

TITLE VII: TRAFFIC CODE

Chapter

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Statutory reference:

Abandoned vehicles, see VA Code §§ 46.2-1200 et seq.

General powers of local governments as to motor vehicles, see VA Code §§ 46.2-1300 et seq.

Identification of disabled parking spaces by above grade signage, see VA Code § 36-99.11

Local vehicle license, see VA Code §§ 46.2-752 et seq.

Motor vehicles, see VA Code §§ 46.2-100 et seq.

Parking regulations in cities, towns, and certain counties, see VA Code § 46.2-1220

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CHAPTER 70: GENERAL PROVISIONS

Section

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§ 70.01 COMPLIANCE WITH CHAPTER.

It shall be unlawful for any person to refuse, fail, or neglect to comply with any of the provisions of this chapter or any rule or regulation promulgated pursuant to this chapter.
(1998 Code, § 62-1) (Ord. O-2002-04, passed 2-12-2002) Penalty, see § 70.99

§ 70.02 GENERAL POWERS OF COUNCIL RELATIVE TO PARKING SPACES.

The Council shall retain authority to regulate and designate street parking including, but not limited to, motor vehicle parking space geometric qualities or properties, and to exercise the authority provided to localities in VA Code Title 46.2, as amended, on behalf of the town.
(1998 Code, § 62-1) (Ord. O-2002-04, passed 2-12-2002)

§ 70.03 ADOPTION OF STATE LAW.

(A) (1) Pursuant to the authority of §11 of the Town Charter (1998), as amended, and pursuant to VA Code §§ 1-220, 18.2-268.12, and Title 46.2 Chapter 13, specifically §§ 46.2-1300 and 46.2-1313, as amended, all of the provisions and requirements of the laws of the state, effective as of July 1, 2004, including future amendments to those state statutes as may from time to time be adopted by the state's General Assembly, effective upon the same date as the effective date of such state statutes and not before, contained in VA Code Title 46.2, and VA Code Title 18.2, Chapter 7, Article 2, as amended, as well as those provisions and requirements of VA Code Title 16.1, Chapter 11, Article 9 (§§ 16.1-278 et seq.), pertaining to the disposition of juveniles charged with violations of misdemeanors

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and traffic infractions contained in the previously referenced portions of VA Code Titles 18.2 and 46.2, and the ordinances of the town, are adopted and incorporated by reference and made applicable within the town: except those provisions and requirements the violation of which constitutes a felony; except those provisions and portions which specifically authorize the adoption of a local ordinance but do not provide for direct incorporation of specific provisions and requirements, requiring instead, the local governing body to provide provisions and requirements; and, except those provisions and requirements which, by their very nature, can have no application to or within the town. The provisions and requirements of VA Code §§ 46.2-1247 through 46.2-1253 are specifically incorporated by reference as provided for separately in each of those sections.

(2) Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made part of this section as fully as those set forth at length herein; and it shall be unlawful for any person within the town to violate, fail, neglect, or refuse to comply with any provision of VA Code Title 46.2, VA Code Title 18.2, Chapter 7, Article 2, which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under VA Code Title 16.1, Chapter 11, Article 9 (§§ 16.1-278 et seq.), VA Code Title 18.2, Chapter 7, Article 2 (§§ 18.2-266 et seq.), or of VA Code Title 46.2.

(B) (1) When such provisions and requirements of VA Code Title 46.2; VA Code Title 18.2, Chapter 7, Article 2; and VA Code Title 16.1, Chapter 11, Article 9, incorporate and adopted herein, make reference to or in turn incorporate other provisions of the VA Code, rules or regulations promulgated by an arm or agency of the state or the United States, the United States Code, the United States Code of Federal Regulations, the State Administrative Code, federal or state motor carrier safety regulations, regulations promulgated by the Superintendent of State Police pertaining to commercial motor vehicle safety pursuant to the United States Motor Carrier Act of 1984, regulations promulgated by the State Division of Motor Vehicles, or to other provisions, standards, specification, regulations, or uniform codes, they shall apply, *mutatis mutandis*, as if set forth herein.

(2) All definitions of words and phrases contained in such provisions and requirements hereby adopted shall apply, *mutatis mutandis*, to such words and phrases when used in this chapter unless clearly indicated to the contrary. References to “highways of the state” or “Commonwealth” contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways, and other public ways within the town.

(C) The penalties imposed for the violation of any provision or requirement adopted by this section shall be and are, *mutatis mutandis*, as provided by general law for the same or similar offenses under general state law, particularly, VA Code Title 46.2 or under VA Code Title 18.2, Chapter 7, Article 2 (§§ 18.2-266 et seq.) or as provided for juveniles pursuant to VA Code Title 16.1, Chapter 11, Article 9 (§16.1-278 et seq.); effective as of July 1, 2004; including future amendments to those state statutes as may from time to time be adopted by the general assembly, effective upon the same date as the effective date of such state statutes and not before.

(D) (1) Each of the foregoing provisions of this section has been adopted in an endeavor to preserve and extend the public welfare and safety, it is declared to be the legislative intent that, if any portion, division, sentence, clause, or provision of this section is held invalid or unconstitutional, or the application thereof to any person or circumstances, the remainder of this section shall not be affected or impaired by such judgment, decision, or order of any court of competent jurisdiction and shall be interpreted, if necessary, so as to give a meaning consistent with the purpose and intent of this section. For this purpose, the provisions of this section are severable from the particular portion or provision so declared to be unconstitutional or invalid and the remaining portions thereof shall remain in full force and effect where not inseparably connected in meaning and effect with the portion or provision of this section so declared to be unconstitutional or invalid. This division (D) reiterates § 10.05 of this code.

