

## Chapter 167

### VEHICLES AND TRAFFIC

**[HISTORY: Adopted by the Town Council of the Town of Pennington Gap 3-14-1985 (Ch. 9 of the 1985 Code). Amendments noted where applicable.]**

#### GENERAL REFERENCES

Driving under the influence — See Ch. 57, Art. I.

Parking of mobile homes and house trailers — See Ch. 120, Art. I.

#### ARTICLE I

##### Traffic Code

**§ 167-1. Adoption of Code of Virginia.** [Amended 8-18-2003 by Ord. No. 2-2003]

A. Title 18.2 of the Code of Virginia and Title 46.2 of the Code of Virginia and all other criminal code provisions in the Code of Virginia 1950 as amended be adopted by the Town as it is in effect on this date as approved by the Legislature of Virginia, and signed by the Governor and is currently in lawful effect in the Commonwealth and that the Town adopt the numbering system of the Virginia Code as published in Michie's Code of 1950, as amended, being the official Code of Virginia. The offenses that the Town may lawfully enforce shall carry the same penalty as set out in the Code of Virginia of 1950, as amended and currently in effect in so far as the Town has the power to enforce that law.

B. The numbering system of the Code of Virginia shall be used with the prefix in Title 18.2 in the Virginia Code applying to the Town Code, but the Town shall use the prefix “PG Title 8.1.”

C. The numbering system of the Code of Virginia shall be used with the prefix in Title 46.2 of the Virginia Code applying to the Town Code, but the Town shall use the prefix “PG Title 4.1.”

**§ 167-2. Duty to stop in case of accidents.**

**[Removed by Council vote – December 21, 2020]**

**§ 167-3. Accident reports.**

**[Removed by Council vote – December 21, 2020]**

**§ 167-4. Applicability.**

The provisions of this chapter applicable to the drivers of vehicles upon the streets shall apply to the drivers of all vehicles owned or operated by the state, or any city, town, district or other political subdivision of this state, subject to such specific exceptions as are set forth in the chapter.

**§ 167-5. Garage report on damaged vehicles.**

The person in charge of any garage or repair shop to which is brought any motor vehicle showing evidence of having been involved in a serious accident or struck by a bullet shall report to the Town Police Department within 24 hours after such motor vehicle is received, giving the

engine number registration number, and the name and address of the owner or operator of such vehicle, if known.

**§ 167-6. Violations and penalties.**

- A. It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this article.
- B. Every person convicted of a misdemeanor of a violation of any of the provisions of this article for which no other penalty is provided shall, for a first conviction thereof, be guilty of a Class 4 misdemeanor and subject to a fine of not more than \$250; for a second such conviction within one year such person shall be guilty of a Class 3 misdemeanor and subject to a fine of not more than \$500; for a third or subsequent conviction within one year such person shall be guilty of a Class 1 misdemeanor and subject to confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both.
- C. All fines imposed for a violation of this article shall be paid into the Town Treasury.

**§ 167-7. Reckless driving.**

[Removed by Council vote – December 21, 2020]

**§ 167-8. Speed limits; reckless driving violations.**

[Removed by Council vote – December 21, 2020]

**§ 167-9. Stopping vehicles by police officers.**

[Removed by Council vote – December 21, 2020]

ARTICLE II

**Standing and Parking**

**§ 167-10. Standing and parking restrictions.**

[Amended by Council vote – December 21, 2020]

- A. No person shall stop, stand or park a vehicle in any of the following places:
  - (1) On a sidewalk;
  - (2) In front of a public or private driveway;
  - (3) Within 15 feet of a fire hydrant in either direction;
  - (4) On a crosswalk;
  - (5) Within 20 feet of a cross or an intersection;
  - (6) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
  - (7) For a period longer than 10 minutes in front of the Post Office;
  - (8) In any area designated as a non-parking zone, with proper signs or designated in yellow;
  - (9) In any alleys in such a manner or under such conditions as to impede traffic moving through the alley;
  - (10)
    - A. On any street or alley or fire lane for the purpose of washing, greasing or repairing such vehicle, except in case of an emergency;
    - B. In areas designated by white lines vehicles shall be parked or stopped within the white lines.
    - C. All parking in Town corporation limits shall be directional with flow of traffic.

