

AN ORDINANCE TO REPEAL AND REPLACE ARTICLE 4.10 “MOTOR VEHICLES AND TRAFFIC” OF CHAPTER 4 OF THE BOWLING GREEN TOWN CODE

WHEREAS, the Town Council is authorized to enact and amend ordinances governing motor vehicles and traffic to promote the public health, safety, and welfare of the community; and

WHEREAS, the Town Council has reviewed Section 4.10 of Chapter 4 of the Town Code and has determined that revisions are necessary to update, clarify, and improve its provisions; and

WHEREAS, repealing and replacing Section 4.10 will provide clearer standards, enhance the administration and enforcement of the Town's motor vehicle and traffic regulations, and better serve the needs of the Town and its residents; and

WHEREAS, the Town Council finds that the repeal and replacement of Section 4.10 is in the best interests of the health, safety, and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Bowling Green that Section 4.10 of Chapter 4 of the Town Code is hereby repealed in its entirety and replaced as follows:

§1. CHAPTER 4: ARTICLE 4.10 MOTOR VEHICLES AND TRAFFIC

ARTICLE I

General Provisions: Traffic Regulations; Use of Streets

§ 4.10.010 Adoption of state law generally.

- A. 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 state contained in Title 46.2 and in Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, except those provisions which are contained in this chapter and except those provisions and requirements the violation of which constitutes a felony and except those provisions and requirements which by their very nature can have no application to or within the Town, are hereby adopted and incorporated in this chapter by reference and made applicable within the Town. References to “highways of the state” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person within the Town to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or of Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or under Article 2 of Chapter 7 of Title 18.2 of the code of Virginia.
- B. The term "Code of Virginia," as used in this section, shall mean the Code of Virginia as in effect on the date of the adoption of this chapter, as amended by the 1981 session of the General Assembly of Virginia and as hereafter amended by the General Assembly of Virginia.

§4.10.020. Adoption of state law to driving while under the influence of alcohol or drugs

Article 2 of chapter 7 of title 18.2 of the Code of Virginia, including any amendments to those statutes which may be adopted in the future, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the Town to violate, or fail, neglect or refuse to comply with any provision of the Code of Virginia adopted by this section.

Adoption of state law as it pertains to disposition of cases heard in Juvenile and Domestic Relations Court

Title 16.1, Chapter 11, Article 9 of the Code of Virginia, including any amendments to those statutes which may be adopted in the future, is hereby adopted and made a part of this chapter as fully as though set out at length herein. It shall be unlawful for any person within the Town to violate, or fail, neglect or refuse to comply with, any provision of the Code of Virginia adopted by this section.

§4.10.030 Authority of Fire Department.

Members of the Fire Department may direct or assist the police in directing traffic at or in the immediate vicinity of a fire and, while so acting, shall have all the authority of police officers.

State law reference: Code of Virginia §46.2-1300

§4.10.040. Backing vehicles.

The operator of a vehicle in the Town shall not back such vehicle unless the movement can be made safely and without interfering with other traffic.

State law reference: Code of Virginia §46.2-1300

§ 4.10.050. Blocking intersections.

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

State law reference: Code of Virginia §46.2-1300

§4.10.060. Boarding or alighting from moving vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion.

State law reference: Code of Virginia §46.2-1300

§ 4.10.070 Display of state license plate required.

It shall be unlawful for any person to operate or for the owner or person in control thereof to knowingly permit the operation of, upon a street or highway of the Town, any motor vehicle, trailer or semitrailer without having displayed thereon the license plate or plates assigned thereto by the State Department of Motor Vehicles for the current registration year, whenever such license plate or plates are required by

Section 46.2-613 of the Code of Virginia, as amended.

§ 4.10.080. Processions.

No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession, except when otherwise directed by a police officer. This provision shall not apply to the specified emergency vehicles as defined in Section 46.2-920 of the Code of Virginia, as amended.

State law reference: Code of Virginia §46.2-1300

§ 4.10.090. Funeral processions.

- A. All motor vehicles participating in a funeral procession, when proceeding to any place of burial, shall display illuminated headlamps thereon and such other identification as the Chief of Police may prescribe.
- B. All motor vehicles so designated shall have the right-of-way over all other vehicles, except fire apparatus, ambulances and police vehicles, at any street or highway intersection within the Town and may proceed through a stop street or signalized intersection with proper caution and safety.