(2) If any portion of this section is found to be in conflict with any other provision of this code, the provisions of this section shall prevail. Adoption of this section, however, shall not affect nor prevent any pending or future prosecution of any violation of said code occurring prior to the effective date of this section; nor any violation of said code that is merely alternative to this section. (1998 Code, § 62-2) (Ord. passed 5-13-1997; Ord. O-2004-14, passed 6-8-2004) Penalty, see § 70.99

§ 70.04 OPERATION OF MISCELLANEOUS VEHICLES.

(A) It shall be the duty of the Police Department to enforce this section.

(B) No person shall play on a highway designated for vehicular traffic within the town. No person shall use roller skates, skateboards, toys, or other devices on wheels or runners, except bicycles, mopeds, motorcycles, and other vehicles licensed by the state on highways where play is prohibited.

(C) No person riding on any bicycle, moped, roller skates, skateboards, toys, or other devices on wheels or runners shall attach the device or himself or herself to any vehicle on a roadway. This division (C) is not intended to prohibit the lawful attachment or towing of trailers and the like. (1998 Code, § 62-3) Penalty, see § 70.99

§ 70.98 ADDITIONAL ASSESSMENT FOR ELECTRONIC SUMMONS SYSTEM.

(A) There is hereby assessed an additional sum of \$5 as part of the costs in each criminal or traffic case in the district or circuit courts located within Prince William County in which a defendant is charged with a violation of any statute or ordinance, which arose within the town.

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(B) The assessment shall be collected by the Clerk of the Court in which the action is filed, remitted to the Treasurer of the town, and held by the Treasurer subject to disbursements by the Town Council to the Police Department solely to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system.
(Ord. O-2019-02, passed 4-2-2019)

§ 70.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Whenever a penalty is provided in the VA Code for the violation of any section of the VA Code adopted by reference in § 70.03, the penalty for a violation of § 70.03 shall be the same as the penalty provided by state statute for a like offense.

(2) Every person convicted of a violation of any of the provisions of this chapter or rule or regulation promulgated pursuant to this chapter, for which no other penalty is provided and which is not defined as a misdemeanor, shall be punished by a fine of not more than \$200; however, in no event shall any penalty imposed for a violation of any of the provisions of this chapter or rule or regulation promulgated pursuant to this chapter exceed the penalty prescribed by general law of the state for a like offense.

(1998 Code, § 62-1)

(C) If any person rides any bicycle or skateboard on any sidewalk in the town, such person shall be guilty of a traffic infraction and, upon conviction, shall be fined not less than \$5 nor more than \$200.

(1998 Code, § 62-3)

(Ord. O-2002-04, passed 2-12-2002)

CHAPTER 71: MOTOR VEHICLE DECALS

Section

- 71.01 Definitions
- 71.02 Licenses
- 71.03 Military personnel
- 71.04 Proration of license fee and deadline for application for license
- 71.05 Fees; transfer; duplicate
- 71.06 Licensing requirements for parked vehicles

- 71.99 Penalty

Statutory reference:

Local vehicle license, see VA Code §§ 46.2-752 et seq.

§ 71.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LICENSE YEAR. A period of time that shall commence on November 16 and shall expire on the following November 15 in each year.

MOTOR VEHICLE. Any land vehicle that is self-propelled or designed for self-propulsion, except mopeds.
(1998 Code, § 62-36) (Ord. passed 5-13-1997)

§ 71.02 LICENSES.

(A) The situs for the imposition of local vehicle licensing fees is in all cases, except as hereinafter provided, the county, city, or town in which the motor vehicle, trailer, or semitrailer is normally garaged, stored, or parked. If it cannot be determined where the personal property is normally garaged, stored, or parked, the situs shall be the domicile of its owner. If the owner of the motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that he or she has paid a personal property tax on the motor vehicle in his or her domicile. The owner of any motor vehicle described in this

division (A) shall obtain from the town a license, in the form of a motor vehicle decal, for such motor vehicle.

(B) Application for such license shall be made to the Treasurer of the town or his or her duly appointed agent. Such application shall contain a brief description of the motor vehicle to be licensed, including make and serial number, together with such other pertinent information as the Treasurer or his or her authorized agent may require. The applicant shall show a valid vehicle registration card showing an address within the limits of the town or proof of a business licensed by the town. Upon payment of the license fee, the Treasurer or his or her authorized agent shall issue a decal for each vehicle for which proper application has been made. The decal shall bear a suitable number and shall be attached to the vehicle in such a manner as to be visible at all times. Such decal shall be affixed to the windshield at a location designated by the Superintendent of the Department of State Police.

(C) Vehicles with Virginia Department of Motor Vehicles issued antique plates shall be exempt from the requirement to obtain from the town a license in the form of a motor vehicle decal. (1998 Code, § 62-37) (Ord. O-2019-03, passed 2-5-2019)

§ 71.03 MILITARY PERSONNEL.

Military personnel, who are exempt from the provisions of this chapter under the provisions of the Soldier's and Sailor's Civil Relief Act, being 50 U.S.C. §§ 3901 et seq., as amended, shall be required to pay a handling charge of \$1. (1998 Code, § 62-38)

§ 71.04 PRORATION OF LICENSE FEE AND DEADLINE FOR APPLICATION FOR LICENSE.

Half of the annual license fee shall be paid if application for such license is made on or after May 15 of the license year. Application for license under this chapter shall be made within 30 days after such motor vehicle is principally garaged, stored, or parked in the town. (1998 Code, § 62-39) (Ord. O-2005-05, passed 6-14-2005)

§ 71.05 FEES; TRANSFER; DUPLICATE.

