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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 III. Repealed

(Ord. 9/9/09)

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.

§ 14-41.1. Persons under age twenty-one driving after illegally consuming alcohol; penalty.

A. It shall be unlawful for any person under the age of twenty-one to operate any motor vehicle after illegally consuming alcohol. Any such person with a blood alcohol concentration of 0.02 percent or more by weight by volume or 0.02 grams or more per 210 liters of breath but less than 0.08 by weight by volume or less than 0.08 grams per 210 liters of breath as indicated by a chemical test administered as provided in this article shall be in violation of this section.

B. A violation of this section shall be punishable by forfeiture of such person's license to operate a motor vehicle for a period of six months from the date of conviction and by a fine of not more than \$500. The penalties and license forfeiture provisions set forth in Virginia Code §§ 16.1-278.9, 18.2-270 and 18.2-271 shall not apply to a violation of this section. Any person convicted of a violation of this section shall be eligible to attend an Alcohol Safety Action Program under the provisions of Virginia Code § 18.2-271.1, and may, in the discretion of the court, be issued a restricted license during the term of license suspension.

C. Notwithstanding Virginia Code §§ 16.1-278.8 and 16.1-278.9, upon adjudicating a juvenile delinquent based upon a violation of this section, the juvenile and domestic relations district court shall order disposition as provided in subsection B.

Ord. 4/24/02

State law reference--Virginia Code § 18.2-266.1.

§ 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)

ARTICLES VI AND VII. Repealed (Ord. 9/9/09)

ARTICLE VIII. Operation of Golf Carts and Utility Vehicles on Public Highways.

§ 14-61. Use of golf carts or utility vehicles on public highways.

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

§ 14-62. Designation of public highways for golf cart and utility vehicle operations.

A. No portion of the public highways may be designated for use by golf carts and utility vehicles unless the Board of Supervisors has reviewed and approved such highway usage.

B. The Board of Supervisors may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within the County after (i) considering the speed, volume, and character of motor vehicle traffic using such highways, and (ii) determining that golf cart and utility vehicle operation on particular highways is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy.

C. No 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.

D. Signs alerting motorists that golf carts or utility vehicles may be in operation shall be erected in the area in which golf carts or utility vehicles may be operated and in consultation with the Department of Community Development and the Virginia Department of Transportation. The County shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles. All costs incurred by the County for the installation and maintenance of the signs shall be assessed to and recovered from the organization, individual, or entity that requested the designation, if applicable. (Ord. 09/28/11)

§ 14-63. County public highways designated for golf cart and utility vehicle operations.

A. The Board of Supervisors hereby designates the following public highways within the County upon which golf carts and utility vehicles may be operated in accordance with the provisions of this Article:

1. Gloucester Road (Route 1512), Dundee Court (Route 1516), Lynn Circle (Route 1591), Windermere Road (Route 1514), Brighton Court (Route 1515), Eavers Circle (Route 1513), Yarmouth Road (Route 1500), Sylvan Drive (Route 1507), East High Street (Route 1509), Skyline Avenue (Route 1508), Kay Street (Route 1518), Crestview Drive (Route 1505), Wilson's Drive (Route 1550), West High Street (Route 1509), York Avenue (Route 1503), Virginia Avenue (Route 1501), Cambridge Drive (Route 1502), Stuart Avenue (Route 1510), Forrer Road (Route 1506), Parker Road (Route 1504), Rose Avenue (Route 1501). (Ord. 09/28/11)
2. Hampton Drive (Route 1150), Canada Court (Route 1151), Emperor Court (Route 1154), Queens Court (Route 1153), Prince Court (Route 1155), Jester Court (Route 1152) Kennedy Ridge Court (Route 1154). (Ord. 09/12/12)
3. St. Ives Drive (Route 1160) and Roxbury Drive (Route 1161). (Ord. 3/13/13)

B. With regard to each of the public highways listed in subsection (A) above, the Board of Supervisors has considered the factors set forth in section 14-62(B) above, as required by Virginia Code § 46.2-916.2.

§ 14-64. Limitations on golf cart and utility vehicle operations on designated public highways.