State law reference: Code of Virginia §46.2-1300

§ 4.20.010. Pedestrians.

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

§ 4.20.020. Persons riding bicycles or riding or driving animals.

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

State law reference: Code of Virginia §46.2-800

§ 4.20.030. Placement of traffic control signs, signals, markings or devices.

When the Town Council designates an intersection as one at which the driver of a vehicle is required to stop or to yield the right-of-way before entering such intersection or designates a street upon which traffic is to proceed only in one direction or designates a place at which U-turns are prohibited or at which turning movements are otherwise prohibited or restricted or imposes any other regulation of traffic for which a traffic control sign, signal, marking or device which by state law

is required to be in place to give notice to drivers of vehicles or pedestrians, the Council shall cause such traffic control sign, signal, marking or device to be installed and maintained as required by law.

State law reference: Code of Virginia §§46.2-1300, 46.2-830

§ 4.20.040. Compliance with traffic control signs and devices required.

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

State law reference: Code of Virginia § 46.2-1300

§ 4.20.050. Removal and disposal of unattended vehicles.

- A. Whenever any vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic, or is parked in such manner as to be in violation of law or whenever any motor vehicle, trailer or semitrailer is left unattended for more than 10 days upon public property, or it is immobilized on a public roadway by weather conditions or other emergency situation, any such vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage garage or area, provided that no such vehicle shall be so removed from privately owned premises.
- B. The owner of such vehicle, trailer or semitrailer, before obtaining possession thereof, shall pay to the Town all reasonable costs incidental to the removal and storage of such vehicle, trailer or semitrailer and locating of the owner. Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made and after notice to him/her at his last known address and to the lien holder of record with the office of the Department of Motor Vehicles of this state against the motor vehicle, trailer or semitrailer, the Chief of Police or designated officer shall treat the vehicle as abandoned as provided in Sections 46.2-1200 et seq. of the Code of Virginia. After holding the vehicle, trailer or semitrailer 60 days and after due notice of sale, the vehicle may be disposed of at a public sale, and from the proceeds of the sale of an abandoned motor vehicle the Town, or its authorized agent, shall reimburse itself for the expenses of the auction, the cost of towing, preserving, and storing the vehicle which resulted from placing the abandoned motor vehicle in custody, and all notice and publication costs incurred pursuant to Section 46.2-1202 of the Code of Virginia, as amended. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interests in the vehicle, as their interests may appear, for 60 days, and then be deposited into the treasury of the Town.

State law reference: Code of Virginia, §§ 46.2-1213, 46.2-1201, 46.2-1203.

§ 4.20.060. Removal of vehicles involved in accidents.

- A. Whenever a motor vehicle, trailer or semitrailer involved in an accident is found upon the highways or streets in the Town and is so located as to impede the orderly flow of traffic,

the police may:

- (1) At no cost to the owner or operator, remove the motor vehicle, trailer, or semitrailer to some point in the vicinity where it will not impede the flow of traffic; or
 - (2) Have the vehicle removed to a storage area for safekeeping and shall report the removal to the Department of Motor Vehicles and to the owner of the vehicle as promptly as possible.
- B. If the vehicle is removed to a storage area under Subsection A(2), the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage.

State law reference: Code of Virginia, § 46.2-1212.

§ 4.20.070. Removal or immobilization of motor vehicles with outstanding parking violations.

- A. Any vehicle parked on a public street or other public property, for which there are three or more unpaid or otherwise unsettled parking violations, may be removed to a place within the Town or in an adjacent locality designated by the chief law-enforcement officer for the temporary storage of the motor vehicle, vehicle, or trailer or the motor vehicle, vehicle, or trailer may be immobilized in a manner that will prevent its removal or lawful operation except by authorized law-enforcement personnel. For the purposes of this section, "unsettled" shall refer to a parking violation for which the fine has not been paid, for which there is no pending disposition of an administrative appeal, and for which the vehicle owner or operator has not requested a hearing in the general district court.
- B. It shall be the duty of the police personnel removing the motor vehicle, vehicle, or trailer to inform, as soon as practicable, the owner of the removed or immobilized motor vehicle, vehicle, or trailer of the nature and circumstances of the prior unsettled parking violation notices for which the vehicle was removed.
- C. The owner of the removed motor vehicle, vehicle, or trailer, or other person acting on his behalf, shall be permitted to repossess or to secure the release of the vehicle by payment of the outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all costs incidental to the removal, and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should the owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search has been made, then after notice to the owner at his last known address and to the holder of any lien of record with the Department of Motor Vehicles, the vehicle may be disposed of in accordance with §4.20.050 (B).