(A) The license fee shall be established annually by the Town Council for the ensuing license year during its budget adoption process, the amount not to exceed the license fee of the state on the vehicle.

(B) Transfer of license by an owner to a replacement vehicle shall be permitted upon payment of a fee of \$5.

(C) If any motor vehicle decal issued under the provisions of this chapter is lost or mutilated or becomes illegible, the owner shall make immediate application for and obtain a duplicate or substitute decal, upon furnishing information of such fact satisfactory to the Treasurer and upon payment of \$5. A person, having once applied for and received a duplicate or substitute motor vehicle decal, shall not be entitled to apply again for and receive a duplicate decal during the license year for which the original motor vehicle decal was issued.

(1998 Code, § 62-40) (Ord. O-2005-05, passed 6-14-2005) Penalty, see § 71.99

§ 71.06 LICENSING REQUIREMENTS FOR PARKED VEHICLES.

It shall be unlawful for any motor vehicle to be parked on any public property, thoroughfare, street, alley, or parking area within the town limits unless such vehicle has a valid state license plate, state emissions, or other inspection sticker if required by law and, if otherwise required by the provisions of this chapter, a valid town decal. If such violation continues for more than two consecutive days, such motor vehicle may be towed away by the town at the owner's expense.

(1998 Code, § 62-42) (Ord. O-2020-01, passed 3-4-2020) Penalty, see § 71.99

§ 71.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 70.99 of this code of ordinances.

(B) Pursuant to § 71.05, it shall be unlawful for any owner of a motor vehicle to fail to obtain and display upon the vehicle the decal of the town. Failure to do so shall constitute a misdemeanor, the penalty for which shall not exceed that of a class 4 misdemeanor. A violation may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained.

(1998 Code, § 62-40)

CHAPTER 72: TRAFFIC REGULATIONS

Section

- 72.01 Operator to give full time and attention to driving
- 72.02 Vehicle to be kept under proper control
- 72.03 No blocking of intersection

§ 72.01 OPERATOR TO GIVE FULL TIME AND ATTENTION TO DRIVING.

No person shall operate a motor vehicle upon the highways of the town without giving his or her full time and attention to the operation of the vehicle.

(1998 Code, § 62-76) Penalty, see § 70.99

§ 72.02 VEHICLE TO BE KEPT UNDER PROPER CONTROL.

No person shall operate a motor vehicle upon the highways of the town, failing to keep the vehicle under proper control at all times.

(1998 Code, § 62-77) Penalty, see § 70.99

§ 72.03 NO BLOCKING OF INTERSECTION.

(A) No operator of a vehicle shall enter an intersection or 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.

(B) Vehicle operators who violate this section are subject to a civil penalty in the amount of the fine listed for all other vehicles in § 73.99(B). The process for issuing and enforcing citations under this section is provided in Chapter 73, *mutatis mutandis*.

(1998 Code, § 62-78) (Ord. O-2017-01, passed 1-3-2017; Ord. O-2019-07, passed 5-21-2019)
Penalty, see § 70.99

CHAPTER 73: PARKING REGULATIONS

Section

- 73.01 Enforcement of parking regulations
- 73.02 Parking prohibited in specific places
- 73.03 Parking commercial vehicles, recreational vehicles, and trailers
- 73.04 Parking on private property
- 73.05 Disabled parking
- 73.06 Parking for certain purposes prohibited
- 73.07 Presumption as to owner of illegally parked vehicle
- 73.08 Stopping on streets or highways generally
- 73.09 Arrest for violations of chapter; release on summons and promise to appear; admitting to bail
- 73.10 When arresting officer shall take person before judicial officer in lieu of issuing summons

- 73.99 Penalty

§ 73.01 ENFORCEMENT OF PARKING REGULATIONS.

(A) It shall be the duty of the Police Department to enforce the parking regulations of the town.

(B) The police officer shall attach to the vehicle in violation a notice that such vehicle has been parked in a manner that fails to comply with the provisions of this chapter, and that the appropriate sum, according to the fine schedule, may be paid to the Town Treasurer or his or her duly appointed agent at 314 Mill Street, Occoquan, Virginia, within ten days from the time of noncompliance appearing on such notice, exclusive of Saturdays, Sundays, and national holidays, and further notifying such owner that if the appropriate fine is paid within such time, no action shall be taken to prosecute the owner for the excessive or improper parking specified on such notice; otherwise, the owner will be in violation of this chapter, and a summons will be issued.

(C) If any person should fail to pay the appropriate fine, the police officer who issued the citation shall notify the violator on the records of the State Department of Motor Vehicles that the fine provided by law for such violation may be paid within five days of receipt of such notice. The notice to the violator shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped on its face in type at least one-half inch in height.

(D) If a person should fail to respond to the notification, the police officer who issued the citation shall obtain a summons through the magistrate's office.

(E) If any person should contest a parking citation, a request shall be made in writing to the Town Clerk or his or her duly appointed agent for an appointment for a slot on the issuing officer's court date. If the person cited is under age 18, the case will be heard in juvenile and domestic relations district court; if the person cited is 18 years or older, the case will be heard in general district court.

(F) The Town Treasurer or his or her duly appointed agent is authorized to collect the fines cited in this section and deposit them in the General Fund of the town treasury.
(1998 Code, § 62-111) (Ord. O-2014-05, passed 12-2-2014)

§ 73.02 PARKING PROHIBITED IN SPECIFIC PLACES.

