

# CAMPBELL COUNTY CODE OF 1988

## CHAPTER 15

### MOTOR VEHICLES AND TRAFFIC

For state law as to motor vehicles, see VA. CODE ANN. §46.2-100 et seq. (Repl. Vol. 2017 and Cum. Supp. 2019). See also VA. CODE ANN. §27-34 (Repl. Vol. 2016) re fire marshal. As to dumping of trash, etc., on highways, see §12-1.

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## Article I. In General.

### Sec. 15-1. Adoption of state law.

Pursuant to the authority of VA. CODE ANN. §46.2-1313 (Repl. Vol. 2017) and VA. CODE ANN. §1-220 (Repl. Vol. 2017), all of the appropriate provisions and requirements of the laws of the State contained in VA. CODE ANN. Title 46.2 (Repl. Vol. 2017 and Cum. Supp. 2019), in Article 9 of Chapter 11 of Title 16.1 of the Code of Virginia (VA. CODE ANN. §16.1-278 et seq.) (Repl. Vol. 2015 and Cum. Supp. 2019), and in Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia (VA. CODE ANN. §18.2-266 et seq.) (Repl. Vol. 2014 and Cum. Supp. 2019), as in effect on July 1, 1997, and as amended thereafter, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the County, are hereby adopted and incorporated in this chapter by reference and made applicable within the County. Such incorporation by reference is specifically intended to include future amendments to the state statutes cited above.

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 County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein.

It shall be unlawful for any person, within the County to violate or fail, neglect or refuse to comply with any provision of said 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 said Title 46.2, Article 9 of Chapter 11 of Title 16.1 or Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia. (11-15-82) (9-8-87)(3-21-89)

For state law authority, see VA. CODE ANN. §15.2-1429 (Repl. Vol. 2018) and §46.2-1313 (Repl. Vol. 2017). See VA. CODE ANN. §46.2-341.18 (Repl. Vol. 2017), especially subdivision A.2. therein, in regard to commercial driver's licenses. See also VA. CODE ANN. §46.2-341.28 (Repl. Vol. 2017), VA. CODE ANN. §18.2-270 (Repl. Vol. 2014) and VA. CODE ANN. §18.2-268.12 (Repl. Vol. 2014).

Editor's notes--"Mutatis mutandis" is a Latin phrase meaning "with the necessary changes in points of detail". VA. CODE ANN. §1-220 (Repl. Vol. 2017) authorizes localities that are incorporating state statutes into a local ordinance by reference to specifically provide that such incorporation by reference includes future amendments to such state statutes. The necessary language has been added to this section as the last sentence in the first paragraph. However, it should also be noted that VA. CODE ANN. §46.2-1313 (Repl. Vol. 2017) states that "Local authorities may adopt ordinances incorporating by reference the appropriate provisions of state law before the effective date of such state law; provided that such local ordinances do not become effective before the effective date of the state law."

Cross references-- As to incorporated provisions from VA. CODE ANN. §16.1-278 et seq., see especially VA. CODE ANN. §16.1-278.9 and §16.1-278.10.

[THE 1982 AMENDMENT substituted "as in effect on July 1, 1982" for "as in force on July 1, 1977, and as amended in the future" preceding "except" in the first sentence.]

[THE 1987 AMENDMENT substituted "1986" for "1982" in the first sentence, divided third sentence into present third and fourth sentences, and inserted "said" twice.]

[THE MARCH 1989 AMENDMENT substituted "1988" for "1986" in the first sentence.]

[THE 1989 AMENDMENT substituted "as in effect on July 1, 1989, and thereafter" for "as in effect on July 1, 1988" in the first sentence and substituted Title 46.2 citations for Title 46.1 citations throughout the section.]

[THE 1990 AMENDMENT substituted "1990" for "1989" in the first sentence.]

[THE 1991 AMENDMENT inserted "appropriate" preceding "provisions and requirements," in the first sentence and updated state code references in the last sentence.]

[THE 1992 AMENDMENT substituted "1992" for "1991" five times.]

[THE 1993 AMENDMENT inserted "as amended" preceding "thereafter" in first sentence.]

[THE FEBRUARY 2, 1998 AMENDMENT substituted "1997" for "1992" in first sentence.]

[THE MAY 17, 1999 AMENDMENT inserted "and VA. CODE ANN. §1-13.39:2 (Repl. Vol. 1995)" in the first paragraph and added the new last sentence in the first paragraph.]

[THE JUNE 5, 2006 AMENDMENT substituted "§1-220 (Repl. Vol. 2005" for "§1-13.39:2 (Repl. Vol. 2001)" in the first paragraph due to revision/redesignation of those provisions.]

**Sec. 15-2. Reserved.**

**Sec. 15-2.1. Reserved.**

**Sec. 15-2.2. Reserved.**

**Sec. 15-2.3. Reserved.**

**Sec. 15-2.4. Disposition of unclaimed bicycles and mopeds.**

(a) The Sheriff of Campbell County is hereby authorized to offer for public sale or to donate to a charitable organization any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped which has been in the possession of the Sheriff's Department, unclaimed, for more than sixty (60) days, subject to the provisions of this section.

(b) Prior to the sale of any unclaimed item the Sheriff or his duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the Commonwealth's Attorney in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published in a newspaper of general circulation in Campbell County once a week for two (2) successive weeks, notice that there will be a public sale of unclaimed bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and/or mopeds. Such property shall be described generally in the notice, together with the date, time and place of the sale, as well as the location of the bicycles and mopeds and availability for inspection prior to the sale.

(c) Due diligence in making reasonable attempts to notify the rightful owner of the property, as required by subsection (b) of this section, shall include, but not be limited to, the mailing of a letter by first-class mail to the last known address of the owner as indicated on any records, license tag, label or the like attached to the property in the possession of the Sheriff.

(d) Notwithstanding any other provisions of this section, any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped found and delivered to the Sheriff's Department by a private person which thereafter remains unclaimed for sixty (60) days after the final date of publication, as required by subsection (b) of this section, may be given to the finder. However, the location and description of the property shall be published at least once a week for two successive weeks in a newspaper of general circulation within Campbell County. In addition, if there is a license tag or similar identification affixed to the bicycle or moped, the record owner shall be notified directly.

(e) The Sheriff or his duly authorized agents shall pay from the proceeds of any sale hereunder the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by the Sheriff for the owner and paid to the owner upon satisfactory proof of ownership.

(f) If no claim has been made by the owner for the proceeds of such sale within sixty (60) days of the sale, the remaining funds shall be deposited in the General Fund of Campbell County.

(g) Any owner of a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped sold as unclaimed property under this section shall be entitled to apply to the County within three (3) years from the date of the sale and, if timely application is made therefor, the County shall pay the remaining proceeds of the sale to the owner without interest or other charges. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds after three (3) years from the date of the sale.

For state law authority, see VA. CODE ANN. §15.2-1720 (Repl. Vol. 2018) and §15.2-1719 (Cum. Supp. 2019). See also §55-210.2 (Repl. Vol. 2012).

Cross reference: For section regarding disposition of unclaimed personal property in possession of Sheriff, see §9-17 of this Code.

[THE MARCH 2, 1987 ACT adopted this section, originally designated as §15-2.1.]

[THE 1988 AMENDMENT rewrote this section.]

[THE 1991 AMENDMENT added the second and third sentences in (d).]

[THE MARCH 17, 1997 AMENDMENT substituted "thirty (30) days" for "sixty (60) days" in the first sentence of (d).]

[THE DECEMBER 6, 2010 AMENDMENT substituted "sixty (60) days" for "thirty (30) days" in subsections (a) and (d).]

[THE DECEMBER 3, 2013 AMENDMENT inserted "electric personal assistive mobility device, electric power-assisted bicycle" four times in subsections (a), (b), (d) and (g), and substituted "property" for "bicycle or moped" in subsection (d).]

**Sec. 15-3. Breaking, injuring, preventing the operation of vehicle, aircraft, or boat.**

Any person who shall individually or in association with one or more others willfully break, injure, tamper with or remove any part or parts of any vehicle, aircraft, boat or vessel, for the purpose of injuring, defacing, or destroying said vehicle, aircraft, boat or vessel or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle, aircraft, boat or vessel, or who shall in other manner willfully or maliciously interfere with or prevent the running or operation of such vehicle, aircraft, boat or vessel, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by confinement in jail for not more than twelve months and a fine of not more than \$2,500.00, either or both.

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018). For state law basis, see VA. CODE ANN. §18.2-146 (Repl. Vol. 2014) and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE 1982 AMENDMENT rewrote this section, deleting former provisions now substantially contained in §15-3.1 of this Code.]

[THE 1987 AMENDMENT at the end of the section substituted the language beginning "misdemeanor" and ending "either or both" for "Class One Misdemeanor."]

[THE 1990 AMENDMENT substituted "\$2,500.00" for "\$1,000.00" near the end.]

**Sec. 15-3.1. Entering or setting in motion, vehicle, aircraft, boat, locomotive or rolling stock of railroad; exceptions.**

(a) Any person who shall, without the consent of the owner or person in charge of a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, climb into or upon

such vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, with intent to commit any crime, malicious mischief, or injury thereto, or who, while a vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad is at rest and unattended, shall attempt to manipulate any of the levers and starting crank or other device, brakes or mechanisms thereof, or to set in motion such vehicle, aircraft, boat, vessel, locomotive or other rolling stock of a railroad, with the intent to commit any crime, malicious mischief, or injury thereto, shall be guilty of a misdemeanor, except that the foregoing provisions shall not apply when any such act is done in an emergency or in furtherance of public safety or by or under the direction of an officer in the regulation of traffic or performance of any other official duty.

(b) Upon conviction of a violation of this section, a person shall be punished by confinement in jail for not more than twelve months and a fine of not more than \$2,500.00, either or both. (11-15-82)

For state law basis, see VA. CODE ANN §18.2-147 (Repl. Vol. 2014) and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE 1982 AMENDMENT adopted this section, encompassing provisions of former §15-3 (b) of this Code.]

[THE 1987 AMENDMENT designated existing provisions as (a) and substituted “person in charge” for “persons in charge” and “misdemeanor” for “Class One Misdemeanor” and inserted “furtherance of” near of end of (a), and added (b).]

[THE 1990 AMENDMENT substituted "\$2,500.00" for "\$1,000.00" near the end of (b).]

#### **Sec. 15-4. School buses – video monitoring system.**

(a) Campbell County Public Schools are hereby authorized to install and operate a video-monitoring system in or on the school buses operated by the school system or may contract with a private vendor to do so on behalf of the school system for the purpose of recording violations of subsection A of VA. CODE ANN. §46.2-844 (Cum. Supp. 2019). Any civil penalty levied for a violation as described herein shall be payable to the Campbell County School Board.

(b) For purposes of this section, “video-monitoring system” means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles operated in violation of VA. CODE ANN. §46.2-859 (Repl. Vol. 2017). All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in VA. CODE ANN. §46.2-1090 (Repl. Vol. 2017) and the time, date, and location of the vehicle when the image is recorded.

For state law basis, see VA. CODE ANN §46.2-844(B) (Cum. Supp 2019).

[THE DECEMBER 6, 2011 ACT adopted this section.]

**Sec. 15-5. Yield Right-of-way signs.**

(a) The Campbell County Board of Supervisors may by ordinance authorize a local officer to designate intersections, other than intersections at which one or more of the intersecting streets have been designated as a part of the state highway system in a town which has a population of less than 3,500, at which vehicles shall yield the right-of-way.

(b) No such ordinance as prescribed above shall be violated if, at the time of the alleged violation, the sign or marker placed in conformity with this section is missing or is defaced so that an ordinarily observant person under the same circumstances would not be aware of the existence of the regulation.

(c) Traffic signs or traffic signals and markings placed or erected by the County Board of Supervisors shall conform in size, design and color to those erected for the same purpose by the Virginia Department of Transportation.

For state law authority, see VA. CODE ANN. §46.2-1301 (Repl. Vol. 2017) and VA. CODE ANN. §46.2-1312 (Repl. Vol. 2017).

[THE 1989 AMENDMENT deleted former provisions regarding yield signs.]

**Sec. 15-6. Putting glass, etc., on highway or street prohibited.**

(a) No person shall throw or deposit or cause to be deposited upon any 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 street or highway, nor shall any person throw or deposit or cause to be deposited upon any highway any soil, sand, mud, gravel or other substances so as to create a hazard to the traveling public.

(b) Any person who drops, or permits to be dropped or thrown, upon any street or highway any destructive, hazardous or injurious material shall immediately remove the same or cause it to be removed.

(c) Any persons removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle.

(d) Any person violating the provisions of this section shall be punished as provided in §1-6 of this Code.