A. Golf cart and utility vehicle operations on designated public highways shall be in accordance with the following limitations:

1. A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is 25 miles per hour or less. A golf cart or utility vehicle may cross a highway at an intersection controlled by a traffic light if the highway has a posted speed limit of no more than 35 miles per hour;
2. No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver's license;
3. Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with Virginia Code § 46.2-1081;
4. Golf carts and utility vehicles shall be operated upon the public highways only between sunrise and sunset, unless equipped with such lights as are required in Article 3 (section 46.2-1010 et seq.) of Chapter 10 of Title 46.2 of the Virginia Code, for different classes of vehicles;
5. Golf carts and utility vehicles operating on designated public highways pursuant to this section shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in Virginia Code § 46.2-472 and provide coverage during the operation of the golf cart or utility vehicle on public highways. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all times such golf cart or utility vehicle is in operation on a designated public highway;
6. 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;
7. 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 or utility vehicle designed to carry golf bags or other cargo;
8. Golf carts and utility vehicles must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic;

9. Golf carts and utility vehicles should not be operated during inclement weather, nor when visibility is impaired by weather, smoke, fog, or other conditions; and
10. The Sheriff or his designee may prohibit the operation of golf carts or utility vehicles on any highway if the Sheriff determines that the prohibition is necessary in the interest of public safety.

B. The limitations of subsection (A) above shall not apply to golf carts and utility vehicles being operated as follows:

1. To cross a highway from one portion of a golf course to another portion thereof or to another adjacent golf course or to travel between a person's home and golf course if (i) the trip would not be longer than one-half mile in either direction, and (ii) the speed limit on the road is no more than 35 miles per hour;
2. To the extent necessary for local government employees, operating only upon highways located within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less; and
3. As necessary by employees of public or private two-year or four-year institutions of higher education if operating on highways within the property limits of such institutions, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less.

§ 14-65. Application or nomination procedure.

A. Any individual, organization, or entity may apply to the Board of Supervisors to have a qualifying public highway in the County designated for golf cart or utility vehicle use, provided, however, that:

1. The application shall be accompanied by a petition affirmatively seeking such designation; or
2. If the public highway is located within a neighborhood with a voluntary or mandatory homeowners association, such application may be in the name of the homeowners association and signed by a duly-authorized representative of the homeowners association. If the application is in the name of the homeowners association, a petition as described in subsection (A)(1) above is not required.

B. At a minimum, each application shall include the following:

1. The full legal name of the individual, organization, or entity making the application;

2. The name and route number of each public highway to be designated; and
3. A petition, if one is required by subsection (A)(1) above.

C. Any costs associated with the application, including advertising costs, shall be the responsibility of the individual, organization, or entity making the application. All such costs incurred by the County shall be assessed to and recovered from the individual, organization, or entity making the application.

D. As an alternative to the application procedure outlined in subsections (A) to (C) above, the Board of Supervisors may, by its own motion, nominate qualifying public highways in the County for designation for golf cart or utility vehicle use. Any costs associated with such nomination shall be borne by the County.

E. Upon receipt and acceptance of an application, or upon nomination by the Board of Supervisors, the Sheriff shall consider the request and make a recommendation to the Board of Supervisors.

F. The Board of Supervisors shall consider the recommendation of the Sheriff; the factors set forth in section 14-62(B); and the general merits of the application before making a determination.

§ 14-66. Penalty.

A civil penalty in the amount of \$100.00 shall be assessed for any violation of this article. A civil penalty in the amount of \$250.00 shall be assessed for a repeated violation of this article. The imposition of civil penalties shall not preclude the use of injunctive relief.

§ 14-67. Revocation of designation.

The Board of Supervisors may, at its sole discretion and upon recommendation of the Sheriff, suspend the designation of any public highway for golf cart or utility vehicle use at any time.

§ 14-68. Liability disclaimer.

All persons who operate or ride upon golf carts or 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 County shall have no liability under any theory of liability and assumes no such liability for permitting golf carts and utility vehicles to be operated on designated public highways. (Ord. 6/22/11)

State law reference—Va. Code §§ 46.2-916.1 to 46.2-916.3

§ 14-69 through § 14-70. Reserved.