(A) When parking in locations other than marked parking space, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or in marked parking spaces:

- (1) On or blocking a sidewalk;
- (2) In front of a public or private driveway;
- (3) On a pedestrian crosswalk;
- (4) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
- (5) On the roadway side of any vehicle parked at the edge or curb of a street;
- (6) In a restricted zone where such zone is marked by official signs or markings unless the vehicle properly falls within the permitted class for the restricted zone;
- (7) In a marked fire lane;
- (8) Upon any bridge;
- (9) At any place where signs prohibit parking;
- (10) In any location or manner which operates to obstruct traffic;
- (11) On the wrong side of the street (left wheel to curb);
- (12) Across marked lines of a parking space unless the parking space is too small to avoid such manner of parking;

(13) Over the top of the curb;

(14) In a restricted zone in excess of the permitted time limit, where such zone is marked by official signs or markings, unless the vehicle properly falls within the permitted class for the restricted zone; and/or

(15) Alongside a yellow curb.

(B) No person other than a police officer or a person acting at the direction of the Police Department shall move a vehicle onto any such prohibited area or away from a curb such distance as is unlawful, or start or cause to be started the motor of any motor vehicle, or shift, change, or move the levers, brake, starting device, gears, or other mechanism of a parked motor vehicle to a position other than that in which it was left by its owner or driver, or attempt to do so.

(1998 Code, § 62-112) Penalty, see § 73.99

Statutory reference:

Parking in certain locations, see VA Code § 46.2-1239

§ 73.03 PARKING COMMERCIAL VEHICLES, RECREATIONAL VEHICLES, AND TRAILERS.

No person shall park any vehicle, including recreational vehicles, exceeding 10,000 pounds gross vehicle weight or any trailer of any type, whether or not connected to a tow vehicle, on or alongside the roads, highways, and streets in the town for a continuous period of more than four hours. This section shall not be applicable to school buses or to business vehicles when parked at the established commercial business or motor vehicle carriers while picking up or delivering passengers or merchandise or to vehicles parked pursuant to the performance of work or service at such location.

(1998 Code, § 62-113) Penalty, see § 73.99

§ 73.04 PARKING ON PRIVATE PROPERTY.

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner of such lot or area. Whenever signs or markings have been erected on any lot or lot area contiguous or adjacent to a street, thoroughfare, or alley indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand, or park any vehicle in such lot or area.

(1998 Code, § 62-114) Penalty, see § 73.99

§ 73.05 DISABLED PARKING.

(A) It shall be unlawful for any nondisabled operator of a motor vehicle to park in a parking space reserved and marked for the disabled with an above-grade sign distinctly indicating that the space is

reserved for disabled parking at privately owned shopping centers, business offices, or other commercial place of business, or to park in a disabled parking zone unless a disabled person is a passenger in the motor vehicle. If any vehicle so parked is not properly marked with disabled license plates or decals issued pursuant to VA Code §§ 46.2-731 or 46.2-739, or pursuant to any similar law of the state in which it is registered, it shall be deemed to be prima facie evidence of a violation of this section. A summons for this offense may be issued by a member of the town's Police Department without the necessity of a warrant's being obtained by the owner of such shopping center or business office, or other commercial place of business.

(B) It shall be unlawful for any person to block spaces reserved and marked off for the disabled by placing, or causing to be placed, snow, dirt, construction material, or any other items that effectively deny access to the disabled parking space.
(1998 Code, § 62-115) Penalty, see § 73.99

§ 73.06 PARKING FOR CERTAIN PURPOSES PROHIBITED.

(A) It shall be unlawful for any person to park or place any automobile, truck, trailer, or other vehicle upon or in any street or alley for the purpose of selling or offering the vehicle for sale or rent. No sign or lettering shall be attached or placed upon any automobile, truck, trailer, or other vehicle parked in or upon any public street or alley of the town indicating that such vehicle is offered for sale or for rent. It shall also be unlawful to park any vehicle from which any merchandise is being sold upon any street in the town.

(B) It shall be unlawful to stop a vehicle at any time upon a street or highway for the purpose of advertising any article of any kind, or to display upon such vehicle advertisements of any article or advertisement for the sale of the vehicle itself.

(C) It shall be unlawful for any person to park a vehicle upon any street or highway for the principal purpose of greasing or repairing the vehicle, except minor repairs necessitated by emergency.
(1998 Code, § 62-116) Penalty, see § 73.99

§ 73.07 PRESUMPTION AS TO OWNER OF ILLEGALLY PARKED VEHICLE.

In any prosecution charging a violation of any section of this chapter or any ordinance of the town governing the standing or parking of a vehicle, proof that the particular vehicle involved in such stated offense was parked in violation of such section or ordinance, together with proof that the defendant named in the summons or warrant was, at the time of such standing or parking, the registered owner of such vehicle, shall constitute, in evidence, a prima facie presumption that such registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(1998 Code, § 62-117)

§ 73.08 STOPPING ON STREETS OR HIGHWAYS GENERALLY.

(A) No vehicle shall be stopped in such a manner as to impede or render dangerous the use of a street or highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case a report shall be made to the nearest police officer as soon as practicable; and the vehicle shall be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay; and, if such vehicle is not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard or impedes the flow of traffic.

(B) (1) Except upon streets or portions of streets where angle parking is permitted, and except when actually loading or unloading merchandise, no vehicle shall be stopped except close to and parallel with the right-hand curb.

(2) In no instance shall such vehicle be parked with the curbside wheels farther than 12 inches from the curb.

(C) (1) No vehicle shall be stopped at or in the vicinity of a fire, accident, or other area of emergency in such a manner as to create a traffic hazard or interfere with the necessary procedures of police, firefighters, rescue workers, or others whose duty it is to deal with such emergencies.