(e) This section shall not apply to the use, by a law-enforcement officer while in the discharge of official duties, of any device designed to deflate tires. The State Division of Purchase and Supply shall, pursuant to VA. CODE ANN. §2.2-1112 (Repl. Vol. 2017) set minimum standards for such devices and shall give notice of such standards to law-enforcement offices in the Commonwealth. No such device shall be used which does not meet or exceed the standards.

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018). For state law basis, see VA. CODE ANN. §18.2-324 (Repl. Vol. 2014).

Cross reference: As to dumping of trash, etc., on highway, right-of-way or private or public property, see §12-1 of this Code.

[THE FEBRUARY 2, 1998 AMENDMENT added (e).]

[THE JUNE 17, 2002 AMENDMENT substituted “§2.2-1112 (Repl. Vol. 2001)” for “§2.1-446 (Repl. Vol. 1995)” in (e).]

**Sec. 15-7. Obstruction of fire hydrants and fire lanes prohibited.**

(a) It shall be unlawful for the owner or operator of any motor vehicle to park said vehicle within fifteen (15) feet of any fire hydrant, to park in a designated fire lane or otherwise to, in any manner, obstruct access to any fire hydrant in the County of Campbell.

(b) The provisions of this section may be enforced by any member of the Campbell County Sheriff's Department, the Virginia State Police or any other town or city police officer having territorial jurisdiction within Campbell County.

(c) In a prosecution charging a violation of this section, proof that the vehicle described in the citation or warrant was parked in violation of this section, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Code of Virginia (Repl. Vol. 2017 and Cum. Supp. 2019), shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred. (3-21-81)

(d) Any person receiving a citation or parking ticket for a violation of this section may waive his right to appear and be formally tried for the offense by complying with the procedures for uncontested violations set forth in §15-8.3:2 of this Code and paying the fine prescribed therein. Payment of such fine and discharge of the cited violation shall be certified by the Treasurer of Campbell County on an appropriate form to the court. Such person shall not thereafter be required to appear before the general district court for trial upon the charge set forth in the citation or parking ticket.

(e) Any violator who does not effect a discharge of the violation by compliance with the uncontested payment procedures set forth in §15-8.3:2 of this Code shall be subject to the penalty provided in subsection (f) of this section. The schedule of fines set forth in §15-8.3:2 (b)(2) does not restrict the fine a judge may impose for a listed violation in any case for which there is a court hearing.

(f) A violation of this section shall constitute a traffic infraction and shall be punished by a minimum fine of one hundred dollars (\$100.00).

For state law authority, see VA. CODE ANN. §46.2-1220 (Cum. Supp. 2019) and VA. CODE ANN. §46.2-1221 (Repl. Vol. 2017). See VA. CODE ANN. §27-98 (Repl. Vol. 2016) and provisions of Statewide Fire Prevention Code regarding prohibitions against obstruction of fire lanes. As to fine and penalty provisions, see VA. CODE ANN. §46.2-1220 (Cum. Supp. 2019), §46.2-1221 (Repl. Vol. 2017), §46.2-1225 (Repl. Vol. 2017), and §46.2-1300 (Repl. Vol. 2017) and §46.2-113 (Repl. Vol. 2017).

[THE 1987 AMENDMENT rewrote (c).]

[THE DECEMBER 6, 2004 AMENDMENT inserted “and fire lanes” in the section catchline, deleted “in any shopping center” preceding “or otherwise to” in (a), added subsections (d) through (f), and updated state code citations.]

**Sec. 15-7.1. Obstruction of access to curb ramps prohibited.**

(a) It shall be unlawful for the owner or operator of any motor vehicle to park any vehicle, whether such vehicle is attended or left unattended, so as to prevent the use of a curb ramp located on public property or on privately owned property which is open to the public.

(b) A summons for the offense committed on privately owned property which is open to the public may be issued by law-enforcement department employees without the necessity of a warrant being obtained by the owner of any private property. The requirements of VA. CODE ANN. §46.2-941 (Repl. Vol. 2017) shall be satisfied prior to issuance of a summons for obstructing access to a curb ramp located on private property.

(c) Any person receiving a citation or parking ticket for obstructing access to a curb ramp located on public property pursuant to this section may waive his right to appear and be formally tried for the offense by complying with the procedures for uncontested violations set forth in §15-8.3:2 of this Code and paying the fine prescribed therein. Payment of such fine and discharge of the cited violation shall be certified by the Treasurer of Campbell County on an appropriate form to the court. Such person shall not thereafter be required to appear before the general district court for trial upon the charge set forth in the citation or parking ticket.

(d) Any violator who does not effect a discharge of the violation by compliance with the uncontested payment procedures set forth in §15-8.3:2 of this Code shall be subject to the penalty provided in subsection (e) of this section. The schedule of fines set forth in §15-8.3:2 (b)(2) does not restrict the fine a judge may impose for a listed violation in any case for which there is a court hearing.

(e) A violation of this section shall constitute a traffic infraction and shall be punished by a minimum fine of one hundred dollars (\$100.00).

For state law authority, see VA. CODE ANN. §46.2-1220 (Cum. Supp. 2019) and §46.2-941 (Repl. Vol. 2017). As to fine and penalty provisions, see VA. CODE ANN. §46.2-1225 (Repl. Vol. 2017), §46.2-1300 (Repl. Vol. 2017) and §46.2-113 (Repl. Vol. 2017).

[THE 1993 ACT adopted this section.]

[THE DECEMBER 6, 2004 AMENDMENT, in (b), inserted “committed on privately owned property which is open to the public” in the first sentence and added the second sentence; and added present subsections (c) through (e).]

**Sec. 15-7.2. Parking in area designated as “No Parking” zone.**

(a) It shall be unlawful to park any motor vehicle, trailer, or semitrailer on any public street or public grounds of the County in an area designated as a “No Parking” zone as indicated by official “No Parking” sign(s).

(b) This ordinance shall not be violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily observant person under the same circumstances would not be aware of the existence of the “No Parking” zone.

(c) Any person receiving a citation or parking ticket for a violation of this section may waive his right to appear and be formally tried for the offense by complying with the procedures for uncontested violations set forth in §15-8.3:2 of this Code and paying the fine prescribed therein. Payment of such fine and discharge of the cited violation shall be certified by the Treasurer of Campbell County on an appropriate form to the court. Such person shall not thereafter be required to appear before the general district court for trial upon the charge set forth in the citation or parking ticket.

(d) Any violator who does not effect a discharge of the violation by compliance with the uncontested payment procedures set forth in §15-8.3:2 of this Code shall be subject to the penalty provided in subsection (e) of this section. The schedule of fines set forth in §15-8.3:2 (b)(2) does not restrict the fine a judge may impose for a listed violation in any case for which there is a court hearing.

(e) A violation of this section shall constitute a traffic infraction and shall be punished by a minimum fine of one hundred dollars (\$100.00).

For state law authority, see VA. CODE ANN. §46.2-1220 (Cum. Supp. 2019). As to fine and penalty provisions, see VA. CODE ANN. §46.2-1225 (Repl. Vol. 2017), §46.2-1300 (Repl. Vol. 2017) and §46.2-113 (Repl. Vol. 2017).

[THE DECEMBER 6, 2004 ACT adopted this section.]

**Sec. 15-8. Compliance with chapter; penalty for violation of chapter.**

(a) 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 thereto.

(b) Reserved.

(c) Every person convicted of a violation of any of the provisions of this chapter or rule or regulation promulgated pursuant thereto, for which no other penalty is provided, shall be guilty of a traffic infraction punishable by a minimum fine of one hundred dollars (\$100.00).

For state law authority re issuance of summons, see VA. CODE ANN. §46.2-941 (Repl. Vol. 2017).

Editor's note: For procedures for violations of County parking ordinances, including payment of fine prior to trial in uncontested cases, see §15-8.3:2 of this Code.

Cross reference: For state law prohibiting County from imposing a penalty for violation of traffic regulations in excess of that imposed for similar offense by the state, see VA. CODE ANN. §46.2-1300 (Repl. Vol. 2017). See also VA. CODE ANN. §46.2-113 (Repl. Vol. 2017).

[THE 1992 AMENDMENT substituted "two hundred dollars" for "one hundred dollars" in (b), which provisions were formerly designated as §15-8.3:3.]

[THE MARCH 17, 1997 AMENDMENT redesignated former (b) as (c) and added new (b).]

[THE AUGUST 7, 2000 AMENDMENT substituted "in fourteen point or larger type" for "in type at least one-half inch in height" in the last sentence in (b).]

[THE JULY 7, 2003 AMENDMENT, in (b), substituted "in all capital letters, bold face type, no smaller than the print type size used for the primary address on the envelope" for "in fourteen point or larger type" in the second sentence and added the third sentence.]

[THE DECEMBER 6, 2004 AMENDMENT deleted former subsection (b) which had set forth the notice required prior to issuance of a summons for a violation of a County ordinance regulating parking, which provisions are now set forth at subsections (e) and (f) of §15-8.3:2 of this Code; and substituted "minimum fine of one hundred dollars (\$100.00)" for "fine of not more than one hundred dollars." in (c).]

**Sec. 15-8.1. Parking in spaces reserved for persons with disabilities - Requirements and regulations.**

(a) (1) It shall be unlawful for a vehicle not displaying disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard,

or a temporary removable windshield placard issued under VA. CODE ANN. §46.2-1241 (Repl. Vol. 2017), or DV disabled parking license plates issued under subsection B of VA. CODE ANN. §46.2-739 (Repl. Vol. 2017) to be parked in a parking space reserved for persons with disabilities that limit or impair their ability to walk or that create a concern for their safety while walking, as defined in VA. CODE ANN. §46.2-1240 (Repl. Vol. 2017), or for a person who is not so limited or impaired in his ability to walk to park a vehicle in a parking space so designated except when transporting a person with such a disability in the vehicle.

(2) In accordance with VA. CODE ANN. §46.2-1241 E. (Repl. Vol. 2017), organizational removable windshield placards, permanent removable windshield placards and temporary removable windshield placards shall be displayed in such a manner that they may be viewed from the front and rear of the vehicle and be hanging from the rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities that limit or impair their ability to walk. When there is no rearview mirror, the placard shall be displayed on the vehicle's dashboard. No placard shall be displayed from the rearview mirror while a vehicle is in motion.

(b) Parking a vehicle in a space reserved for persons with disabilities in violation of subsection (a) hereof shall be punishable by a fine of not less than \$100.00 nor more than \$500.00 for its violation, which fine shall be assessed and retained by the County of Campbell. If there is a placard within a vehicle utilizing a parking space reserved for persons with disabilities, but that placard is not displayed as required pursuant to VA. CODE ANN. §46.2-1241 E (Repl. Vol. 2017), the fine assessed may be not less than \$10.00 nor more than \$100.00, which fine shall be assessed and retained by the County of Campbell.

(c) A summons or parking ticket for such offense may be issued by law-enforcement officers and other uniformed personnel employed by Campbell County to enforce parking regulations without the necessity of a warrant being obtained by the owner of the private parking area. The requirements of VA. CODE ANN. §46.2-941 (Repl. Vol. 2017) shall be satisfied prior to issuance of a summons for a violation of this section. Any person receiving a citation or parking ticket pursuant to this section may waive his right to appear and be formally tried for the offense. Such waiver may be effected as specified in §15-8.1:1 of this Code.

(d) All parking spaces reserved for the use of persons with disabilities that limit or impair their ability to walk shall be identified in accordance with the provisions of VA. CODE ANN. §36-99.11 (Repl. Vol. 2019).

(e) (1) Pursuant to VA. CODE ANN. §46.2-1245 (Repl. Vol. 2017), 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 VA. CODE ANN. §46.2-739 (Repl. Vol. 2017) shall be allowed to park the vehicle on which such license plates or placards are displayed for up to four (4) hours in metered or unmetered parking zones restricted as to length of parking time permitted and shall be exempted from paying parking meter fees of any county, city, or town.

(2) This subsection shall not apply to any local ordinance which creates zones where stopping, standing, or parking is prohibited, or which creates parking zones for special types

of vehicles, nor shall it apply to any local ordinance which prohibits parking during heavy traffic periods, during specified rush hours, or where parking would clearly present a traffic hazard.

(3) This subsection shall apply within Campbell County unless prescribed otherwise by ordinance duly adopted by the Campbell County Board of Supervisors acting pursuant to VA. CODE ANN. §46.2-1245 C. (Repl. Vol. 2017). Should Campbell County adopt such an ordinance, the County shall indicate by signs or other reasonable notice that the provisions of VA. CODE ANN. §46.2-1245 (Repl. Vol. 2017) do not apply in the County or designated portion thereof.