State law reference: Code of Virginia, § 46.2-1216.

§ 4.20. 080. Bicyclists to use handlebars.

No person shall ride a bicycle upon any street without having at least on hand upon the handlebars.

State law reference: Code of Virginia, § 46.2-906.

§ 4.20.090. Speed limit established.

Except as provided by state law with respect to drivers of specific emergency vehicles, no person

shall drive or propel a vehicle upon any street or public way of this Town at a speed in excess of the speed posted in authorized traffic control signs upon such street or public way or, in the absence of any such signs, at a speed in excess of 25 miles per hour.

State law reference: Authority of cities and towns with regard to increasing and decreasing speed limits, Code of Virginia, § 46.2-1300; special speed limits on bridges, etc., Code of Virginia, § 46.2-881; maximum speed limit in Town, Code of Virginia, §§ 46.2-874, 46.2-875.

§ 4.30.010. State inspection sticker required.

Except as otherwise expressly provided by state law, it shall be unlawful for any person to operate or cause or permit the operation of a motor vehicle, trailer or semitrailer upon the streets or highways of this Town unless there is properly displayed thereon a valid state inspection sticker showing that such vehicle, trailer or semitrailer has been inspected and approved under the provisions of Section 46.2-1157 et seq. of the Code of Virginia, as amended. A violation of this section shall be deemed a traffic infraction as defined in 46.2-100 of the Code of Virginia.

State law reference: Code of Virginia, §§ 46.2-1157, 46.2-1158.02, 46.2-100, 46.2-113.

§ 4.30.020. Depositing materials on streets unlawful.

No person shall throw or deposit or cause to be deposited upon any alleyway, sidewalk, street or highway any glass bottle, glass, nail, tack, wire, can or any other substance likely to injure any person or animal or damage any vehicle upon such alleyway, sidewalk, street or highway, nor shall any person throw or deposit or cause to be deposited upon any alleyway, sidewalk, street or highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public. Any person who drops or permits to be dropped or thrown upon any alleyway, sidewalk, street or highway any destructive, hazardous or injurious material shall immediately remove the same or cause it to be removed. Any person removing a wrecked or damaged vehicle from an alleyway, sidewalk, street or highway shall remove any glass or other injurious substance dropped upon the alleyway, sidewalk, street or highway from such vehicle. Any person violating any of the provisions of this section shall, upon conviction, be punished by a fine not exceeding \$2,500 or confinement in jail not exceeding 12 months, or both.

State law reference: Code of Virginia, § 18.2-324.

§ 4.20.030. Unlawful riding.

No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of duty or to persons riding within truck bodies in space intended for merchandise.

State law reference: Code of Virginia § 46.2-100 et seq.; local regulation of parking, Code of Virginia, § 46.2-1220 et seq.; local regulation of traffic, Code of Virginia, § 46.2-1300 et seq.

§ 4.20.040. Washing or greasing vehicles on streets or sidewalks unlawful.

No person shall wash, polish or grease a vehicle upon a public street or sidewalk, nor shall the owner of a vehicle permit it to be washed, polished or greased upon a public street or sidewalk. The term "sidewalk" shall mean the portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

State law reference: Code of Virginia § 46.2-100 et seq.; local regulation of parking, Code of Virginia, § 46.2-1220 et seq.; local regulation of traffic, Code of Virginia, § 46.2-1300 et seq.

§ 4.20.050. Golf cart and golf utility vehicle use.