(2) Any vehicle found unattended in the vicinity of such fire, accident, or area of emergency may be removed by order of a police officer at the risk and expense of the owner if such vehicle creates a traffic hazard or impedes the flow of traffic, or interferes with the necessary procedures of police, firefighters, rescue workers, or others whose assigned duty it is to deal with such emergencies.

(D) The provisions of this section shall not apply to any vehicle owned or controlled by the State Department of Transportation or the town, while actually engaged in the construction, reconstruction, or maintenance of streets or highways.

(1998 Code, § 62-118) Penalty, see § 73.99

§ 73.09 ARREST FOR VIOLATIONS OF CHAPTER; RELEASE ON SUMMONS AND PROMISE TO APPEAR; ADMITTING TO BAIL.

(A) Whenever any person is arrested for a violation of any provision of this subchapter, the arresting officer shall, except as otherwise provided in § 73.10, take the name and address of such person and the license number of his or her motor vehicle and issue a summons or otherwise notify him or her in writing to appear at a time and place to be specified in such summons or notice. Such time shall be at least five days after such arrest unless the person arrested shall demand an earlier hearing. Such person shall, if he or she so desires, have a right to an immediate hearing or a hearing within 24 hours at a convenient hour, and before a court having jurisdiction within the town. Such officer shall thereupon and upon the giving by such person of his or her written promise to appear at such time and place forthwith release him or her from custody.

(B) Any person refusing to give such written promise to appear shall be taken immediately by the arresting or other police officer before the nearest or most accessible judicial officer or other person qualified to admit to bail having jurisdiction under this chapter.
(1998 Code, § 62-119) Penalty, see § 73.99

§ 73.10 WHEN ARRESTING OFFICER SHALL TAKE PERSON BEFORE JUDICIAL OFFICER IN LIEU OF ISSUING SUMMONS.

If any person is believed by the arresting officer to have committed a felony or be likely to disregard a summons issued under § 73.09, the arresting officer, unless a summons was issued, shall take such person forthwith before the nearest or most accessible judicial officer or other person qualified to admit to bail in lieu of issuing the summons required by § 73.09, 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 deemed proper.

(1998 Code, § 62-120)

§ 73.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 70.99 of this code of ordinances.

(B) Fines for violation of § 73.01 are as follows:

| <i>Violation</i> | <i>Fine</i> |
|---------------------------------------|----------------|
| Parked in disabled zone | \$100 to \$500 |
| All other violations cited in § 73.01 | \$50 |

(1998 Code, § 62-111)

(C) Any person who willfully violates his or her written promise to appear, given in accordance with 73.09, shall be guilty of a class 1 misdemeanor and treated in accordance with the provisions of VA Code § 46.2-938.

(1998 Code, § 62-119)

(Ord. O-2014-05, passed 12-2-2014)

CHAPTER 74: REMOVAL OF UNATTENDED OR IMMOBILE VEHICLE

Section

- 74.01 Provision for removal
- 74.02 Removal by police officer
- 74.03 Written request
- 74.04 Presumption of abandonment
- 74.05 Removal, disposal of vehicle involved in accident

§ 74.01 PROVISION FOR REMOVAL.

The police may remove for safekeeping any motor vehicle, trailer, semitrailer, or parts of such vehicle if it is:

(A) Left unattended on a public highway or other public property and constitutes a traffic hazard;

(B) Illegally parked;

(C) Left unattended for more than ten days either on public property or on private property without the permission of the property owner, lessee, or occupant; and/or

(D) Immobilized on a public roadway by weather conditions or other emergency situation.
(1998 Code, § 62-151)

§ 74.02 REMOVAL BY POLICE OFFICER.

Removal of unattended or immobile vehicles shall be carried out by or under the direction of a police officer.

(1998 Code, § 62-152)

§ 74.03 WRITTEN REQUEST.

Motor vehicles, trailers, or semitrailers or parts of such vehicles shall not be removed from private property without written request of the owner, lessee, or occupant of the premises.

(1998 Code, § 62-153)

§ 74.04 PRESUMPTION OF ABANDONMENT.

It shall be presumed that such vehicle is abandoned if it lacks either a current license plate, a current town license decal, or a valid state emissions or other inspection sticker if required by law and if it has been in a specific location for four days without being moved.

(1998 Code, § 62-154)

§ 74.05 REMOVAL, DISPOSAL OF VEHICLE INVOLVED IN ACCIDENT.

(A) Whenever a motor vehicle, trailer, or semitrailer involved in an accident is found upon any highway and is so located as to impede the orderly flow of traffic, the police officer may:

(1) At no cost to the owner or operator, remove the 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 State 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 division (A)(2) above, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage.

(1998 Code, § 62-155)

CHAPTER 75: KEEPING OF INOPERABLE VEHICLES

Section

- 75.01 Definitions
- 75.02 Exceptions to provisions of chapter
- 75.03 Regulated
- 75.04 Removal
- 75.05 Disposal
- 75.06 Reasonable notice

Statutory reference:

Keeping of inoperable motor vehicles, see VA Code §§ 15.2-904, 15.2-905

§ 75.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

INOPERABLE MOTOR VEHICLE. Any motor vehicle, trailer, or semitrailer that is not in operating condition, or does not display valid license plates, a state safety inspection sticker, or a town motor vehicle decal.

SHIELDED OR SCREENED FROM VIEW. Hidden from sight from adjoining or nearby properties or streets by plantings or fences.
(1998 Code, § 62-186)

§ 75.02 EXCEPTIONS TO PROVISIONS OF CHAPTER.

The provisions of this chapter shall not apply to a licensed business regularly engaged as an automobile dealer, salvage dealer, or scrap processor.
(1998 Code, § 62-187)

§ 75.03 REGULATED.