(f) In accordance with VA. CODE ANN. §46.2-1246 (Repl. Vol. 2017), the owner or duly authorized agent of the owner of a parking space properly designated and clearly marked as reserved for use by persons with disabilities that limit or impair their ability to walk may have any vehicle not displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards, or DV disabled parking license plates removed from the parking space and stored. The owner of a vehicle which has been removed and stored may regain possession of his vehicle on payment to the person or persons who removed and stored the vehicle all reasonable costs incidental to the removal and storage. The owner of the vehicle, on notice to the owner or duly authorized agent of the owner of the parking space, may also petition the general district court having jurisdiction over the location where the parking occurred for an immediate determination as to whether the removal of the vehicle was lawful. If the court finds that the removal was unlawful, the court shall direct the owner of the parking space to pay the costs incidental to the removal and storage of the vehicle and return the vehicle to its owner.

(g) (1) In any prosecution charging a violation of this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle, as required by VA. CODE ANN. §46.2-600 et seq. (Repl. Vol. 2017 and Cum. Supp. 2019), shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

(2) No violation of this section shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in VA. CODE ANN. §36-99.11 (Repl. Vol. 2019), provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

(h) (1) Pursuant to the authority of VA. CODE ANN. §46.2-1247 through §46.2-1253 (Repl. Vol. 2017), both inclusive, all of the appropriate provisions, requirements, and penalties contained in VA. CODE ANN. §46.2-1247 (Repl. Vol. 2017), §46.2-1248 (Repl. Vol. 2017), §46.2-1249 (Repl. Vol. 2017), §46.2-1250 (Repl. Vol. 2017), §46.2-1251 (Repl. Vol. 2017), §46.2-1252 (Repl. Vol. 2017), and §46.2-1253 (Repl. Vol. 2017) are hereby adopted and incorporated in this section by reference and made applicable within Campbell County. Such incorporation by reference is specifically intended to include future amendments to the state statutes cited above.

(2) Pursuant to VA. CODE ANN. §46.2-1256 (Repl. Vol. 2017), upon the entry of a conviction under VA. CODE ANN. §46.2-1247 through §46.2-1253 (Repl. Vol. 2017), or under any ordinance which incorporates any of those sections by reference, the court shall send

notice of the conviction and the number of the license plate or placard involved to the Commissioner of the Department of Motor Vehicles of the Commonwealth. Such notice may be transmitted by electronic means.

(3) Pursuant to VA. CODE ANN. §46.2-1256 (Repl. Vol. 2017), upon receiving notice pursuant to the preceding paragraph, the Commissioner may revoke any disabled parking license plate, DV disabled parking license plate, organizational, permanent, or temporary placard of an individual or organization found guilty under VA. CODE ANN. §46.2-1247 through §46.2-1253 (Repl. Vol. 2017) or this subsection, if he finds, after a hearing is requested by the person to whom the license plate or placard is issued, that such person (i) is not a person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking and is not otherwise eligible to be issued a license plate or a placard pursuant to VA. CODE ANN. §46.2-731 (Repl. Vol. 2017), §46.2-739 (Repl. Vol. 2017), or §46.2-1241 (Repl. Vol. 2017), or (ii) is authorized to have such license plate or placard but has allowed the abuse or misuse of the privilege granted thereby so that revocation appears appropriate to remedy the abuse or misuse.

(i) In accordance with VA. CODE ANN. §46.2-1258 (Repl. Vol. 2017), disabled parking license plates, permanent removable windshield placards, temporary removable windshield placards, and DV disabled parking license plates issued by other states and countries for the purpose of identifying vehicles permitted to use parking spaces reserved for persons with disabilities that limit or impair their ability to walk shall be accorded all rights and privileges accorded vehicles displaying such devices in Virginia.

For state law authority, see VA. CODE ANN. §46.2-1240 *et seq.* (Repl. Vol. 2017 and Cum. Supp. 2019), especially §46.2-1242 (Cum. Supp. 2019), §46.2-1247 through §46.2-1253 (Repl. Vol. 2017) and §46.2-1256 (Repl. Vol. 2017). See also VA. CODE ANN. §36-99.11 (Repl. Vol. 2019), VA. CODE ANN. §1-220 (Repl. Vol. 2017), and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

Cross-reference.--For definitions and standards governing issuance of parking placards, etc. for persons with disabilities, see VA. CODE ANN. §46.2-1240 (Repl. Vol. 2017) and VA. CODE ANN. §46.2-1241 (Repl. Vol. 2017). For particular requirements for signage and designation of disabled parking spaces, see VA. CODE ANN. §36-99.11 (Repl. Vol. 2019) and §22-17J of this Code.

Editor's note.-- VA. CODE ANN. §46.2-1247 through §46.2-1253 (Repl. Vol. 2017) authorize, but do not require, any locality to adopt an ordinance or ordinances incorporating the provisions of those sections, or any of them, by reference. Such incorporation by reference is effected by adoption of paragraph (1) of subsection (h) of this section. The incorporated sections proscribe activities which involve fraud, misuse, and/or abuse as to disabled parking privileges and/or the indicia of such privilege, and prescribe that violations shall be punishable as a Class 2 misdemeanor, except for wrongfully providing a disabled parking license plate or placard (VA. CODE ANN. §46.2-1253 (Repl. Vol. 2017)), which shall be punishable as a Class 3 misdemeanor. For penalties for misdemeanors, see VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE 1987 ACT adopted this section.]

[THE 1988 AMENDMENT, in (a), added "open to the public" following "parking areas."]

[THE 1989 AMENDMENT substituted "§46.2-731, §46.2-739 or §46.2-1238" for "§46.1-104.1, §46.1-149.1 or §46.1-254.2" in (a) and added "Parking" at the beginning of (d).]

[THE 1990 AMENDMENT substituted "\$250.00" for "\$100.00" in (b), inserted "or parking ticket" in (c), and added (e).]

[THE 1992 AMENDMENT substituted "in accordance with the provisions of VA. CODE ANN. §36-99.11 (Cum. Supp. 1992)" for "by above-grade signs" in (d).]

[THE MARCH 17, 1997 AMENDMENT redesignated (a) as first sentence of (a)(1), and substituted "disabled parking license plates issued under subsection B of VA. CODE ANN. §46.2-739" for "a license plate, decal or special parking permit, issued under VA. CODE ANN. §46.2-731, §46.2-739 or §46.2-1238," and substituted "persons with disabilities that limit or impair their ability to walk" for "the handicapped on public property or at privately-owned parking areas open to the public;" added second sentence in (a)(1); inserted new paragraph (2) in (a); rewrote (b); substituted "law-enforcement" for "police" and "the private" for "such private" in (c); substituted "persons with disabilities that limit or impair their ability to walk" for "the handicapped" in (d); redesignated (e) as (g); and added new (e), (f), and (h).]

[THE FEBRUARY 2, 1998 AMENDMENT rewrote some provisions of (a)(1), added "In accordance with VA. CODE ANN. §46.2-1241 E. (Cum. Supp. 1997)" at the beginning of (a)(2); substituted "be punishable" for "constitute a traffic infraction punishable," "not less than \$100.00 nor more than \$500.00" for "no more than \$250.00," and deleted "notwithstanding any other provision of law" preceding "which fine" in (b); substituted "All parking" for "Parking" and inserted "the use of" in (d); redesignated former (e) as present (i) and added "In accordance with VA. CODE ANN. §46.2-1258 (Cum. Supp. 1997)" at the beginning thereof; inserted new (e); added "In accordance with VA. CODE ANN. §46.2-1246 (Cum. Supp. 1997)" in subsection (f); redesignated provisions of subsection (g) as paragraph (1) thereof, substituted "prima facie evidence" for "in evidence a prima facie presumption" therein, and added new paragraph (2) thereof; redesignated provisions of (h) as present paragraphs (2) and (3) of subsection (h), adding provisions permitting the required notice of conviction to DMV to be transmitted by electronic means; and added new paragraph (1) of (h).]

[THE JULY 7, 2003 AMENDMENT add the last sentence in (h)(1).]

[THE DECEMBER 6, 2004 AMENDMENT inserted "or that create a concern for their safety while walking" in (a)(1), inserted "or that creates a concern for his safety while walking" in (h)(3); added the last three sentences in (c); and updated state citations.]

[THE DECEMBER 1, 2008 AMENDMENT added the last sentence in (b).]

[THE DECEMBER 4, 2012 AMENDMENT added “or designated portion thereof” in the second sentence of (e)(3).]

**Sec. 15-8.1:1. Parking in spaces reserved for persons with disabilities – Payment of fine in uncontested cases; other penalties.**

(a) Any person receiving a citation or parking ticket for a violation of §15-8.1 of this Code may waive his right to appear and be formally tried for the offense by complying with the procedures for uncontested violations set forth in §15-8.3:2 of this Code and paying the fine prescribed therein. Payment of such fine and discharge of the cited violation shall be certified by the Treasurer of Campbell County on an appropriate form to the court. Such person shall not thereafter be required to appear before the general district court for trial upon the charge set forth in the citation or parking ticket.

(b) Any violator who does not effect a discharge of the violation by compliance with the uncontested payment procedures set forth in §15-8.3:2 of this Code shall be subject to the penalty provided in subsection (b) of §15-8.1 of this Code. The schedule of fines set forth in §15-8.3:2 (b)(2) does not restrict the fine a judge may impose for a listed violation in any case for which there is a court hearing.

For state law authority, see §46.2-1242 (Cum. Supp. 2019). As to fine and penalty provisions, see VA. CODE ANN. §46.2-1221, §46.2-1225, and §46.2-1300 (Repl. Vol. 2017) and §46.2-113 (Repl. Vol. 2017). See also Rule 3B:2 of the Virginia Supreme Court.

[THE DECEMBER 6, 2004 ACT adopted this section.]

**Sec. 15-8.2. Riding upon or operating mopeds; penalty.**

(a) Every person operating a moped, as defined in VA. CODE ANN. §46.2-100 (Cum. Supp. 2019), on a public street or highway shall wear a face shield, safety glasses, or goggles of a type approved by the Superintendent of State Police or have his moped equipped with safety glass or a windshield at all times while operating such vehicle, and operators and passengers thereon, if any, shall wear protective helmets of a type approved by the Superintendent of State Police.

(b) A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a moped or motor vehicle, nor shall anything in this ordinance change any existing law, rule or procedure pertaining to any such civil action.

(c) Any person who knowingly violates this section shall be guilty of a traffic infraction and be subject to a fine of not more than fifty dollars (\$50.00).

For state law authority, see VA. CODE ANN. §46.2-915.2 (Repl. Vol. 2017).

[THE 1989 ACT adopted this section.]

[THE DECEMBER 3, 2013 AMENDMENT substituted “section” for “ordinance” in (b).]

**Sec. 15-8.3. Regulation of parking on County-owned or leased property; penalties.**

(a) (1) It shall be unlawful to park motor vehicles in any space marked or designated as "reserved" on any County-owned or leased parking lot, including school lots.

(2) It shall be unlawful to park any motor vehicle on any County-owned or leased parking lot, including school parking lots, in any space marked or designated as “Free Public Parking for Campbell County Business Only” (or similar language), unless the owner or operator of such vehicle (i) is attending to County business in or with any department, office, division, etc. of the County of Campbell or of its courts, (ii) is attending a meeting held in a County building, or (iii) is attending an event open to the public on County premises.

(b) It shall be unlawful to park any semi-trailer, tractor truck, truck having a registered gross weight of 7,500 pounds or more or motor home on any County-owned or leased parking lot, including school lots.

(c) When posted with a sign visible to an ordinarily observant person, it shall be unlawful to park any motor vehicles on any County-owned or leased parking lot, including school lots, between the hours of 10:00 p.m. and 8:00 a.m., unless the owner thereof is attending a meeting or event open to the public, in which case parking shall be allowed until one hour after the adjournment of such public meeting or event.

(d) In a prosecution charging a violation of this section, proof that the vehicle described in the complaint, summons, parking ticket citation or warrant was parked in violation of the section, together with proof that the defendant was at the time the registered owner of the vehicle as required by Chapter 6 of Title 46.2 of the Code of Virginia, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

(e) Any person receiving a citation or parking ticket for a violation of this section may waive his right to appear and be formally tried for the offense by complying with the procedures for uncontested violations set forth in §15-8.3:2 of this Code and paying the fine prescribed therein. Payment of such fine and discharge of the cited violation shall be certified by the Treasurer of Campbell County on an appropriate form to the court. Such person shall not thereafter be required to appear before the general district court for trial upon the charge set forth in the citation or parking ticket.