- A. The Town Council hereby designates the following public highways or roadways within the Town of Bowling Green upon which golf carts and/or utility vehicles may be operated in accordance with the provisions of Subsection B hereof:

Alsop Lane

Anderson Avenue

Butler Street

Cary Street

Cedar Lane

Chase Street

Coghill Street

County Street

Courthouse Lane

Davis Court

Dickinson Drive

Dorsey Lane

Elliott Drive

Ennis Street

Gill Street

Hoomes Circle

Lacy Lane

Lafayette Avenue

Lakewood Avenue

Lee Street

Martin Street

Maury Avenue

Meadow Lane

Milford Street

North Main Street

Oak Ridge Street

Roper Drive

South Main Street

Sunset Drive

Travis Street

Trewalla Lane

Virginia Avenue

White Street

- B. Golf carts and utility vehicles operating upon these public highways or roadways designated in Subsection A hereinabove shall be in accordance with the following limitations:

- (1) A golf cart or utility vehicle may be operated only on designated public highways or roadways where the posted speed limit is 25 miles per hour or less. No golf cart or golf utility vehicle shall cross any highway or roadway at an intersection where the highway or roadway crossed has a posted speed limit of more than 25 miles per hour;
- (2) No person shall operate any golf cart or utility vehicle on any public highway or roadway unless he/she has in his/her possession a valid driver's license;
- (3) Every golf cart or utility vehicle, whenever operated on a public highway or roadway, shall display a slow-moving vehicle emblem in accordance with § 46.2-1081 of the Code of Virginia 1950, as amended;
- (4) Golf carts and utility vehicles shall be operated upon the public highways or roadways only between sunrise and sunset, unless equipped with such lights as are required by Article 3, Chapter 10, of Title 46.2 (§ 46.2-1010 et seq.) of the Code of Virginia 1950, as amended.

- C. The limitation of Subsection B(1) shall not apply to golf carts and utility vehicles being operated as follows:

- (1) To cross a highway or roadway from one portion of the golf course to another portion thereof or to another adjacent golf course; or to travel between a person's home and golf course if:
 - (a) The trip would not be more than one-half mile in either direction; and
 - (b) The speed limit on the road is no more than 35 miles per hour.
- (2) To the extent necessary for Town government employees, operating only upon highways or roadways located within the Town, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways or roadways with speed limits of 35 miles per hour or less; and

- D. Signs.

- (1) All portions of public highways or roadways designated in Subsection A above for the use thereupon of golf carts or utility vehicles shall be clearly designated by a sign or signs.
- (2) The Town shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles.
- (3) The organization, individuals or entities requesting the designation of a portion of any public highway or roadway for use thereupon by golf carts or utility vehicles shall, within 30 days of invoice by the Town, promptly reimburse the Town for all expenses incurred by the Town in the installation and continuing maintenance of the sign(s) described in this Subsection D. Failure to so reimburse the Town in a timely manner shall operate to terminate the designation of that portion of the public highway or roadway for use thereupon by golf carts or utility vehicles and the sign(s) so posted by the Town shall be promptly removed.

State law reference: Code of Virginia, § 46.2-916.3

§ 4.20.060. Compliance with chapter; violations and penalties generally.

It shall be unlawful for any person to violate or fail to comply with any of the provisions of this article or of state law. Unless a lesser penalty is established in state law or a different penalty is imposed pursuant to this article, violations shall constitute traffic infractions punishable by a fine of not more than that provided for a Class 4 misdemeanor.

ARTICLE II
Stopping, Standing and Parking

§ 4.30.010. Restricted and No-Parking Areas Generally; Powers of Town Manager.

- A. The Town Manager, or their designee, is hereby authorized and directed to make, promulgate and enforce rules and regulations for parking, stopping or standing of vehicles within town limits and designating the time, place and manner in which such vehicles may be allowed to park, stop, or stand within the Town. The Town Manager shall also be authorized to designate areas for public parking lots with hours of regulation, business parking zones with 1-4 hour limits, bus stops, taxi stands and loading zones. The Town Manager may also revoke, alter, or amend such rules and regulations at any time when, in her opinion, traffic conditions and the use of the roads require it. It shall be the duty of the town manager, upon the promulgation of such regulations, and before the same shall become effective, to give public notice by establishing and posting signs, or otherwise, as may be reasonably adequate, to make clear to the operators of vehicles in “no-parking” or “restricted parking” areas, the existence, nature and requirements of such regulations. From and after the effective date of regulations imposed in any area by virtue of the provisions of this chapter, it shall be unlawful for any person to stop, park, or stand any vehicle in any restricted or prohibited area otherwise than in accordance with these regulations.
- B. In any prosecution charging a violation of any such ordinance, regulation or rule, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such

ordinance, regulation or rule, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Code of Virginia, Chapter 3 (Section 46.2-600 et seq.) shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

State law reference: Code of Virginia § 46.2-1220.