It shall be unlawful for a property owner to keep, except in a fully enclosed building or structure or otherwise shielded or screened from view, on any property zoned for residential, commercial, or

agricultural purposes, any motor vehicle, trailer, or semitrailer as such is defined in VA Code § 46.2-100, which is inoperable.

(1998 Code, § 62-188) Penalty, see § 70.99

§ 75.04 REMOVAL.

The owners of property zoned for residential, commercial, or agricultural purposes shall, at such times as the town may prescribe, remove from their property any inoperable motor vehicle that is not kept within a fully enclosed building or structure or otherwise fully shielded or screened from view. The town may remove the inoperable motor vehicle whenever the owner of the premises, after reasonable notice, has failed to do so.

(1998 Code, § 62-189)

§ 75.05 DISPOSAL.

If the town removes an inoperable motor vehicle, after having given reasonable notice, the town may dispose of the vehicle after giving additional notice to the owner of the premises. The cost of the removal and disposal may be charged to either the owner of the inoperable vehicle or the owner of the premises, and the cost may be collected by the town as taxes and levies are collected. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the inoperable vehicle was removed, and the lien shall continue until actual payment of the cost has been made to the town.

(1998 Code, § 62-190)

§ 75.06 REASONABLE NOTICE.

Whenever reasonable notice of removal to a property owner is required, the reasonable notice shall be satisfied by the methods set forth below.

(A) Reasonable notice of the date fixed by the town for removal of inoperable vehicles shall be given by mail or personal delivery to each property owner by written notice or by newspaper publication.

(B) Upon failure of such property owner to remove such inoperable vehicles, by the date fixed, the town shall notify the property owner, by certified and by regular mail, that he or she has 15 days from the date of the notice to remove the inoperable vehicles; and upon his or her failure to so remove, the town shall have the vehicles removed and shall charge the cost to the owner. The requirement of notification by certified mail shall be satisfied by mailing of such certified letter to the property owner's current address, listed in the real estate tax records of the county.

(1998 Code, § 62-191)

CHAPTER 76: SNOW EMERGENCY ROUTES

Section

- 76.01 Posting of signs
- 76.02 Parking; obstructing traffic by failure to have snow tires or chains
- 76.03 Removal of stalled, abandoned, and the like vehicles

- 76.99 Penalty

Cross-reference:

Parking schedules, see Ch. 77 Sch. I

§ 76.01 POSTING OF SIGNS.

All snow emergency routes designated in Ch. 77, Sch. I shall be posted with appropriate signs indicating their designation as snow emergency routes. Such signs shall be placed not more than 2,500 feet apart in either direction.

(1998 Code, § 62-193) (Ord. O-2015-06, passed 10-6-2015)

§ 76.02 PARKING; OBSTRUCTING TRAFFIC BY FAILURE TO HAVE SNOW TIRES OR CHAINS.

(A) In the event of snow, sleet, hail, freezing rain, ice, water, flood, high wind, or storm, or the threat thereof, it shall be unlawful for any person to park any vehicle on any snow emergency route designated in Chapter 77, Schedule I or to obstruct or impede traffic on any such snow emergency route by reason of failure to have any vehicle operated thereon equipped with adequate snow tires or chains.

(B) The drivers of the following vehicles shall be exempt from the provisions of this section:

- (1) Commercial vehicles making emergency deliveries of fuel and motor oils, coal, gasoline, goods, milk, and medicines;
- (2) Emergency vehicles of public service corporations;
- (3) Ambulances and vehicles carrying sick or injured persons;
- (4) Vehicles engaged in snow removal operations or sanding streets;

- (5) Tow trucks;
- (6) Vehicles of physicians responding to sick calls;
- (7) Vehicles carrying Unites States mail for delivery;
- (8) Police vehicles;
- (9) Fire vehicles;
- (10) Government emergency vehicles; and

(11) Hearses and motor vehicles in funeral processions.

(1998 Code, § 62-194) (Ord. O-2015-06, passed 10-6-2015) Penalty, see § 76.99

§ 76.03 REMOVAL OF STALLED, ABANDONED, AND THE LIKE VEHICLES.

In the event of snow, sleet, hail, freezing rain, ice, water, flood, high wind, or storm, or the threat thereof, the Police Department may remove, or cause to be removed, any vehicle that is stalled, stuck, parked, or abandoned on or along any snow emergency route designated in Chapter 77, Schedule I. Such vehicle may be removed, stored, and disposed of in accordance with VA Code § 46.2-1209. (1998 Code, § 62-195) (Ord. O-2015-06, passed 10-6-2015)

§ 76.99 PENALTY.

Each violation of any provision of this chapter shall be punishable by a fine of \$50 in addition to any removal, storage, or disposal charges, charged by the tow operator. (1998 Code, § 62-196) (Ord. O-2015-06, passed 10-6-2015)

CHAPTER 77: PARKING SCHEDULES

Schedule

I. Designated snow emergency routes

SCHEDULE I. DESIGNATED SNOW EMERGENCY ROUTES.

Designated snow emergency routes are as follows:

(A) Commerce Street, from Gordon Boulevard (Route 123) to Ellicott Street;

(B) Ellicott Street, from Mill Street to Union Street;

(C) Mill Street, from town line (Poplar Lane) to River Mill Park (cul-de-sac);

(D) Union Street, from Mill Street to town line (Tanyard Hill Road); and

(E) Washington Street, from town line (Occoquan Road) to Mill Street.