(f) Any violator who does not effect a discharge of the violation by compliance with the uncontested payment procedures set forth in §15-8.3:2 of this Code shall be subject to the penalty provided in subsection (g) of this section. The schedule of fines set forth in §15-8.3:2 (b)(2) does not restrict the fine a judge may impose for a listed violation in any case for which there is a court hearing.

(g) The penalty for violation of this section shall, for a first offense, be a fine of \$10.00. The penalty for a second offense within one year shall be a fine of \$50.00 and for a third offense within one year a fine of \$100.00.

For state law authority, see VA. CODE ANN. §46.2-1221 (Repl. Vol. 2017), and VA. CODE ANN. §46.2-1220 (Cum. Supp. 2019). As to fine and penalty provisions, see also VA. CODE ANN. §46.2-1225, §46.2-1300, and §46.2-113 (Repl. Vol. 2017).

[THE MARCH 17, 1997 AMENDMENT added (e), formerly §15-8.3:1(a).]

[THE AUGUST 7, 2000 AMENDMENT redesignated existing provisions of (a) as paragraph (1) therein and added paragraph (2) thereafter.]

[THE DECEMBER 6, 2004 AMENDMENT redesignated former (e) as present (g), and added present subsections (e) and (f).]

**Sec. 15-8.3:1. Removal or immobilization of motor vehicles against which there are outstanding parking violations.**

(a) Any motor vehicle, vehicle, or trailer parked on the public highways or public grounds against which there are three or more unpaid or otherwise unsettled parking violation notices may be removed to a place within the County or in an adjacent locality designated by the Sheriff for 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. Removal or immobilization shall be by, or under the direction of, the Sheriff or his deputies.

(b) It shall be the duty of the law enforcement personnel removing or immobilizing the motor vehicle, vehicle, or trailer or under whose direction it is removed or immobilized, 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 motor vehicle, vehicle, or trailer was removed or immobilized. In any case involving immobilization of a motor vehicle, vehicle, or trailer pursuant to this section, there shall be placed on the motor vehicle, vehicle, or trailer in a conspicuous manner, a notice warning that the motor vehicle, vehicle, or trailer has been immobilized and that any attempts to move the motor vehicle, vehicle, or trailer might damage it.

(c) The owner of an immobilized motor vehicle, vehicle, or trailer, or other person acting on his behalf, shall be allowed at least twenty-four (24) hours from the time of immobilization to repossess or secure the release of the motor vehicle, vehicle, or trailer. Failure to repossess or secure the release of the motor vehicle, vehicle, or trailer within that time period may result in the removal of the motor vehicle, vehicle, or trailer to a storage area for safekeeping under the direction of law-enforcement personnel.

(d) The owner of the removed or immobilized motor vehicle, vehicle, or trailer, or other person acting on his behalf, shall be permitted to repossess or to secure the release of the motor

vehicle, vehicle, or trailer by payment of the outstanding parking violation notices for which the motor vehicle, vehicle, or trailer was removed or immobilized and by payment of all costs incidental to the immobilization, removal and storage of the motor vehicle, vehicle, or trailer and for 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, sale of the motor vehicle, vehicle, or trailer shall be made in accordance with the procedures set forth in VA. CODE ANN. §46.2-1213 (Repl. Vol. 2017), and in §15-33 of this Code.

For state law authority, see VA. CODE ANN. §46.2-1216 (Cum. Supp. 2019).

[THE 1990 ACT adopted this section.]

[THE 1991 AMENDMENT reorganized (b), added “or the vehicle may be immobilized...” at end of first sentence in first paragraph of (b), inserted "or immobilization," "or immobilizing," and "or immobilized" in (b), and inserted new second paragraph in (b).]

[THE 1992 AMENDMENT substituted "Sec. 15-8.3" for "Sec. 15-8.2" in (a).]

[THE MARCH 17, 1997 AMENDMENT deleted former (a) [provisions now found at (e) in §15-8.3], redesignated former three paragraphs of (b) as present (a) to (d), deleted "In addition to the foregoing fines" in (a), inserted "or in an adjacent locality" in first sentence thereof and “or under the direction of" in second sentence thereof, inserted "or immobilizing" once and "or immobilized" three times in (b) and added "and in □§15-33 of this Code" in (d).]

[THE DECEMBER 4, 2012 AMENDMENT substituted “motor vehicle, vehicle, or trailer” for “vehicle” throughout the section.]

[THE DECEMBER 3, 2019 AMENDMENT substituted “that” for “which” and added “lawful” in the first sentence of (a).]

**Sec. 15-8.3:2. Procedure for violations of County parking ordinances; payment of fine prior trial; conditions precedent to issuance of summons for violation of parking ordinances; other penalties.**

(a) Law enforcement officers authorized to enforce the provisions of this chapter shall post a written notice of violation on the windshield of each vehicle found illegally parked in violation of a County ordinance regulating parking, standing, or stopping of vehicles. Such notice, in the form of a citation or parking ticket, shall state that the recipient may elect to waive his right to appear in court and be tried for the offense indicated.

(b) (1) Any person receiving such a citation or parking ticket pursuant to this section may waive his right to appear and be formally tried for the offense. The waiver shall be effective when the person (i) within five (5) days following the date on which the citation or parking ticket was issued, appears in person before the Treasurer of Campbell County, enters a waiver of trial, and

pays the amount of the fine stipulated for each violation marked on the citation or parking ticket, or (ii) voluntarily remits the amount of the fine stipulated for each violation marked on the citation or parking ticket in the reply envelope provided and mails it to the Treasurer of Campbell County so that it is postmarked within five (5) days following the date on which the citation or parking ticket was issued. Any such fine(s) shall be levied in accordance with the schedule set forth in paragraph (2) of this subsection. Payment of such fine and discharge of the cited violation shall be certified by the Treasurer of Campbell County on an appropriate form to the court. Such person shall not thereafter be required to appear before the general district court for trial upon the charge set forth in the citation or parking ticket.

(2) The schedule of fines which may be paid for uncontested violations of County ordinances regulating parking, standing, or stopping of vehicles shall be as follows:

(i) §15-7	Parking within 15 feet of fire hydrant or otherwise obstructing access to any fire hydrant	<b>\$ 50.00</b>
(ii) §15-7	Parking in designated fire lane	<b>\$ 50.00</b>
(iii) §15-7.1	Obstructing access to curb ramp	<b>\$ 10.00</b>
(iv) §15-7.2	Parking in “No Parking” zone	<b>\$ 10.00</b>
(v) §15-8.1 §15-8.1:1	Unlawful parking in space reserved for persons with disabilities	<b>\$100.00</b>
(vi) §15-8.3	Unlawful parking on County-owner or County-leased property: First offense Second offense within 12 month period Third or more offense within 12 month period	<b>\$ 10.00</b> <b>\$ 50.00</b> <b>\$100.00</b>

(c) Whenever a fine is paid by mail pursuant to this section, the responsibility for receipt of the payment by the Treasurer’s Office shall lie with the registered owner of the vehicle involved. Payment may be made by money order or by personal check; provided, that if such check is returned for insufficient funds, the vehicle owner shall remain liable for the parking violation and shall likewise be subject to the bad check fee prescribed by §9-1.1 of this Code. Where the date on which a payment is due falls on a Saturday, Sunday, legal holiday, or any other day on which the Treasurer’s Office is closed, the payment shall be made on the next day that is not a Saturday, Sunday, legal holiday, or day on which the Treasurer’s Office is closed.

(d) Any person receiving a citation or parking ticket pursuant to this section who wishes to contest the offense cited in the citation or parking ticket may, within five (5) days following the date on which the citation or parking ticket was issued, appear before the Treasurer of Campbell County, who shall certify such contest, in writing, on an appropriate form and cause the matter to be properly placed on the appropriate court docket for trial. The schedule of fines set forth in subsection (b)(2) of this section does not restrict the fine a judge may impose for a listed violation in any case for which there is a court hearing.

(e) If any person who has received a citation or parking ticket pursuant to this section fails to comply with either subsection (b) or (d) of this section within five (5) days following the date on which the citation or parking ticket was issued, the Treasurer of Campbell County shall notify the violator, by mail directed to his last known address or his address as shown on the records of the Department of Motor Vehicles, that the violator may pay the amount of the fine stipulated for each violation marked on the citation or parking ticket, plus a late payment penalty of five dollars (\$5.00), within five (5) days of receipt of such notice, at the office of the Treasurer of Campbell County. Such notice shall be contained in an envelope bearing the words “Law-Enforcement

Notice” stamped or printed on the face thereof in all capital letters, bold face type, no smaller than the print type size used for the primary address on the envelope. If “window” envelopes are used, the words “Law-Enforcement Notice” shall be clearly visible through the window of the envelope.

(f) If a person to whom the notice provided for in paragraph (e) of this section above is given fails to pay the fine and late payment penalty within the time prescribed in the notice, then the Treasurer of Campbell County shall notify the officer who issued the original citation or parking ticket and the Treasurer shall then cause to be issued a complaint, summons or warrant for the delinquent citation or parking ticket. The violator may pay the fine to the Treasurer of Campbell County prior to the date he is to appear in court, provided he also pays necessary costs and the late payment penalty. The Treasurer’s receipt therefor shall be conclusive evidence of such payment.

(g) Any violator who fails to comply with the terms of the above notice shall be subject to the penalty provided in subsection (h) of this section.

(h) A violation of this section shall constitute a traffic infraction and shall be punished by a minimum fine of one hundred dollars (\$100.00), unless a different fine or penalty is specifically prescribed for such violation.

(i) Every action to collect unpaid parking citation penalties imposed for violation of a county ordinance regulating parking under this chapter shall be commenced within three years of the date upon which such penalty became delinquent.

For state law mandating this section, see VA. CODE ANN. §46.2-1225 (Repl. Vol. 2017). See also VA. CODE ANN. §46.2-1220 (Cum. Supp. 2019), §46.2-1221, §46.2-1300, §46.2-113 (Repl. Vol. 2017), and the last sentence in first introductory paragraph in Rule 3B:2 of the Virginia Supreme Court.

[THE MARCH 17, 1997 AMENDMENT added the second paragraph in (c).]

[THE DECEMBER 6, 2004 AMENDMENT revised the section catchline, rewrote and expanded the provisions of the entire section, and designated the former last paragraph as present subsection (i).]

[THE FEBRUARY 7, 2005 AMENDMENT, in subsection (b)(2) in the schedule of prepayable fines for certain uncontested violations, increased the prepayable fine in item (i) for “Parking within 15 feet of fire hydrant or otherwise obstructing access to any fire hydrant” from \$20 to \$50, and increased the prepayable fine in item (ii) for “Parking in designated fire lane” from \$20 to \$50.]

#### **Sec. 15-8.3:2.1. Parking tickets; penalty.**

(a) Any person receiving a parking ticket pursuant to this section may waive his right to appear and be formally tried for the offense. The waiver shall be effective when the person (i) within five (5) days following the date on which the parking ticket was issued, appears in person before the Treasurer of Campbell County, enters a waiver of trial, pays the fine of twenty-five dollars (\$25.00) or (ii) voluntarily remits the fine of twenty-five dollars (\$25.00) in the reply envelope provided and mails it to the Treasurer of Campbell County so that it is postmarked within

five (5) days following the date on which the parking ticket was issued. Payment of such fine and discharge of the cited violation shall be certified by the Treasurer of Campbell County on an appropriate form to the court. Such person shall not thereafter be required to appear before the general district court for trial upon the charge set forth in the parking ticket.

(b) Whenever a fine is paid by mail pursuant to this section, the responsibility for receipt of the payment by the Treasurer's Office shall lie with the registered owner of the vehicle involved. Payment may be made by money order or by personal check; provided, that if such check is returned for insufficient funds, the vehicle owner shall remain liable for the parking violation and shall likewise be subject to the bad check fee prescribed by §9-1.1 of this Code. Where the date on which a payment is due falls on a Saturday, Sunday, legal holiday, or any other day on which the Treasurer's Office is closed, the payment shall be made on the next day that is not a Saturday, Sunday, legal holiday, or day on which the Treasurer's Office is closed.

(c) Any person receiving a parking ticket pursuant to this section who wishes to contest the offense cited in the parking ticket may, within five (5) days following the date on which the parking ticket was issued, appear before the Treasurer of Campbell County, who shall certify such contest, in writing, on an appropriate form and cause the matter to be properly placed on the appropriate court docket for trial.

(d) If any person who has received a parking ticket pursuant to this section fails to comply with either subsection (a) or (c) of this section within five (5) days following the date on which the parking ticket was issued, the Treasurer of Campbell County shall notify the violator, by mail directed to his last known address or his address as shown on the records of the Department of Motor Vehicles, that the violator may pay the fine of twenty-five dollars (\$25.00), plus a late payment penalty of fifteen dollars (\$15.00), within five (5) days of the receipt of the notice, at the office of the Treasurer of Campbell County. Such notice shall be contained in an envelope bearing the words "Law-Enforcement Notice" stamped or printed on the face thereof in all capital letters, bold face type, no smaller than the print type size used for the primary address on the envelope. If "window" envelopes are used, the words "Law-Enforcement Notice" shall be clearly visible through the window of the envelope.