§ 4.30.020 When provisions of article applicable.

The provisions of this article and regulations adopted pursuant hereto prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or authorized personnel.

§ 4.30.030. Provisions of article not exclusive.

The provisions of this article and regulations adopted pursuant hereto imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

§ 4.30.030. Parking prohibited at all times.

- A. No person shall park a vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:
- (1) On a sidewalk.
 - (2) In front of a public or private driveway.
 - (3) Within an intersection.
 - (4) Within 15 feet of a fire hydrant.
 - (5) On a crosswalk.
 - (6) Within 30 feet upon the approach to a flashing beacon, stop sign or traffic control signal located at the side of a roadway.
 - (7) Within 30 feet of the nearest rail of a railroad grade crossing.
 - (8) Within 15 feet of the driveway entrance to any fire or rescue squad station when such buildings are plainly designated.
 - (9) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
 - (10) On the roadway side of any vehicle parked at the edge or curb of a street.
 - (11) Upon any bridge or other elevated structure upon a street or highway.

(12) At any place where official signs prohibit parking.

- B. For the purposes of this chapter, the term “sidewalk” shall mean the portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

State law reference: Similar provisions, Code of Virginia, §§ 46.2-100, 46.2-1239, 46.2-1300.

§ 4.30.040. Parking or standing in fire lanes.

- A. It shall be unlawful for any person to park or stand a vehicle in any designated and marked fire lane.
- (1) It shall be unlawful for any person to park, stop, stand in, or otherwise obstruct such designated and marked areas.
- (2) In addition, any police officer or the Fire Marshal, or his authorized representatives, who finds any vehicle in violation of this section shall have the authority to remove such vehicle at the owner's expense.
- B. No provision of this section shall apply to fire, rescue or police vehicles while they are involved in emergency operations.
- C. Any law enforcement officer is authorized to enter any fire lane for the purpose of enforcing the provisions of this section.

State law reference: Code of Virginia 46.2-1300

§ 4.30.050. Application of parking regulations for disabled persons.

- A. The disabled person, vehicle owner, or volunteer for an institution or organization to which disabled parking license plates, organizational removable windshield placards, permanent windshield placards, or temporary removable windshield placards are issued or any person to whom disabled parking license plates have been issued under Subsection B of § 46.2-739, Code of Virginia, shall be allowed to park the vehicle on which such license plates or placards are displayed for up to four hours in disregard of the provisions of § 4.40.020. It shall be unlawful for any such person to exceed the time limit specified in this subsection.
- B. This section shall not apply to any zone where stopping, standing, or parking is prohibited, or which creates parking zones for special types of vehicles, nor shall it apply to any ordinance which prohibits parking during heavy traffic periods, during specified rush hours, or where parking would clearly present a traffic hazard.

State law reference: Code of Virginia, § 46.2-1245.

§ 4.30.060. Parking in space reserved for persons with disabilities.

- A. No vehicles, other than those displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued under Section 46.2-1241 of the Code of Virginia, or Disabled Veteran (DV) parking license plates issued under Subsection B of Section 46.2-739 of the Code of Virginia, as amended, shall be parked in any parking spaces reserved for persons

with disabilities.