(Ord. O-2015-06, passed 10-6-2015) (1998 Code, § 62-192) Penalty, see § 76.99

CHAPTER 78: SHARED MOBILITY SYSTEMS

Section

- 78.01 Policy statement and purpose
- 78.02 Definitions
- 78.03 License requirement
- 78.04 Operating regulations
- 78.05 Transfer of licenses

§ 78.01 POLICY STATEMENT AND PURPOSE.

The purposes of this chapter are:

(A) To establish rules and regulations governing the operation of shared mobility systems within the town to protect the health, safety, and welfare of customers and the general public; and

(B) To gather data relating to the risks associated with shared mobility systems. These provisions apply to any deployment of shared mobility systems (to include direct rental or similar programs) within the town's jurisdictional boundaries or on town-owned property outside its boundaries. (Ord. O-2019-08, passed 11-7-2019)

§ 78.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CUSTOMER. The end user who is riding a device.

GEO-FENCING. A virtual perimeter that operates with a device's onboard GPS to authorize parking of the device, to prevent or limit operation of the device, and/or to provide an alert notice to the licensee or customer, whenever the device crosses the perimeter.

OPERATING REGULATIONS. The regulations imposed on a shared mobility system as provided in this chapter or in a license issued under this chapter.

LICENSE. A license issued by the town to operate a shared mobility system under this chapter.

LICENSEE. Any person who holds a license under this chapter.

SHARED MOBILITY DEVICES or DEVICES. Any docked or dockless bicycle or electric power-assisted bicycle, motorized skateboard, motorized scooter, or other device specified in VA Code § 46.2-1315.

SHARED MOBILITY SYSTEM. A system for sharing devices for compensation.

THIS CHAPTER. Chapter 78 of the Town Code.

TOWN MANAGER. The Town Manager or their designee.
(Ord. O-2019-08, passed 11-7-2019)

§ 78.03 LICENSE REQUIREMENT.

(A) Any person (or entity) seeking to operate a shared mobility system within the town shall first obtain a license from the Town Council, conditioned on compliance with the operating regulations contained in this chapter or additional regulations issued by the Town Manager pursuant to this chapter. Each licensee must obtain a business license and will be responsible for all applicable local fees and taxes as a condition of retaining their license. The Town Council shall set and may modify the fee for application for a license by uncodified ordinance.

(B) The Town Council may set and modify an annual registration fee per device by uncodified ordinance.

(C) No person (or entity) shall operate a shared mobility system within the town without a license. Any person who operates a shared mobility system without a license shall be subject to a civil penalty not to exceed \$1,000 for each violation. Each day of violation shall constitute a separate offense.

(D) The Town Manager may revoke any license after notice reasonable under the circumstances for failure to comply with the operating regulations.

(E) Any person (or entity) whose license application has been denied, or whose license has been revoked or terminated, may file an appeal with the Town Council by submitting a written statement to the Town Manager within ten business days of the denial or revocation. The written statement shall describe the basis of the objection. Any licensee whose license has been revoked may not apply for another license within six months of the revocation effective date.

(F) The Town Manager may require additional operating regulations, consistent with this chapter, as needed to protect public health, safety, and welfare. Such additional operating regulations may apply to all licensees or, if justified by the operations of a licensee, single licensees. Such additional operating regulations may include, at the Town Manager's discretion:

- (1) An increased or decreased limit on the number of devices deployed by the licensee in the town;
 - (2) A ban or limit on use of some or all devices on some or all sidewalks or in other specified areas;
 - (3) A bond to cover costs incurred by the town;
 - (4) An increase or decrease in the speed limit for devices;
 - (5) Additional data sharing;
 - (6) Changed or additional insurance requirements; and
 - (7) Similar requirements needed to protect public health, safety, and welfare.
- (Ord. O-2019-08, passed 11-7-2019)

§ 78.04 OPERATING REGULATIONS.

The following subsections set forth the minimum requirements that will be required in any license issued by the town:

(A) Equipment requirements.

- (1) All bicycles and electric power-assisted bicycles shall meet the standards established in the State Code of Virginia, including lighting during operation in darkness.
- (2) All motorized skateboards or scooters shall meet the safety standards established in the State Code of Virginia, requiring both headlight and taillight.
- (3) Each device shall be equipped with an on-board GPS capable of providing real-time location and limiting operation of the device through geo-fencing.
- (4) An operator identifier must be permanently affixed to each mobility device.
- (5) All devices must be equipped with hardware that allows the licensee to render a device inoperable by remote means if it has been reported to licensee as being damaged or defective.

(B) Operations.

- (1) The initial maximum speed limit for devices shall be 20 miles per hour.

(2) Each license shall designate the specific number of shared mobility devices that the licensee may deploy in the town.

(3) The Town Manager reserves the right to order the full or partial removal or deactivation of a shared mobility system due to weather or other local situations, events, or emergencies for up to 48 hours.

(4) Licensees must be aware of and plan for town events, providing additional staffing, customer education/awareness, and temporary no-ride and no-park zones as necessary.

(5) Licensees shall provide administrative access for town officials to relocate devices that are blocking the public right-of-way or creating obstacles for vehicles or pedestrians.

(C) *Safe riding and parking.*

(1) Licensees shall make training available to all customers regarding safe operation of devices.

(2) Motorized scooters, as well as bicycles and electric power assisted bicycles, must be parked upright on hard surfaces in a manner that does not obstruct or impede the public right of way.

(3) Licensees must apply geo-fencing specifications to direct customers to parking areas designated by the Town Manager, which the Town Manager may expand, contract, or change from time to time. Customers shall not be allowed to sign out of their rides unless parked in a designated area.

(4) Devices are to be parked in such a manner as to provide a four-foot pedestrian clear zone area in the sidewalk.