(e) If a person to whom the notice provided for in subsection (d) of this section above is given fails to pay the fine and late payment penalty within the time prescribed in the notice, then the Treasurer of Campbell County shall notify the officer who issued the original parking ticket and the Treasurer shall then cause to be issued a complaint, summons or warrant for the delinquent parking ticket. The violator may pay the fine to the Treasurer of Campbell County prior to the date he is to appear in court, provided he also pays necessary costs and the late payment penalty. The Treasurer's receipt therefor shall be conclusive evidence of such payment.

(f) Any violator who fails to comply with the terms of the above notice shall be subject to the penalty provided in subsection (g) of this section.

(g) A violation of this section shall constitute a Class 4 misdemeanor and shall be punished by a fine of one hundred dollars (\$100.00).

For state law authority, see VA. CODE ANN. §46.2-1220 (Cum. Supp. 2019), §46.2-1225 (Repl. Vol. 2017), §46.2-941 (Repl. Vol. 2017), and §18.2-11 (Repl. Vol. 2014).

[THE SEPTEMBER 19, 2005 ACT adopted this section, which contains some provisions previously set forth in former §15-18 of this Code.]

[THE DECEMBER 7, 2009 AMENDMENT moved this section within the chapter and renumbered it from Section 15-18.1 to 15-8.3:2.1.]

**Sec. 15-8.3:3. Display, parking, selling, advertising sale of certain used motor vehicles prohibited.**

(a) (1) No owner or lessee of any real property shall permit the display or parking of five or more used motor vehicles per property within any 12-month period on such real property for the purpose of selling or advertising the sale of such used motor vehicles by the owner or lessee of such vehicles unless exempted pursuant to this section.

(2) No owner or lessee of any used motor vehicle shall display or park such used motor vehicle on the real property of another for the purpose of selling or advertising the sale of such used motor vehicle if the display or parking of such vehicle will cause the owner or lessee of the real property to be in violation of the provisions of this section.

(3) No owner or lessee of any used motor vehicle shall display or park such used motor vehicle on the real property of another for the purpose of selling or advertising the sale of such used motor vehicle unless the owner or lessee of such vehicle has the right to occupy such property pursuant to a lease or other occupancy document or prior written permission of the owner or lessee of the real property. Copies of such written permission shall be posted on the inside of a side window of the motor vehicle and must be retained by both the property owner or lessee and by the vehicle owner for at least 12 months and shall be made available to law-enforcement officers or agencies, the Board, and local zoning officials upon request.

(4) Except as permitted in VA CODE ANN. § 46.2-631 (Repl. Vol. 2017) and except as permitted in subsection (b), no owner or lessee of any real property shall permit any used motor vehicle to be displayed or parked on such real property for the purpose of selling or advertising the sale of such used motor vehicle if such vehicle is not lawfully titled in the name of the individual or entity offering such vehicle for sale as provided in Chapter 6 (§ 46.2-600 et seq.) of the Code of Virginia. However, the limitation of this subsection shall not apply if the individual offering the vehicle for sale is an immediate family member of the owner or lessee of the real property on which the motor vehicle is displayed or parked for the purpose of selling or advertising the sale of such vehicle.

(5) Except as permitted in VA CODE ANN. § 46.2-631 (Repl. Vol. 2017), no person shall advertise, display, sell, or offer for sale any used motor vehicle unless such vehicle is lawfully titled in such person's name as provided in Chapter 6 (§ 46.2-600 et seq.) of the Code of Virginia. However, this limitation shall not apply if the person offering the vehicle for sale is a motor vehicle dealer licensed under this chapter or has the authority pursuant to law to advertise, display, sell, or offer for sale the used motor vehicle.

(b) The provisions of subsection (a) shall not apply if (i) the owner or lessee of the vehicle displayed or parked is employed by the owner or lessee of the real property on which the vehicle is displayed or parked; (ii) the owner or lessee of the vehicle displayed or parked is

conducting business with the owner or lessee of the real property on which the vehicle is parked or displayed at the time such vehicle is displayed or parked; (iii) the real property on which a vehicle is parked is a parking lot for which a fee is charged for the use of such parking lot, the owner or lessee of the parked vehicle has paid the fee for the use of such parking lot, and such vehicle is legitimately parked on the property for purposes other than displaying, selling, or advertising the sale of such vehicle; or (iv) the vehicle displays a dealer's license plate pursuant to VA CODE ANN. § 46.2-1550 (Repl. Vol. 2017) and the licensed dealer is not displaying for sale or selling a motor vehicle at a location other than his specific business location without first meeting the requirements of VA CODE ANN. § 46.2-1516 (Cum. Supp. 2019).

The provisions of subsection (a) shall also not apply to (i) any motor vehicle dealer licensed under this chapter, or (ii) any owner or lessee of real property who permits the display or parking of five or more used motor vehicles on such real property by a licensed motor vehicle dealer within any 12-month period for the purpose of selling or advertising the sale of such used motor vehicles pursuant to VA CODE ANN. § 46.2-1516 (Cum. Supp. 2019).

(c) Notwithstanding any other provision of law, any law-enforcement officer or agency, local zoning official, or the owner or lessee of any real property upon which a vehicle is displayed or parked in violation of this section for longer than 48 consecutive hours after a notice on a form approved by the Board has been affixed or placed on the vehicle by a law-enforcement officer or agency, Board representative, local zoning official, or the owner or lessee of the real property upon which the vehicle is displayed or parked, may have any such vehicle towed from such real property and stored at the expense of the owner or lessee of such vehicle and may then dispose of such vehicle as provided in VA CODE ANN. § 46.2-1203 (Repl. Vol. 2017).

(d) The provisions of this section shall not be deemed to eliminate, change, or supersede the requirement for any person to obtain a license under this chapter if such person engages in any conduct or activity for which a license is required under this chapter.

(e) Violations of subsection (a) are punishable as a Class 4 misdemeanor.

For state law authority, see VA. CODE ANN. §46.2-1508.2 (Cum Supp. 2019).

[THE DECEMBER 1, 2008 ACT adopted this section.]

[THE DECEMBER 4, 2018 AMENDMENT numbered and re-ordered paragraphs of the former section, substituted “five or more used vehicles per property” for “more than five used motor vehicles” in subsection (a)(1), inserted “pursuant to VA CODE ANN. § 46.2-1516 (Repl. Vol. 2017)” at the end of subsection (b), added subsection (e), and made related stylistic changes.]

**Sec. 15-8.3:4. Designation of certain private roads as "highways" for law-enforcement purposes.**

The Board of Supervisors of Campbell County, Virginia, hereby designates the private roads, within any residential development containing one hundred (100) or more lots or residential dwelling units, as highways for law-enforcement purposes.

For state law authority, see VA. CODE ANN. §46.2-1307 (Repl. Vol. 2017) and VA. CODE ANN. §15.2-2027 (Repl. Vol. 2018). See also VA. CODE ANN. §46.2-100 (Cum. Supp. 2019) for definition of "highway."

Editor's note.--The second paragraph of VA. CODE ANN. §46.2-102 (Cum. Supp. 2019) provides that, with the consent of the landowner, any state police officer or "other uniformed employee of the local law-enforcement agency may patrol the landowner's property to enforce state, county, city, or town motor vehicle registration or licensing requirements." See also the third paragraph of §46-102 regarding patrolling of streets and roads within certain subdivisions of real property or within horizontal property regimes where streets or roads are not publicly maintained.

But see also VA. CODE ANN. §15.2-2267 (Repl. Vol. 2018) which provides that "when the streets in a subdivision have not been accepted into the highway system and serve only, or are primarily for, the general welfare of the inhabitants of the subdivision and do not serve as a connector to other public rights-of-way, then upon petition to the governing body of the locality, signed by the owners of two-thirds of the subdivision lots, including the subdivider if he has an interest in the subdivision, requesting that they be allowed to restrict ingress and egress to the subdivision, the governing body may permit the restriction" subject to certain conditions, among which is the requirement that "the streets shall not be blocked to ingress and egress of government or public service company vehicles."

[THE FEBRUARY 2, 1998 ACT adopted this section.]

[THE DECEMBER 3, 2007 AMENDMENT added "or residential dwelling units" after "lots".]

## **Article II. County Vehicle Licenses.**

For state law authority to adopt this article, see VA. CODE ANN. §46.2-752 (Cum. Supp. 2019) and §46.2-755 (Repl. Vol. 2017).

### **Sec. 15-9. Vehicles required to be licensed--Situs; student owners; exemptions.**

(a) Every person who shall own or lease a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the County shall pay an annual County license fee for such vehicle, trailer or semi-trailer as required herein.

(b) The amount of the license fee imposed by Campbell County under this article shall not be greater than the annual or one-year fee imposed by the Commonwealth on said vehicle.

(c) The license fee imposed by this section shall not apply to any vehicle personally owned or leased, in whole or in part, by a member of the armed services of the United States on active duty. For the purposes of this section “the armed services of the United States” includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component. Owners or lessees of motor vehicles, trailers, and semitrailers who have (i) served outside of the United States in the armed services of the United States, (ii) have served outside the United States as a member of the diplomatic service of the United States appointed under the Foreign Service Act of 1946, (iii) have been a civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government, or (iv) are a spouse or dependent accompanying any such member of the armed services or diplomatic service serving outside the United States or civilian employee of the United States government or any agency or contractor thereof serving outside the United States on behalf of the United States government shall have a 90-day grace period, beginning on the date that such person is no longer serving outside the United States, in which to comply with the requirements of this section. For purposes of this section, “the armed services of the United States” includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

(d) The situs for the imposition of licensing fees under this article shall in all cases, except as hereinafter provided, be the locality 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. In the event 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 has paid a personal property tax on the motor vehicle in his domicile.

For state law authority, see VA. CODE ANN. §46.2-752 A. (Cum. Supp. 2019). But see also VA. CODE ANN. §§46.2-656, 46.2-657 (Repl. Vol. 2017), and 46.2-662 (Repl. Vol. 2017). See also VA. CODE ANN. §46.2-221.4 (Repl. Vol. 2017).

Cross-reference.—For exemptions and reductions regarding local licensing fee, see §15-13.

[THE 1982 AMENDMENT substituted “decalcomania sticker” for “tag” in (a).]

[THE 1987 AMENDMENT added (c).]

[THE 1988 AMENDMENT added (d), containing provisions of former §15-21(e).]

[THE 1991 AMENDMENT inserted “or if the owner is a student attending an institution of higher education” in (c).]

[THE MARCH 17, 1997 AMENDMENT deleted “or if the owner is a student attending an institution of higher education” preceding “the situs” in (c) and added the new second sentence therein; and added (e) and (f).]

[THE FEBRUARY 2, 1998 AMENDMENT added new (g)].

[THE AUGUST 7, 2000 AMENDMENT rewrote the first sentence in (c), deleted former (e) which had exempted certain vehicles stored on private property for 60 days or less for purposes of removing parts, and rewrote (f) to clarify exemption for members of armed forces on active duty. and, also in (f), to eliminate exemption for certain stored vehicles.]

[THE OCTOBER 2, 2000 AMENDMENT inserted “or lease” in (a), “or lessees” and “or lease” in (d), and “or leased” in (f).]

[THE SEPTEMBER 19, 2005 AMENDMENT substituted “pay an annual County license fee” for “purchase a County license decalomania sticker” in (a); deleted former (b) and (d) concerning grace periods for new residents and for new purchasers/lessees; substituted “fee” for “tax” and clarified and expanded the exemption for vehicles owned or leased by members of the armed services on active duty in (f); and, in (g), substituted “Campbell County” for “No county, city, or town” and “license fee” for “license tax or license fee or the requirement of a license tag, sticker, or decal.”]

[THE DECEMBER 1, 2008 AMENDMENT added the last two sentences in (f)]

[THE DECEMBER 7, 2009 AMENDMENT reorganized this section, renumbered the subsections, deleted former subsection (g), and moved new subsection (b) from Sec. 15-11.]

[THE DECEMBER 4, 2012 AMENDMENT inserted the clause (i) designator and clauses (ii) through (iv) and substituted “that such person is” for “they are” in (c).]

**Sec. 15-10. Assessment of license fee.**

(a) There is hereby assessed to any person owning or leasing a motor vehicle, trailer or semi-trailer, normally garaged, stored or parked in Campbell County on January 1 of each year a Campbell County motor vehicle license fee.