D. Every person convicted of the violation of any provision of this section shall be punished by a fine of not less than \$5 nor more than \$50. [Amended 2-2-1953]  
(11) No parking in handicap zone unless there is a visible handicap tag or placard.

### ARTICLE III

#### **Parking Zones in Central Business District**

**§ 167-11. Parking in two-hour zone.** [Amended 1-21-1985]

No person shall park a vehicle during the hours of 8:30 a.m. through 5:30 p.m., Monday through Saturday, within any block for more than two consecutive hours in blocks which have two-hour parking limits designated by official signs posted on that block or a portion thereof within the Central Business District.

**§ 167-12. Parking in eight-hour zone.** [Amended 1-21-1985]

No person shall park a vehicle during the hours of 8:30 a.m. through 5:30 p.m., Monday through Saturday, within any block for more than eight consecutive hours in blocks which have eight-hour parking limits designated by official signs posted on that block or portion thereof within the Central Business District

**§ 167-13. Removal of chalk mark prohibited.** [Amended 1-21-1985]  
[Removed by Council vote – December 21, 2020]

**§ 167-14. Parking violation penalties.** [Amended 1-21-1985]  
**Penalties for parking violations in the Central Business District shall be set by Council.**  
[Amended by Council vote-December 21, 2020]

#### **Speed-Measuring Devices**

**§ 167-15. Checking on speed with electrical devices.** [Amended 11-17-1977]

The speed of any motor vehicle may be checked by the use of radio microwaves or other electrical device. The results of such checks shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceeding where the speed of the motor vehicle is at issue.

**§ 167-16. Certificate as to accuracy of device.** [Amended 11-17-1977]

In any court or legal proceedings in which any question arises about the calibration or accuracy of any radio microwave or other electrical device used to check the speed of any motor vehicle, a certificate, executed and signed by the officers calibrating or testing such device for its accuracy, and stating the time of such test, type of test and results of testing when such certificate is accompanied by a certificate, or a true copy thereof, showing the calibration or accuracy of the speedometer of any vehicle employed in calibrating or testing such device, and when and by whom such speedometer calibration was made, shall be admissible when attested by one such

officer who executed and signed it as evidence of the facts therein stated and the results of such testing.

**§ 167-17. Arrest without warrant.**

- A. The driver of any such motor vehicle may be arrested without a warrant under this article, provided the arresting officer is in uniform and displays his badge of authority; provided that such officer has observed the registration of the speed of such motor vehicle by the radio microwaves or other electrical device, or has received a radio message from the officer who observed the speed of the motor vehicle registered by the radio microwaves or other electrical device; provided in case of an arrest based on such a message that such radio message has been dispatched immediately after the speed of the motor vehicle was registered and furnished the license number or other positive identification of the vehicle and the registered speed to the arresting officer. [Amended 11-17-1977]
- B. Nothing herein shall affect the powers of cities or towns to adopt and use such radio microwaves or other electrical devices to measure speed.

**§ 167-18. Signs indicating electrical device.**

Signs to indicate the level rate of speed and that the speed of motor vehicles may be measured by radio microwaves or other electrical devices shall be placed at or near the state boundary on those interstate and primary highways which connect the state to other jurisdictions at such locations as the State Highway Commissioner, in his discretion, may select. There shall be a prima facie presumption that such signs were in place at the time of the commission of the offense of exceeding the legal rate of speed, and a certificate by the State Highway Commissioner as to the placing of such signs shall be admissible in evidence to support or rebut the presumption. Such legal rate of speed and notice of measurement of speed by radio microwaves or other electrical devices may be posted on different signs and need not be posted on the same sign.

ARTICLE V

**Motor Vehicle License Tax**  
**[Amended 6-16-1980; 6-17-1985; 6-15-1987]**

**§ 167-19. Imposition; exception.**

- A. There is hereby imposed by the Town Council of Pennington Gap, Virginia a license tax upon each and every motor vehicle, which is normally garaged, stored, or parked in the Town of Pennington Gap, Virginia, except as herein otherwise specifically provided.
- B. For purposes of this article "motor vehicle" includes, but is not limited to, every automobile, truck, motorcycle, moped, motor scooter, trail bike or like or similar vehicle normally garaged, stored, or parked within the Town.
- C. The provisions of this article shall not apply to tractors, road rollers and road machinery used for highway purposes, tractor engines, locomotive engines, electric cars running on rails, motor vehicles owned by the state or by any political subdivision of the state or by the United

States government, or vehicles held for sale in the ordinary course of business by any manufacturer or dealer.