(5) Devices shall not be parked in such a manner as to impede or interfere with any fire hydrant, call box, or other emergency facility; bus bench; utility pole or box; evacuation route; snow emergency route; or access to or from any building.

(6) Devices cannot be parked in such a manner as to impede or interfere with the reasonable use of any bicycle rack, news rack, or commercial window display.

(7) The Town Manager reserves the right to determine certain blocks where parking is prohibited. Bicycles and e-scooters may be left in on-street parking spaces only if the Town Manager has officially designated those spaces as shared mobility parking stations. The licensee will apply visible markings to identify any such parking stations.

(8) Shared mobility devices shall not be parked adjacent to or within:

(a) Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;

(b) Loading zones;

(c) Disabled parking zones;

(d) Street furniture that requires pedestrian access (for example: benches, parking pay stations, bus shelters, transit information signs, etc.);

(e) Curb ramps; and

(f) Driveways.

(9) To the extent a licensee desires to park devices on town property other than the public right-of-way (e.g., parks, plazas, parking lots, town hall grounds, or utility facilities), the licensee must first obtain the right to do so in writing from the Town Manager.

(10) Licensees shall stop placing devices or allowing customers or contractors of the licensee to place devices in front of any address provided by the Town Manager within 48 hours of notice.

(D) Licensees shall apply geo-fencing specifications provided by the town to prohibit riding/parking/locking motorized skateboards or scooters in areas of the town specified by the Town Manager.

(E) Any device found to be in violation of this section is subject to removal by the town; the licensee must pay \$35 for each device removed and \$5 per day of storage, including the day of removal and the day of release from storage. The town shall provide notice of removal within 24 hours of removal.

(F) Licensees shall provide notice to all customers by means of signage and through a mobile or web application that:

(1) Helmets are strongly encouraged for all customers and required for minors 14 and under. If licensees prohibit use of shared mobility devices by certain minors, licensees shall provide conspicuous notice of this policy to customers;

(2) Parking must be done in designated areas;

(3) Wearing headphones on or in both ears while riding a shared mobility device is prohibited; and

(4) Operating a shared mobility device while texting or while under the influence of alcohol is strongly discouraged.

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(G) Licensees shall provide education on the town's existing rules and regulations, safe and courteous riding, and proper parking.

(H) *Customer service.*

(1) Licensees shall provide easily visible contact information, including a toll-free phone number and e-mail address, on each device for town employees and members of the public to make relocation requests or to report other issues with devices.

(2) Licensees shall maintain a representative physically located within 25 miles of the town and provide a direct point of contact to the town and its residents for this representative.

(3) Licensees shall maintain a 24-hour customer service phone number for customers to report safety concerns, complaints, or to ask questions. This phone number and its website shall be provided on every device that is in service in the town.

(4) Upon notification that a licensee's device is improperly parked, left standing, or unattended on any sidewalk, street, or public right-of-way under the jurisdiction of the town, the licensee shall remove the device within two hours.

(5) Licensees shall provide all customers with a mechanism to report safety or maintenance issues with a device.

(6) In the event a safety or maintenance issue is reported for a specific device, the licensee shall immediately deactivate that device and shall remove it within two hours of deactivation. Any inoperable or unsafe device shall be repaired before it is put back into service.

(I) *Data sharing.* Without prejudice to a licensee's rights to, and interest in, its commercially privileged and sensitive information, licensees shall provide the town the following types of data in a monthly report delivered to the town no later than the fifteenth day after the month covered in the report:

(1) Total active customers, number of trips in the town each month, average trip duration times, number of devices in service, GPS tracking data for every trip route, crashes (giving time, date, and location), injuries, and complaints; and

(2) Additional specific data to be provided by the licensee may be stated in the license or required by the Town Manager.

(J) *Insurance.* The licensee must purchase and maintain, at its sole expense, and from a company or companies authorized to do business within the Commonwealth of Virginia, insurance policies containing the following types of coverages and minimum limits:

(1) Workers' compensation - statutory requirements and benefits. This policy shall specifically list Virginia as a covered state;

(2) Employer's liability - \$100,000. This policy shall specifically list Virginia as a covered state;

(3) Commercial general liability - \$1,000,000 per occurrence. The town and its officers, employees, agents and volunteers must be named as an additional insured and so endorsed on the policy; and

(4) Automobile liability - \$1,000,000 per occurrence.

(5) All insurance coverage:

(a) Shall be issued by an insurance carrier authorized to do business within the Commonwealth of Virginia and otherwise acceptable to the town; and

(b) Shall be kept in force throughout the duration of the license.

(6) Prior to offering devices for use, the licensee shall:

(a) Have all required insurance coverage in effect; and

(b) Deliver to the town proof of insurance for all lines of coverage satisfactory to the town in its sole discretion.

(7) The town reserves the right to revise any insurance requirement as may be necessary for the best interests of the town, including, but not limited to, limits, coverages and endorsements, or reject any insurance policies which fail to meet the criteria stated herein. Additionally, the town reserves the right, but not the obligation, to review and reject any insurer providing coverage due to its poor financial condition or failure to operate legally.

(Ord. O-2019-08, passed 11-7-2019)

§ 78.05 TRANSFER OF LICENSES.

No licensee may transfer any license without the advance written consent of the Town Manager. The Town Manager may deny a transfer of a license if the transferee has violated a license or violated a similar ordinance in another locality, or if the transferee does not have proof of proper insurance coverage. A transferee shall accept responsibility for all outstanding violations, removal and storage fees for removed devices, bonds, and operating conditions applicable to the transferring licensee.

(Ord. O-2019-08, passed 11-7-2019)