(b) No person who has purchased a local vehicle license, decal, or sticker for a vehicle in another county, city or town and then moves to and garages his vehicle in Campbell County shall be required to purchase another local license, decal, or sticker from Campbell County until the expiration date of the local license, decal, or sticker issued by the county, city or town from which he moved.

(c) No license fee shall be assessed by the County upon vehicles of owners who are residents of any town located in the County when such vehicles are already subject to town license taxes.

For state law authority, see VA. CODE ANN. §46.2-752A, E, and H. (Cum. Supp. 2019).

Cross-reference.- For related provisions, see §15-13 of this Code. For provisions providing that no motor vehicle license shall be issued by the Virginia Department of Motor Vehicles to an owner of

a motor vehicle as to which a fee is required to be paid pursuant to this article qualified under the provisions of this article to a waiver of that fee until applicant produces evidence that all currently due and delinquent personal property taxes on the vehicle to be licensed have been paid, see §15-16(c) of this Code.

[THE 1987 AMENDMENT deleted "through the fire or rescue squad commissioner as appropriate" following "County" in the third sentence.]

[THE 1990 AMENDMENT, in (c), inserted "who regularly respond to calls or perform other duties for the department or squad and" in the first sentence, inserted "and" preceding "the identification" in the second sentence, rewrote the fourth sentence, and added the fifth sentence therein.]

[THE MARCH 17, 1997 AMENDMENT inserted "volunteer" before "emergency" in (c).]

[THE FEBRUARY 2, 1998 AMENDMENT inserted "owned or leased by such active member and to be" in the second sentence of (c).]

[THE SEPTEMBER 19, 2005 AMENDMENT rewrote (a) to provide for assessment of County motor vehicle license fee on owned or leased motor vehicles normally garaged, stored or parked in County on January 1 of each year; deleted former (b) concerning application for license and issuance of decal by Treasurer; and, in (c), substituted "an exemption certificate" for "the indicia of license" in the next-to-last sentence and "an exemption certificate for more than one vehicle" for "more than one such license" in the last sentence.]

[THE DECEMBER 3, 2007 AMENDMENT added new language at (b).]

[THE DECEMBER 7, 2009 AMENDMENT deleted former subsection (c) and moved it to Sec. 15-13(h), and added a new subsection (c) that was moved from Sec. 15-13.]

### **Sec. 15-11. Amount of fee.**

(a) On each and every passenger vehicle and truck there shall be an annual license fee of twenty-seven dollars; and on each and every motorcycle, with or without a sidecar, a license fee of seventeen dollars.

(b) On each and every trailer, semitrailer, and autowagon (i) not designed and used for the transportation of passengers on the highways of the Commonwealth, (ii) having a registered gross weight of 1,501 pounds or more, and (iii) not exempt from taxation as otherwise herein provided, there shall be a license fee of seventeen dollars.

(c) On each trailer or semitrailer (i) not designed and used for the transportation of passengers on the highways of the Commonwealth and (ii) having a registered gross weight of 1,500 pounds or less, there shall be no license fee assessed by Campbell County.

(d) In the case of a combination of a truck or tractor truck and a trailer or semi-trailer, each vehicle constituting a part of such combination shall be licensed as a separate vehicle and a separate fee shall be assessed therefor.

(e) On each and every motor vehicle, trailer, or semitrailer upon which well-drilling machinery is attached and which is permanently used solely for transporting such machinery, there shall be a license fee of fifteen dollars.

(f) On each and every bus owned and operated by a person, firm, or corporation (1) used or intended to be used for transporting persons to and from school, or (2) used exclusively for transportation to and from church school, for the purpose of religious instruction, or to and from church, for the purpose of divine worship, there shall be a license fee of twenty-seven dollars. (4-5-72, §4)(3-21-89)(6-15-92)

For state law authority, see VA. CODE ANN. §46.2-752A (Cum. Supp. 2019). For state fees, see VA. CODE ANN. §46.2-694 (Repl. Vol. 2017), especially subdivisions 1 through 13 of A. See also VA. CODE ANN. §46.2-694.1 (Repl. Vol. 2017), and VA. CODE ANN. §46.2-700 (Repl. Vol. 2017), and VA. CODE ANN. §46.2-701 (Repl. Vol. 2017).

[THE 1987 AMENDMENT inserted "with or without a sidecar."]

[THE MARCH 1989 AMENDMENT, effective April 15, 1989, substituted "fifteen dollars" for "ten dollars" and "five dollars" for "three dollars."]

[THE JUNE 1992 AMENDMENT, effective March 1, 1993, substituted "twenty dollars" for "fifteen dollars" and "ten dollars" for "five dollars".]

[THE 1993 AMENDMENT added subsection (b).]

[THE 1994 AMENDMENT, effective March 1, 1995, substituted "twenty-five dollars" for "twenty dollars," "fifteen dollars" for "ten dollars," and "1995" for "1993."]

[THE JUNE 17, 2002 AMENDMENT, effective July 1, 2002, substituted "twenty-seven" for "twenty-five" and "seventeen" for "fifteen" in the first sentence in subsection (a) and deleted the former second sentence concerning the effective date of the 1994 fee changes.]

[THE SEPTEMBER 19, 2005 AMENDMENT substituted "fee" for "tax" throughout the section and inserted (c) containing transitional provisions effective for 2006 license year only, which provisions will automatically expire on or before December 5, 2006.]

[THE DECEMBER 4, 2006 AMENDMENT deleted subsection (c) which had contained transitional provisions applicable only to the 2006 license year.]

[THE DECEMBER 3, 2007 AMENDMENT substituted "annual or one-year" for "amount of the license" in subsection (b).]

[THE DECEMBER 7, 2009 AMENDMENT combined this section with former Sec. 15-12, renamed the section, renumbered all subsections, and moved one subsection to Sec. 15-9.]

**Sec. 15-12. Reserved.**

**Sec. 15-13. Limitations on imposition of motor vehicle license taxes and fees; exemptions and reductions.**

(a) The provisions of this article shall not be construed as to impose a license fee upon any motor vehicle, trailer or semitrailer when:

(1) A similar tax or license fee is imposed by another County, city or town wherein such motor vehicle, trailer or semitrailer is normally garaged, stored or parked;

(2) The motor vehicle, trailer or semitrailer is owned by a nonresident of Campbell County and is used exclusively for pleasure or personal transportation or as a TNC partner vehicle as defined in VA. CODE ANN. §46.2-2000 (Repl. Vol. 2017) and not otherwise for hire or for the conduct of any business or occupation other than that set forth in paragraph (3).

(3) The motor vehicle, trailer or semitrailer is owned by a nonresident and is used for transporting into and within the County for sale in person or by his employees of wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream or eggs produced or grown by him, and not purchased by him for sale.

(4) The motor vehicle, trailer or semi-trailer is owned by an officer or employee of the Commonwealth of Virginia who is a nonresident of the County and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;

(5) The motor vehicle, trailer or semi-trailer is kept by a dealer or manufacturer for sale or for sales demonstration;

(6) The motor vehicle, trailer or semi-trailer is operated by a common carrier of persons or property operating between cities and towns in this Commonwealth and not in intracity transportation or between cities and towns on the one hand and points and places without cities and towns on the other and not in intracity transportation;

(7) The motor vehicle, trailer or semi-trailer is inoperable and unlicensed pursuant to VA. CODE ANN. § 46.2-734 (Repl. Vol. 2017);

(8) The motor vehicle, trailer, or semitrailer qualifies and is licensed as an antique vehicle pursuant to VA. CODE ANN. § 46.2-730;

(9) Any vehicle that is exempt under provisions of state law.

(b) One motor vehicle, owned, and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Department of Motor Vehicles, and has been issued a disabled veteran's motor vehicle license plate, as prescribed in VA. CODE ANN. §46.2-739 (Repl. Vol. 2017), or one motor vehicle owned and used personally by the unremarried surviving spouse of such disabled veteran shall be exempt from the payment of the license fee levied and imposed by this article.

(c) Reserved.

(d) Motor vehicles, trailers or semitrailers owned by the Commonwealth, political subdivisions of the Commonwealth, and regional jail authorities created pursuant to VA. CODE ANN. §53.1-95.2 et seq. (Repl. Vol. 2013) and used solely for governmental purposes in accordance with the provisions of VA. CODE ANN. §46.2-750 (Repl. Vol. 2017) shall display license plates or decalcomania inscribed either "Official State Use Only" or "Official Local Government Use Only," respectively, and shall be subject to a license fee equal to the cost incurred either by the Commonwealth or by the County, respectively, in the purchase or manufacture of such decalcomania, but which County fee shall, in no event, exceed the fee imposed by the State under VA. CODE ANN. §46.2-750 A. (Repl. Vol. 2017); such licensing requirements shall be subject to exceptions set forth in VA. CODE ANN. §46.2-750 (Repl. Vol. 2017) and VA. CODE ANN. §46.2-750.1 (Repl. Vol. 2017).

(e) One motor vehicle, owned and used personally by any recipient of the Medal of Honor who holds a current state motor vehicle registration card establishing that he has received Medal of Honor state license plates as prescribed and limited in VA. CODE ANN. §46.2-745 (Repl. Vol. 2017) or one motor vehicle owned and used personally by the unremarried surviving spouse of such Medal of Honor recipient shall be exempt from the payment of the license fee levied and imposed by this article.

(f) The fire-fighting trucks, trailers or semitrailers on which firefighting apparatus is permanently attached, or other vehicles, when any such vehicle is owned or under exclusive control of a chartered volunteer fire department in this County shall be exempt from payment of the license fee imposed by this article, provided that such vehicles comply with all of the provisions of VA. CODE ANN. §46.2-649.1:1 (Repl. Vol. 2017) and VA. CODE ANN. §46.2-752A (Cum. Supp. 2019).

(g) Ambulances or other vehicles owned or used exclusively by chartered volunteer fire departments or volunteer lifesaving or first aid crews or emergency medical services agencies in the County, provided any such vehicle is used exclusively as an emergency medical services vehicle and is not rented, leased, or lent to any private individual, firm, or corporation, and no charge is made by the organization for the use of the vehicle, shall be exempt from payment of the license fee imposed by this article, provided that such vehicles comply with all of the provisions of VA. CODE ANN. §46.2-649.1:1 (Repl. Vol. 2017) and VA. CODE ANN. §46.2-752A (Cum. Supp. 2019).

(h) One vehicle owned or leased, and used personally in the performance of duties by each active member of the volunteer fire departments and volunteer emergency medical services agencies who lives in the County outside of incorporated towns is exempt.

The chief of each volunteer fire department and volunteer emergency medical services agency will prepare and certify a list of active members of his department or squad who regularly respond to calls or perform other duties for the department or squad and who reside in the County outside the corporate limits of the Towns of Altavista and Brookneal. The certified list will include the complete name of each individual, his residence address, and the identification number, and description of the car owned or leased by such active member and to be certified for exemption. Each individual so certified will complete the required application form, submit it to his chief who will attach all individual applications to the certified listing and submit to the Office of the Commissioner of Revenue of the County. After reviewing and comparing the certified listing and applications with the personal property tax rolls, the Commissioner of Revenue will issue an exemption certificate to each certified member without charge.

(i) One passenger vehicle, pickup or panel truck, as defined in VA. CODE ANN. §46.2-100 (Cum Supp. 2019), owned and used personally by any former prisoner of war who holds a current state motor vehicle registration card establishing that he has received prisoner of war State

license plates as prescribed in VA. CODE ANN. §46.2-746 (Repl. Vol. 2017) or one motor vehicle owned and used personally by the unremarried surviving spouse of a person eligible to receive such special license plates shall be exempt from the payment of the license fee levied and imposed by this article.

(j) Passenger vehicles and pickup or panel trucks, as defined in VA. CODE ANN. §46.2-100 (Cum. Supp. 2019), owned and used personally by a member of the National Guard who has received special metal state license plates pursuant to VA. CODE ANN. §46.2-744 (Repl. Vol. 2017), shall be partially exempt from the payment of the license fee levied and imposed by this article to the extent of fifty percent (50%) of said fee, provided that such reduced County fee shall not exceed the reduced State tax or fee imposed under VA. CODE ANN. §46.2-744 (Repl. Vol. 2017) and VA. CODE ANN. §46.2-694 (Repl. Vol. 2017).

(k) Antique motor vehicles and antique trailers, as defined in VA. CODE ANN. §46.2-100 (Cum. Supp. 2019), registered and licensed by the State in accordance with VA. CODE ANN. §46.2-730 A (Repl. Vol. 2017) shall be exempt from the payment of the license fee levied under this article, provided that other conditions prescribed herein are met.