- B. No person without a disability that limits or impairs his ability to walk shall park a vehicle with disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards, or DV disabled parking license plates issued under subsection B of § 46.2-739 in a parking space reserved for persons with disabilities that limit or impair their ability to walk except when transporting a disabled person in the vehicle.
- C. No vehicle shall be parked in any striped access aisle adjacent to a parking space reserved for persons with disabilities.
- D. A summons or parking ticket for an offense in violation of this section may be issued by law enforcement officers and other uniformed law-enforcement department personnel employed by the Town to enforce parking regulations, without the necessity of a warrant being obtained by the owner of a private parking area.
- E. Parking a vehicle in a space reserved for persons with disabilities or in a striped access aisle in violation of this section shall be punishable by a fine of \$500.
- F. In any prosecution charging a violation of this section or an ordinance adopted pursuant to this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section or the ordinance, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.), shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.
- G. No violation of this section shall be dismissed for a property owner's failure to strictly comply with the requirements for disabled parking signs set forth in § 36-99.11 of the Code of Virginia, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.
- H. The provisions of §§ 46.2-1247, 46.2-1248, 46.2-1249, 46.2-1250, 46.2-1251, 46.2-1252, and 46.2-1253 of the Code of Virginia 1950, as amended, relating to counterfeiting disability licenses or placards, use of counterfeit disability licenses or placards, alteration of disabled licenses or placards, unauthorized use of disabled licenses or placards, fraudulently obtaining a disabled license or placard, selling or exchanging a disabled license or placard and providing to another such licenses or placards without sale or exchange of consideration, are incorporated herein by reference.

State law reference: Code of Virginia, § 46.2-1242 et seq.

§ 4.30.070. Parking next to yellow curb.

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

State law reference: Code of Virginia, §§ 46.2-889, 46.2-1220.

§ 4.30.080. Parking — curb regulations.

- A. No vehicle shall be stopped except close to and parallel to the right edge of the curb or roadway, except that a vehicle may be stopped close to and parallel to the left curb or edge of the roadway on one-way streets.

- B. In the absence of lines marked on a street to designate the limits of a parking space, it shall be unlawful for any person to park a vehicle further than 12 inches from the curb or, where there is no curb, from the edge of the street pavement. The specified distance shall be measured to the curb-side tire positioned furthest from the curb or edge of pavement, except that for motorcycles the distance shall be measured to the tire nearest to the curb or edge of pavement.

State law reference: Code of Virginia, §§ 46.2-889, 46.2-1220.

§ 4.30.090. Double parking.

It shall be unlawful for any person to park a vehicle abreast of another vehicle parked on a street.

State law reference: Code of Virginia, § 46.2-1220.

§ 4.40.010. Parking prohibited at all times on certain streets; parks and cemeteries.

- A. When signs are erected giving notice thereof, no person shall park a motor vehicle, trailer or semitrailer at any time upon any of the streets or parts of streets so signed.
- B. No person shall park, stop or stand at any time in any portion of a public park or cemetery, or any property appurtenant thereto, which is not part of a public street or road. This prohibition shall not apply to the following:
- (1) Vehicles owned by the Town (or by a contractor) being used for the clearing of debris, snow and ice, or for property maintenance activities;
 - (2) Vehicles parked pursuant to specific authorization of a park or cemetery official, where such authorization is evidenced by a permit displayed on the vehicle or by a posted sign allowing the temporary parking of vehicles, or where such parking occurs in connection with a funeral taking place within the cemetery;
 - (3) Emergency vehicles, such as police, fire and rescue vehicles, and ambulances.

State law reference: Code of Virginia, § 46.2-1220.

§ 4.40.020. Parking, etc., on streets or public parking lots on which time limit is designated by signs.

When any sign is erected on a public street or public parking lot giving notice thereof, no person shall stop, stand or park a vehicle for longer than the time designated by such signs. For the purposes of this section, "public parking lot" shall mean any parking lot operated by the Town.

State law reference: Code of Virginia, § 46.2-1220.

§ 4.40.030. Parking to be in accordance with signs, signals, marked spaces, etc.

All vehicles, including motor vehicles, trailers or semitrailers, whether parked on a Town street or in any public parking lot, shall be parked in accordance with any Town signs, signals, street or parking lot markings and other devices for handling traffic or regulating parking. No part of any parked vehicle shall occupy any part of an adjoining parking space. "Public parking lot" shall be as defined in §4.40.020.

State law reference: Code of Virginia, § 46.2-1220.

§ 4.40.040. Parking of trucks and similar vehicles between midnight and 6:00 a.m.

No bus or van designed to carry more than 12 passengers, and no truck, van, trailer, semitrailer or recreational vehicle with more than two wheels per axle shall be parked on any of the streets of the Town between the hours of 12:00 midnight and 6:00 a.m. the following day.

§ 4.40.050. Temporary parking prohibitions to expedite traffic, aid snow removal, special events, etc.

