail to display such license tag, sticker or decal on the motor vehicle or trailer, even though the license tax has been paid. No such license tag, sticker or decal shall be placed upon any vehicle other than that for which it was issued, but such license tag may

be transferred from one vehicle to another in the same manner and under the same conditions as provided by the laws governing the transfer of the state license tags.

C. Stickers or decals are not transferable and shall be destroyed when the vehicle to which they are affixed is sold or otherwise disposed of. When a new vehicle is purchased, a new sticker or decal may be obtained from the Treasurer or duly appointed agent upon presentation of the fragments of the old sticker or decal removed from the vehicle disposed of (or in lieu thereof, certification from an independent authority, such as an insurance company or law enforcement agency, that the sticker or decal was destroyed or otherwise rendered unavailable), and upon payment of a two-dollar (\$2.00) transfer fee; provided, however, that the Treasurer's records show that the license fees applicable to the vehicle from which the old sticker or decal was taken had been paid or the applicant produces a receipt for such payment. If the license fee for the vehicle to which the new sticker or decal is to be applied is greater than the license fee paid for the vehicle from which the old sticker or decal was taken, the applicant shall also pay the difference in license fees between the two vehicles. Should no new vehicle be purchased to replace the vehicle sold or otherwise disposed of, the owner is eligible for a refund of the unused portion of the license fee in accordance with § 14-56 herein. (Ord. 8/28/02)

D. No proration of the tax shall be available to the applicant for the prorated license tax when it shall appear to the Treasurer that the state license tax and tag has been paid and acquired prior to the proration period in § 14-56 herein.

E. A replacement license tag, sticker or decal shall be issued upon affidavit of the applicant that the original license tag, sticker or decal has been lost. The charge for a replacement license tag, sticker or decal shall be one dollar. (Ord. 2/9/72; Ord. 10/27/81).

§ 14-58. License tags, stickers and decals generally.

A. Any person coming under the provisions of this article shall make application for license upon forms prescribed by the Treasurer, and upon payment of the required license tax, shall be issued as evidence, a license tag, sticker or decal which shall be displayed on the vehicle as follows:

1. License tags shall be placed upon the front or rear of the vehicle in such a manner as to be plainly visible in the manner prescribed for state license tags.

2. Stickers or decals shall be affixed to the windshield adjacent to the state inspection sticker and on the right hand side of the windshield in the manner as prescribed by the superintendent of state police.

B. It shall be unlawful to fail to display such license tag, sticker or decal on the motor vehicle or trailer, even though the license tax has been paid. No such license tag, sticker or decal shall be placed upon any vehicle other than that for which it was issued, but such license tag may be transferred from one vehicle to another in the same manner and under the same conditions as provided by the laws governing the transfer of the state license tags.

C. Stickers or decals are not transferable and shall be destroyed when the vehicle to which they are affixed is sold or otherwise disposed of. When a new vehicle is purchased, a new sticker or decal may be obtained from the Treasurer or duly appointed agent upon presentation of the fragments of the old sticker or decal removed from the vehicle disposed of (or in lieu thereof, certification from an independent authority, such as an insurance company or law enforcement agency, that the sticker or decal was destroyed or otherwise rendered unavailable), and upon payment of a two-dollar (\$2.00) transfer fee; provided, however, that the Treasurer's records show that the license fees applicable to the vehicle from which the old sticker or decal was taken had been paid or the applicant produces a receipt for such payment. If the license fee for the vehicle to which the new sticker or decal is to be applied is greater than the license fee paid for the vehicle from which the old sticker or decal was taken, the applicant shall also pay the difference in license fees between the two vehicles. Should no new vehicle be purchased to replace the vehicle sold or otherwise disposed of, the owner is eligible for a refund of the unused portion of the license fee in accordance with § 14-56 herein. (Ord. 8/28/02)

D. No proration of the tax shall be available to the applicant for the prorated license tax when it shall appear to the Treasurer that the state license tax and tag has been paid and acquired prior to the proration period in § 14-56 herein.

E. A replacement license tag, sticker or decal shall be issued upon affidavit of the applicant that the original license tag, sticker or decal has been lost. The charge for a replacement license tag, sticker or decal shall be one dollar. (Ord. 2/9/72; Ord. 10/27/81).

§ 14-59. Exemptions.

A. License shall be issued free of charge for any of the following:

1. Vehicles exempted from state registration fees or license taxes pursuant to the Code of Virginia.
2. Vehicles owned by volunteer rescue squads.
3. Vehicles owned by volunteer fire departments.
4. Vehicles owned by active members of volunteer rescue squads.
5. Vehicles owned by active members of volunteer fire departments.
6. Vehicles owned by auxiliary police officers or auxiliary deputy sheriffs. (Ord. 5/7/97)

B. In the case of active members of volunteer rescue squads and volunteer fire departments, applications for such licenses shall be accompanied by written evidence, in a form acceptable to the county, of their active membership, and no member shall be issued more than one such license free of charge.

C. Nothing in this section shall be deemed to relieve any person coming under the provisions of this article from the requirement he annually apply for, receive free of charge and display a county license tag, sticker or decal.

State law reference--Virginia Code § 46.2-752.

§ 14-60. Record of license tags, stickers and decals issued.

The Treasurer shall keep a record of each license tag issued by him under this article, which record shall show the number of such tag, sticker or decal, the person to whom it was issued, the make, model and engine number of the vehicle for which such tag, sticker or decal is issued and the state license number of such vehicle. (Ord. 2/9/72)

(ARTICLE VI AND ARTICLE VII REPEALED 9/9/09)