In order to qualify for exemption hereunder, an antique motor vehicle and antique trailer registered and licensed under VA. CODE ANN. §46.2-730 (Repl. Vol. 2017) shall not be used for general transportation purposes, including, but not limited to, daily travel to and from the owner's place of employment, but shall only be used:

(i) For participation in club activities, exhibits, tours, parades and similar events;  
and

(ii) On the highways of the Commonwealth for the purpose of testing their operation, obtaining repairs or maintenance, transportation to and from events as described in subdivision (i) of this subsection, and for occasional pleasure driving not exceeding 250 miles from the residence of the owner.

(l) One vehicle owned or leased by a member of the Virginia Defense Force who lives in the County outside of incorporated towns is exempt.

For state law authority for individual subsections, see as follows: (a)(1) through (a)(9), and (b) -- VA. CODE ANN. §46.2-755 (Repl. Vol. 2017); (d) -- VA. CODE ANN. §46.2-750 (Repl. Vol. 2017), (e)--VA. CODE ANN. § 46.2-745 (Repl. Vol. 2017); (f) and (g)--VA. CODE ANN. §46.2-649.1:1 (Repl. Vol. 2017) and VA. CODE ANN. §46.2-752 A2 and A3. (Cum. Supp. 2019), but see also VA. CODE ANN. §46.2-736 (Cum. Supp. 2019) and VA. CODE ANN. §46.2-735 (Cum. Supp. 2019); (h)--VA. CODE ANN. §46.2-752 A.4., A.5 and A.11. (Cum. Supp. 2019); (i)--VA. CODE ANN. §46.2-746 (Repl. Vol. 2017); (j)--VA. CODE ANN. §46.2-744 (Repl. Vol. 2017); (k)--VA. CODE ANN. §46.2-730 (Repl. Vol. 2017); (l)-- VA. CODE ANN. §46.2-752 A.20. See also VA. CODE ANN. §46.2-752 A. 12. (Cum. Supp. 2019).

Cross-reference. For provisions providing that no motor vehicle license shall be issued to a person otherwise entitled to a waiver of the local license fee until applicant produces evidence that all currently due and delinquent personal property taxes on the vehicle to be licensed have been paid, see §15-16(c) of this Code.

[THE NOVEMBER 1982 AMENDMENT deleted "which constitutes a separate school district approved for operation" in (b).]

[THE DECEMBER 1982 AMENDMENT added subsection (g).]

[THE 1987 AMENDMENT substituted "or license fee upon" for "on" in introductory language of (a), "nonresident of Campbell County" for "resident of another county, city or town" in paragraph (2) thereof, "nonresident" for "non-resident" in paragraph (3), and "Commonwealth" for "State" in paragraphs (4) and (6), deleted former (c), redesignated provisions of former (e), (f) and (g) as present (g), (h) and (i), and rewrote provisions of former (d) as present (c), (d), (e) and (f), and added (j).]

[THE MARCH 1989 AMENDMENT added "of this Code" in (g) and added new (k).]

[THE 1989 AMENDMENT substituted "solely for governmental" for "purely for state, county or municipal" and language beginning "VA. CODE ANN. §46.2-750 (Repl. Vol. 1989) shall be liable" and ending "by the state under VA. CODE ANN. §46.2-750 (Repl. Vol. 1989)" for "VA. CODE ANN. §46.1-49 (Repl. Vol. 1986) shall be exempt from payment of the tax or license fee imposed by this article" in (c), deleted former (d) concerning an exemption for certain consular or diplomatic officials, and substituted references to Title 46.2 throughout.]

[THE 1990 AMENDMENT inserted "or other vehicles" in (e), added "and VA. CODE ANN. §46.2-752A " in (e) and (f), and inserted "volunteer" preceding "emergency" in (g).]

[THE 1993 AMENDMENT inserted new (d) and added new (1).]

[THE MARCH 17, 1997 AMENDMENT, in (c), substituted "political subdivisions" for "a county, city, or town", inserted "solely," inserted "shall display license plates or decalcomania inscribed either 'Official State Use Only' or 'Official Local Government Use Only,' respectively, and," substituted "either by the Commonwealth or by the County, respectively," for "by the County," inserted "County fee," and added the last clause beginning "such licensing requirements...;" in (d), inserted "or one motor vehicle owned and used personally by the unremarried surviving spouse of such Medal of Honor recipient;" in (h), inserted "or one motor vehicle owned and used personally by the unremarried surviving spouse of such disabled veteran;" in (i), inserted "or one motor vehicle owned and used personally by the unremarried surviving spouse of a person eligible to receive such special license plates;" and in (k), substituted "the National Guard" for the Virginia National Guard;" and, in (l), substituted "exempt" for "partially exempt" in introductory paragraph, deleted former second and third sentences therein detailing amount of former partial exemption, its due date, and duration, and deleted "partial" in the introductory language of paragraph (1) and in first sentence of paragraph (2).]

[THE FEBRUARY 2, 1998 AMENDMENT, in (g), substituted "owned or leased, and used personally" for "used" and, in (j), substituted "vehicles, as defined in VA. CODE

ANN. §58.1-2401 (Repl. Vol. 1997)" for "passenger cars" and added "and shall also be exempt from the requirement of a license tag, sticker, or decal from the County.”]

[THE AUGUST 7, 2000 AMENDMENT, in (f), inserted the language beginning “provided any such vehicle is used exclusively...” to “and no charge is made by the organization for the use of the vehicle, and rewrote subsection (1) by adding “provided that other conditions prescribed herein are met” at end of the first paragraph, deleted paragraph designation “(1)” and rewrote the paragraph, added “and for occasional pleasure driving not exceeding 250 miles from the residence of the owner” at the end of item (ii) and deleted former paragraph (2) which had stated that antique motor vehicles used for general transportation purposes are not eligible for exemption.]

[THE JULY 2, 2001 AMENDMENT rewrote part of (e) without substantive change.]

[THE DECEMBER 6, 2004 AMENDMENT substituted “political subdivisions of the Commonwealth, and regional jail authorities created pursuant to VA. CODE ANN. §53.1-95.2 et seq.” for “or political subdivisions thereof” near the beginning of (c); in (l), inserted “and antique trailers, as defined in VA. CODE ANN. §46.2-100 (Cum. Supp. 2004)” in the first paragraph and “and antique trailer” in the second paragraph; and updated state code citations throughout the section.]

[THE SEPTEMBER 19, 2005 AMENDMENT substituted “license fee” for “tax or license fee” or “license tax” throughout the section; and deleted “and shall also be exempt from the requirement of a license tag, sticker, or decal from the County” at the end of (j) regarding daily rental vehicles.]

[THE DECEMBER 3, 2007 AMENDMENT added subsection (a)(6A).]

[THE DECEMBER 7, 2009 AMENDMENT renamed the section, moved former subsection (h) to (b) and former subsection (j) to (c) and renumbered all other subsections, deleted “No license fee shall be assessed by the County upon vehicles of owners who are residents of any town located in the County when such vehicles are already subject to town license taxes” and moved that language to Sec. 15-10, and added the second paragraph of (h) which was moved from Sec. 15-10.]

[THE DECEMBER 6, 2011 AMENDMENT substituted “Commissioner of Revenue” twice for “Treasurer” in (h).]

[THE DECEMBER 4, 2012 AMENDMENT deleted the provisions formerly found at (c).]

[THE JULY 7, 2015 AMENDMENT added subsection (l), retroactively effective for the tax year beginning January 1, 2015.]

[THE DECEMBER 1, 2015 AMENDMENT added “or as a TNC partner vehicle as defined in VA. CODE ANN. §46.2-2000 (Cum. Supp. 2015)” to (a)(2) and substituted “emergency medical services agencies” for “rescue squads” and “emergency medical services vehicle” for “ambulance” throughout.]

[THE DECEMBER 5, 2017 AMENDMENT added (a)(8) and renumbered all subsections under (a).]

**Sec. 15-14. Reserved.**

Editor's note: The September 19, 2005 amendment deleted this section which had contained provisions pertaining to proration of the license tax.]

**Sec. 15-15. License fees--Disposition.**

All fees collected pursuant to this article shall be deposited by the Treasurer in the general fund of the County. (4-5-71, §7.)

For state law authority, see VA. CODE ANN. §46.2-752 B. (Cum. Supp. 2019).

[THE SEPTEMBER 19, 2005 AMENDMENT substituted "fees" for "taxes."]

**Sec. 15-16. Payment of personal property taxes prerequisite.**

(a) No motor vehicle, trailer or semitrailer shall be locally licensed until the applicant for such license has produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer or semitrailer to be licensed have been paid and satisfactory evidence that any delinquent motor vehicle, trailer or semitrailer personal property taxes owing have been paid which have been properly assessed or are assessable against the applicant by the County.

(b) No motor vehicle license shall be issued unless the tangible personal property taxes properly assessed or assessable by the County on any tangible personal property used or usable as a dwelling titled by the Virginia Department of Motor Vehicles and owned by the taxpayer have been paid.

(c) No motor vehicle license shall be issued to an owner of a motor vehicle as to which a fee would normally be required to be paid pursuant to this article, but who qualifies for a waiver of that fee, until the applicant for such license or registration has produced before the Campbell County Treasurer, or his agent, satisfactory evidence that all personal property taxes upon the motor vehicle licensed have been paid and satisfactory evidence that any delinquent personal property taxes due with respect to the vehicle which have been properly assessed or are assessable against the owner have been paid.

For state law authority, see VA. CODE ANN. §46.2-752 C. and A (Cum. Supp. 2019).

Cross-reference.-For state law provisions regarding payment of taxes on leased property by lessee and requirement that certain information re taxes to be furnished to lessee by lessor, see VA. CODE ANN. §58.1-3516.2 (Repl. Vol. 2017). For provisions regarding proration of personal property tax, see VA. CODE ANN. §58.1-3516 (Repl. Vol. 2017).

[THE 1987 AMENDMENT rewrote this section.]

[THE 1990 AMENDMENT designated existing provisions as (a) and added new (b).]

[THE 1992 AMENDMENT inserted "and" preceding "owned by the taxpayer" in (b).]

[THE MAY 17, 1999 AMENDMENT added (c).]

[THE SEPTEMBER 19, 2005 AMENDMENT, in (a), substituted “licensed by the Department of Motor Vehicles until such” for “locally licensed until the,” “paid” for “produced before the Treasurer or his agent, satisfactory evidence that,” inserted “and the license fee assessed hereunder,” substituted “and until the Department of Motor Vehicles has been provided” for “have been paid and,” inserted “by the Treasurer of Campbell County,” substituted “or license fees” for “owing have been paid,” and added “have been paid” at the end; in (b), substituted “Virginia Department of Motor Vehicles” for “County”; and in (c), substituted “Virginia Department of Motor Vehicles to an owner of a motor vehicle as to which a fee is required to be paid pursuant to this article,” for “County of Campbell to an applicant otherwise,” “hereof to a waiver of that fee” for “of this article to receive a County motor vehicle license free of charge,” inserted “or registration from the Department of Motor Vehicles” and “Campbell County,” deleted “to be” preceding “licensed have been paid” and “have been paid” preceding “which have been properly assessed,” and substituted “owner have been paid” for “applicant by the County.”]

[THE DECEMBER 7, 2009 AMENDMENT rewrote this section for clarity.]

#### **Sec. 15-17. License year.**

The license year with respect to which the fee required to be paid under this article is assessed shall be January 1 through December 31 of each year. The fee assessed under this article shall be assessed to the owner of each motor vehicle as provided in this article for motor vehicles owned on January 1 of each year. The fee shall be payable on or before December 5 of each year and with respect to any fees not paid at that time there is hereby imposed a twenty dollar (\$20.00) fee to reimburse the County of Campbell for costs associated with administration of the Vehicle Registration Withholding Program with the Commonwealth of Virginia Department of Motor Vehicles (DMV) if a DMV stop order has been issued prior to payment. The fee herein assessed will be based upon ownership of vehicles on fee day, that is, January 1 of each year, and the period for which the license fee is effective shall be January 1 through December 31.

For state law authority, see VA. CODE ANN. §46.2-752 A. (Cum. Supp. 2019).

[THE SEPTEMBER 19, 2005 AMENDMENT deleted the former provisions what had set a license year commencing on April 15<sup>th</sup> and expiring on April 15<sup>th</sup> of the following year, and adopted the current provisions.]

[THE DECEMBER 4, 2006 AMENDMENT deleted “of the next ensuing year” at the end of the section.]

#### **Sec. 15-18. Failure to pay license fee, personal property tax, etc.; penalty.**

(a) Reserved.