The Town Manager, or designee, may post “No Parking” signs on any of the Town streets when necessary to facilitate the movement of traffic or the removal of snow, ice, leaves, or other debris from such streets and at special events. It shall be unlawful for any person to park within the prohibited area after signs have been posted prior to their removal, or to fail to remove a vehicle from any street on which such “No Parking” signs have been erected within 12 hours after such signs have been posted.

State law reference: Code of Virginia, § 46.2-1220.

§ 4.40.060. Loading and unloading time zones.

- A. Commercial vehicles may be parked within time zone spaces which are designated as loading and unloading zones; provided, that commercial vehicles may only occupy such spaces during the time necessary to complete actual operations of delivering or picking up merchandise.
- B. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of property exceed 30 minutes.
- C. The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.

State law reference: Code of Virginia, §§ 46.2-1222.2, 46.2-1220.

§ 4.40.070. Driving or riding vehicles upon sidewalk; vehicles parking or standing upon sidewalk or intersection.

- A. No person shall, except on such pavement and at such places as are provided, drive or ride a motor vehicle, trailer or semitrailer upon a sidewalk, nor shall any person park, or allow any motor vehicle, trailer or semitrailer to park or stand on a sidewalk or upon a street crossing. No person shall commit a violation of this section when engaged in driving, riding, parking or standing of the following vehicles:
 - (1) Vehicles owned by the Town (or by a Town contractor) being used for the clearing of debris, snow and ice, or for maintenance or repair of any sidewalk;
 - (2) Vehicles displaying a permit issued by the Town Manager, to authorize certain construction-related activities, when being used for the purpose for which the permit has

been issued. Such a permit may be issued to authorize the presence of vehicles that are essential to perform construction activities with respect to a building having frontage along Main Street, or which are essential to the installation or removal of heavy equipment or fixtures to or from such a building;

- (3) Emergency vehicles, such as police, fire and rescue vehicles, and ambulances. The term “sidewalk” shall be as defined in §4.30.030.

State law reference: Code of Virginia, § 46.2-1220, 46.2-903.

§ 4.40.080. Idling engine of bus.

- A. Idling the engine for a bus for more than 15 minutes when the vehicle is parked, left unattended, or is stopped for any reason other than traffic, maintenance, or loading or unloading a disabled passenger, is prohibited. This section shall not apply to school buses or public transit buses.
- B. Each violation of this section shall be subject to a civil penalty of \$50.

State law reference: Code of Virginia. § 46.2-1224.1.

§4.40.090. Parking of trucks, trailers, semitrailers and commercial buses restricted in residential areas.

It shall be unlawful for any person to park or cause or permit to be parked in any residential zoned district any (i) commercial vehicles as defined in §46.2-1224, (i) any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle; (iii) any vehicle with three or more axles; (iv) any vehicle that has a gross vehicle weight rating of 12,000 or more pounds; (v) any vehicle designed to transport 16 or more passengers including the driver; and (vi) any vehicle of any size that is being used in the transportation of hazardous materials as defined in § 46.2-341.4, unless such commercial vehicle is (i) taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

State law reference: Code of Virginia, § 46.2-1222.1

ARTICLE III
Citations and Fines; Issuance of Summons

§ 4.50.010. Waiver and Voluntary Payment of Fine; contest of citation.

(a) Issuance of citation. Whenever any motor vehicle, trailer or semitrailer without a driver is found parked or stopped in violation of any of the restrictions imposed by Article II, the sworn officer having police powers finding such vehicle will record the vehicle registration number and may take any other information displayed on the vehicle which may identify its user. The officer will conspicuously affix to such vehicle a traffic citation provided by the Chief of Police and approved by the Town manager. The affixing of the citation constitutes prima facie evidence that the owner or operator received notice of the violation. The citation will notify such person that he must either pay a fine for the violation in accordance with the schedule contained in subsection (d) of this section, or appear before the County

General District Court in accordance with the time scheduled by the Chief Judge of such Court. The citation will further notify such person that the fine may be paid in cash, by money order or check to the Town Treasurer, in person or by mail, at his office within five calendar days from the date of the violation. The citation will further notify such person that, if he pays such fine as provided in this section, no further action will be taken against him for the violation set forth in the citation.