**§ 167-20. Application for and issuance of licenses.**  
[Removed by Council vote – December 21, 2020]

**§ 167-21. Disposition of fees; record of licenses issued.**

The Clerk shall collect all such license fees. These fees shall be credited to the General Fund of the Town and deposited by the Clerk in the same manner as that prescribed for other Town monies. The Clerk shall keep and maintain a record of all motor vehicle licenses issued.

**§ 167-22. License fees; proration.**

A. The annual license fees for motor vehicles to which this article is applicable shall be set from time to time by the Town Council for:

(1) Motor vehicles, individually or jointly owned.

(2) Motorcycles, motor scooters or vehicles of like design, individually or jointly owned.

B. Whenever a license is issued for a motor vehicle newly purchased or owned by a new resident or residents moving into or becoming new residents, after November 30, of each calendar year, then the license fee for each vehicle shall be as set from time to time by the

Town Council for the remainder of the license year, until the month of May of the following year.

**§ 167-23. Exception for disabled veterans.**

Disabled veterans who qualify for waiver of state vehicle registration fees under § 46.1-149.1, Code of Virginia, are entitled to waiver of the Town license tax for one motor vehicle owned and used personally by such veteran. Eligible veterans must submit proof of state qualification when making application for a Town motor vehicle license. Waiver of the license tax in no way affects the other provision of the article.

**§ 167-24. License not to be issued until personal property taxes on vehicle paid.**

No motor vehicle, taxable under the provisions of this article, shall be licensed unless and until the applicant or applicants for such license shall have produced satisfactory evidence that all personal property taxes upon the motor vehicle, to be licensed, which personal taxes have been assessed or are assessable against such applicant or applicants, have been paid and unless and until the applicant or applicants shall have produced satisfactory evidence that any delinquent motor vehicle and/or personal property taxes owing for any tax year, the collection of which is not barred by the five-year statute of limitations, have been paid, which have been properly assessed or are accessible against the applicant or applicants by the Town. For purposes of this section the terms "motor vehicle" and "vehicle" include, but are not limited to, all wheeled motor vehicles, such as automobiles, trucks, motorcycles, mopeds, motor scooters, trail bikes, or like or similar vehicles.

**§ 167-25. Duration of license.**

[Removed by Council vote – December 21, 2020]

**§ 167-26. Display of license; license required for operation; violations and penalties.**  
[Removed by Council vote – December 21, 2020]

**§ 167-27. Transfer of license; fee.**  
[Removed by Council vote – December 21, 2020]

**§ 167-28. Duplicate license; fee.**  
[Removed by Council vote – December 21, 2020]

**§ 167-29. Persons not required to pay license fees.**

No person or persons shall be required to pay upon any motor vehicle, the license fee or tax herein imposed upon any such vehicle when:

- A. The motor vehicle is owned by a nonresident or by nonresidents of Town of Pennington Gap; is not normally garaged, stored or parked within the Town; and is used exclusively for pleasure or personal transportation other than that set forth in Subsection C of this section.
- B. The motor vehicle is owned by the Commonwealth of Virginia or by any officer or employee thereof, who is a nonresident of Lee County, and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use.
- C. The motor vehicle, is owned by a nonresident of the Town, and is used exclusively for transporting into this Town, for sale by himself or employees, wood or farm produce produced or grown by him and not purchased by him for sale.
- D. The motor vehicle is kept by a dealer or manufacturer for sale or for sales demonstration.
- E. The motor vehicle is operated by a common carrier of persons or property operating between cities and towns in this state and not in intra-county transportation.

## ARTICLE VI

**§ 167-30. Vehicles on Greenway**

[Adopted 12-16-2013]  
[Amended by Council vote December 21, 2020, moved from Chapter 170]

The Greenway Trail in the Town of Pennington gap, Virginia is designated for pedestrians and bicycle traffic only. Any motor vehicles as defined in Code of Virginia § 46.2-100 which includes but is not limited to mopeds, four wheelers, and ATV's are prohibited on the Greenway property. This Ordinance does not prohibit the use of motorized wheelchairs or any device designed to aid a disabled person. Violation of this ordinance is a Class 4 Misdemeanor. Any subsequent violations are a Class 3 Misdemeanor.