(b) Notice before issuance of summons. In response to a citation, if such person does not either pay the applicable fine or contest the citation as provided in this section, then the citation is considered delinquent. No summons may be issued for the prosecution of a delinquent citation until the Town Treasurer sends to the owner of the motor vehicle, trailer or semitrailer to which the traffic citation was affixed a notification by certified mail to his last known address or to the address shown for such person on the records of the State Department of Motor Vehicles. The notice to the violator must be contained in an envelope bearing the words "Law Enforcement Notice" at least one-half inch in height on the face thereof. The notice sent by the Town Treasurer to the violator pursuant to this subsection will inform such violator that he must pay the fine, plus penalty, as described in subsection (e) of this section, to the Town Treasurer.

(c) Issuance of summons. If the notice is mailed and the fine, plus penalty, is not paid within ten calendar days from the date of such notice, then the Town Treasurer will cause a summons to be issued charging a violation of this article. The officer issuing the citation will be notified by the Town Treasurer that a summons has been issued.

(d) Amount of fine when paid before notice. Every person charged with violating a provision of this article must pay to the Town Treasurer a fine according to the following schedule; provided, however, that payment is received by the Town Treasurer before the notice described in subsection (b) of this section is mailed:

	<u>Fine</u>
<u>Parking on a sidewalk</u>	<u>\$50</u>
<u>Parking in front of public/private driveway</u>	<u>\$50</u>
<u>Parking within an intersection</u>	<u>\$50</u>
<u>Parking on a crosswalk</u>	<u>\$50</u>
<u>Parking any place where official signs prohibit parking</u>	<u>\$50</u>
<u>Parking against oncoming traffic</u>	<u>\$100</u>
<u>Parking within 15ft. of a fire hydrant</u>	<u>\$100</u>
<u>Parking within a designated fire lane</u>	<u>\$100</u>
<u>Parking against a yellow curb</u>	<u>\$100</u>
<u>Parking in a designated handicap parking space</u>	<u>\$250</u>

(e) Payment of fine after notice and before summons. After a notice is mailed, but before a summons is issued, every person charged with violating a provision of this article must pay to the Town Treasurer the applicable fine listed in subsection (d) of this section plus a penalty according to the following schedule:

<u>Fine</u>	<u>Penalty</u>	<u>Total</u>
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<u>\$50</u>	<u>\$15</u>	<u>\$65</u>
<u>\$100</u>	<u>\$30</u>	<u>\$130</u>
<u>\$250</u>	<u>\$45</u>	<u>\$295</u>

f. *Contest of citation.* Every person charged with a violation of any provision of this article may, before the citation is considered delinquent as defined in subsection (b) of this section, elect to contest the charge by filing a written protest with the Town Treasurer. Such protest must identify the charge by citation number and date of issuance. The protest must be signed by the person charged and must request that the citation be certified to the general district court. The Town Treasurer will certify to the general district court in writing, on an appropriate form, the fact that the citation is contested. In both contested and uncontested cases, the defendant, if found guilty, will pay court costs in addition to any fine imposed upon him.

g. *Enforcement period.* Every action to collect unpaid parking citation penalties imposed for violation of this article shall be commenced within three (3) years of the date upon which such penalty became delinquent.

§ 4.50.020. - Presumption as to responsibility for violation.

In any prosecution charging a violation of this article, proof that the vehicle described in the complaint, citation, summons or warrant was parked in violation of this article, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Code of Virginia title 46.2, ch. 6 (Code of Virginia § 46.2-600 et seq.), constitutes in evidence a prima facie presumption that such registered owner of the vehicle was the person who committed such violation.

State Law Reference— Code of Virginia § 46.2-1220, 46.2-941.

ARTICLE IV

General Violations and Penalties

§ 4.60.010. General penalty.

If the performance or failure to perform any act is declared unlawful or constitutes an offense or misdemeanor, and no specific penalty is provided for the violation in this chapter or applicable state law, then a violation of any provision of this Code may be punished by a fine of up to \$2,500, imprisonment in jail for up to 12 months, or both.

State Law Reference: Code of Virginia Section §15.2-1429

§2. This ordinance shall take effect upon adoption.

Adopted by the Bowling Green Town Council this _____ day of September 2026.

By: _____
Tina Gambill, Mayor

Attest: _____
India Adams-Jacobs, Town Manager and Clerk to Council