(b) In the event that the license fee required by this article is not paid, or if any personal property taxes, properly assessed against such vehicle, are not paid on or before December 5 of each year, with respect to each owner or co-owner of any motor vehicle as to which the license fee has not been paid, or any personal property taxes have not been paid, the County Treasurer shall mail to the owner/co-owner by first class mail a Notice of Intent to request the Commonwealth of Virginia Department of Motor Vehicles under the Vehicle Registration Withholding Program to deny his or

her registration renewal with respect to the vehicle which is subject to the license fee or personal property tax herein. In the event of payment of that vehicle license fee and/or delinquent personal property taxes, the County Treasurer shall provide to the vehicle owner/co-owner an approved numbered receipt that clearly indicates that the vehicle owner/co-owner has paid in full all outstanding local vehicle fees and delinquent taxes to the locality, together with the penalty, interests and administrative fee hereinabove set forth.

(c) It shall be unlawful for any owner of a motor vehicle, trailer or semitrailer to fail to pay the local license fee or personal property taxes assessed with respect to each motor vehicle, trailer or semitrailer after December 5 of each year.

(d) A violation of this section shall constitute a Class 4 misdemeanor and shall be punished by a fine of one hundred dollars (\$100.00).

(e) A violation of this section by the registered owner of the vehicle shall not be discharged by prepayment of a fine or by payment of a fine imposed by the court except upon presentation of satisfactory evidence that the required license has been obtained. (4-5-71, §10)(11-15-82)

(f) All provisions of this section are subject to the exceptions contained in VA. CODE ANN. §46.2-752 J. (Cum. Supp. 2019).

For state law authority, see VA. CODE ANN. §46.2-752 J (Cum. Supp. 2019). See also VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE 1982 AMENDMENT deleted language pertaining to metal plates.]

[THE 1987 AMENDMENT designated the first and third sentences as (a) and (b), and rewrote the former second sentence, designating it as (c).]

[THE 1988 AMENDMENT inserted "not exceeding twenty dollars (\$20.00)" in (c).]

[THE 1989 AMENDMENT added (d).]

[THE FIRST 1993 AMENDMENT, in (c), inserted "or operator," substituted "the local license required by any ordinance of the county, city or town in which the vehicle is registered" for "any such required license" and "such local" for "license of this County or a town herein" and, in (d), inserted "by the registered owner of the vehicle."]

[THE SECOND 1993 AMENDMENT added the last sentence in (c).]

[THE MARCH 17, 1997 AMENDMENT inserted "Class 4" and substituted "\$250.00" for "twenty dollars (\$20.00)" in (c).]

[THE DECEMBER 2, 2002 AMENDMENT substituted "of one hundred dollars (\$100.00)" for "not exceeding \$250.00" in the second sentence in (c).]

[THE JULY 7, 2003 AMENDMENT redesignated former (d) as present (f), inserting "by prepayment of a fine or" and substituting "a fine imposed by the court" for "such fine" therein; redesignated the former second sentence in (c) as present (e) and added the new last sentence in (c); and added new (d), with paragraphs (1) through (5).]

[THE DECEMBER 6, 2004 AMENDMENT, in (d), inserted “the person (i)” and deleted “the person” preceding “appears in person” and added the clause beginning “or (ii) voluntarily . . . issued” in the second sentence of paragraph (1) and added third sentence therein; redesignated former paragraphs (2) through (5) as present paragraphs (3) through (6); inserted new paragraph (2); and corrected internal references.]

[THE SEPTEMBER 19, 2005 AMENDMENT deleted the former provisions of subsection (a) which had required display of County motor vehicle license decal; in (b), deleted the former first sentence concerning decals and added the current provisions of (b) concerning required payment of license fee and personal property taxes upon vehicle; in (c), in the first sentence, substituted “owner” for “owner or operator,” “pay the” for “obtain and display the,” and “fee or personal property taxes assessed with respect to each motor vehicle, trailer or semi-trailer after December 5 of each year” for “required by any ordinance of the county, city or town in which the vehicle is registered or to display upon such motor vehicle, trailer or semitrailer any such local license after its expiration date,” and deleted the former second and third sentences of (c), concerning authority to issue citations, summonses, etc. for violations; deleted former (d) concerning procedures regarding issuance of citations or parking tickets, provisions similar to which are now set forth in new §15-18.1; and redesignated former subsections (e) and (f) as present (d) and (e).]

[THE DECEMBER 4, 2018 AMENDMENT added subsection (f).]

#### **Sec. 15-19. Reserved.**

Editor’s note: The September 19, 2005 amendment deleted this section which had contained provisions pertaining to transfer of indicia of license (decal).]

#### **Sec. 15-20. Reserved.**

Editor’s note: The September 19, 2005 amendment deleted this section which had contained provisions pertaining to obtaining duplicate indicia of license (decal).]

#### **Sec. 15-21. Reserved.**

#### **Sec. 15-22. Reserved.**

### **Article III. Abandoned Vehicles.**

#### **Sec. 15-23. Definitions.**

As used in this article:

"Abandoned motor vehicle" means a motor vehicle, trailer, or semitrailer that:

1. Is left unattended on public property for more than forty-eight hours in violation of a state law or local ordinance, or
2. Has remained for more than forty-eight hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or person in control of the private property, or
3. Is left unattended on the shoulder of a primary highway.

“Scrap metal processor” means any person who is engaged in the business of processing motor vehicles into scrap for remelting purposes who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous and nonferrous metallic scrap into prepared grades, and whose principal product is metallic scrap.

“Vehicle removal certificate” means a transferable document issued by the Department of Motor Vehicles for any abandoned motor vehicle that authorizes the removal and destruction of the vehicle.

For state law basis, see VA. CODE ANN. §46.2-1200 (Repl. Vol. 2017) and VA. CODE ANN. §46.2-1201 (Repl. Vol. 2017).

[THE 1989 ACT adopted this section.]

[THE FEBRUARY 2, 1998 AMENDMENT, in (a), inserted "other than an interstate highway or primary highway" in paragraph 1, and added paragraphs 4. and 5.]

[THE MAY 17, 1999 AMENDMENT substituted “article” for “chapter.”]

[THE DECEMBER 7, 2009 AMENDMENT wholly rewrote the definition of “Abandoned motor vehicle,” deleted the definition of “Inoperable abandoned motor vehicle,” and added the definitions of “Garage”, “Garage keeper,” “Scrap metal processor” and “Vehicle removal certificate.”]

[THE DECEMBER 6, 2011 AMENDMENT deleted subdivisions 4 and 5 of the definition of “Abandoned motor vehicle” which concerned unclaimed motor vehicles in garages and self-service storage units, and deleted the definitions of “Garage” and “Garage keeper.”]

### **Sec. 15-23.1. Abandoning motor vehicles prohibited; presumptions; penalty.**

(a) No person shall cause any motor vehicle to become an abandoned motor vehicle as defined in §15-23 of this Code.

(b) In any prosecution for a violation of this section, proof that the defendant was, at the time that the vehicle was found abandoned, the owner of the vehicle shall constitute in evidence a rebuttable presumption that the owner was the person who committed the violation. Such presumption, however, shall not arise if the owner of the vehicle provided notice to the State Department of Motor Vehicles, as provided in VA. CODE ANN. §46.2-604 (Repl. Vol. 2017), that he had sold or otherwise transferred the ownership of the vehicle.

(c) A summons for a violation of this section shall be executed by mailing a copy of the summons by first-class mail to the address of the owner of the vehicle as shown on the records of the State Department of Motor Vehicles. If the person fails to appear on the date of the return set out in the summons, a new summons shall be issued and delivered to the Sheriff of the county, city or town for service on the accused personally. If the person so served then fails to appear on the date of return set out in the summons, proceedings for contempt shall be instituted.

(d) Any person convicted of a violation of this section shall be subject to a civil penalty of no more than \$500.00. If any person fails to pay any such penalty, his privilege to drive a motor vehicle on the highways of the Commonwealth shall be suspended as provided in VA. CODE ANN. §46.2-395 (Repl. Vol. 2017).

(e) All penalties collected under this section shall be paid into the state treasury to be credited to the Literary Fund.

For state law basis, see VA. CODE ANN. §46.2-1200.1 (Repl. Vol. 2017).

[THE 1990 ACT adopted this section.]

**Sec. 15-24. Authority of County.**

(a) Pursuant to VA. CODE ANN. §46.2-1201 (Repl. Vol. 2017), the County of Campbell is authorized to take abandoned vehicles into custody and dispose of them in accordance with the provisions of VA. CODE ANN. §46.2-1200 et seq. (Repl. Vol. 2017) and of this article.

(b) In taking custody of and disposing of abandoned vehicles, the County may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities, or firms or corporations that may be independent contractors for removing, preserving, storing, and selling at public auction abandoned motor vehicles.

For state law authority, see VA. CODE ANN. §46.2-1201 (Repl. Vol. 2017).

[THE 1989 ACT adopted this section.]

[THE FEBRUARY 2, 1998 AMENDMENT, in (b), substituted "that may be" for "who may be" and "storing, and selling at public auction" for "and storing."]

**Sec. 15-25. Search for owner and secured party; notice.**

(a) When an abandoned vehicle is taken into custody by the County or its authorized agent, the County or its authorized agent shall initiate with the Department of Motor Vehicles, in a manner prescribed by the Commissioner, a search for the owner and/or lienholder of record of the vehicle, requesting the name and address of the owner of record of the motor vehicle and all persons having security interests in the motor vehicle on record in the office of the Department, describing, if ascertainable, the motor vehicle by year, make, model, and vehicle identification number.

(b) If the Department confirms owner or lienholder information, the Department shall notify the owner, at the last known address of record, and lienholder, at the last known address of record, of the notice of interest in their vehicle, by certified mail, return receipt requested, and advise them to reclaim and remove the vehicle within 15 days, or, if the vehicle is a manufactured

home or a mobile home, 120 days, from the date of notice. Such notice, when sent in accordance with these requirements, shall be sufficient regardless of whether or not it was ever received. Following the notice required in this subsection, if the motor vehicle remains unclaimed, the owner and all persons having security interests in the motor vehicle shall have waived all right, title, and interest in the motor vehicle.

Whenever a vehicle is shown by the Department's records to be owned by a person who has indicated that he is on active military duty or service, the Department shall notify the requestor of such information. Any person having an interest in such vehicle under the provisions of this Article shall comply with the provisions of the federal Servicemembers Civil Relief Act.

(c) If records of the Department contain no address for the owner or no address of any person shown by the Department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty, the person in possession of the abandoned motor vehicle shall obtain from the Department in a manner prescribed by the Commissioner, a Vehicle Removal Certificate. The vehicle may be sold or transferred to a licensee or a scrap metal processor, as defined in VA. CODE ANN. §46.2-1600 (Repl. Vol. 2017) and §46.2-1200 (Repl. Vol. 2017).

For state law authority, see VA. CODE ANN. §46.2-1202 (Repl. Vol. 2017) and also §46.2-1201 (Repl. Vol. 2017).

[THE 1989 ACT adopted this section.]

[THE FEBRUARY 2, 1998 AMENDMENT, in (a), inserted "or its authorized agent" following "by the County" and substituted "the County or its authorized agent" for "the County through its authorized agent" in the first sentence, and inserted "and" following clause (ii) in the second sentence.]

[THE DECEMBER 7, 2009 AMENDMENT rewrote the section in conformance with changes to the state code, renamed it and eliminated requirement for notice of publication.]

### **Sec. 15-25.1 Vehicle Removal Certificates.**

The person in possession of an abandoned motor vehicle shall obtain from the Department of Motor Vehicles in a manner prescribed by the Commissioner, a Vehicle Removal Certificate at no fee. The vehicle may be sold or transferred to a licensee or a scrap metal processor, as defined in VA. CODE ANN. §46.2-1600 (Repl. Vol. 2017) and §46.2-1200 (Repl. Vol. 2017).

If the person in possession of an abandoned motor vehicle desires to obtain title to the vehicle, that person shall post notice for at least 21 days of his intent to auction the motor vehicle. Postings of intent shall be in an electronic manner prescribed by the Commissioner who shall also ensure that written notice of intent is provided in public locations throughout the Commonwealth. If the Department confirms a lien, the person proposing the sale of the motor vehicle shall notify the lienholder of record, by certified mail, at the address of the certificate of title of the time and place of the proposed sale 10 days prior thereto.

A purchaser of the motor vehicle may apply for a title upon payment of the applicable fees and taxes, and by supplying the Department with the completed Vehicle Removal Certificate and the

transcript from the Department that indicates that the Department has no record of the abandoned motor vehicle.

For state law authority, see VA. CODE ANN. §46.2-1202.1 (Repl. Vol. 2017).

[THE DECEMBER 7, 2009 ACT adopted this section.]

**Sec. 15-26. Sale of vehicle at public auction; disposition of proceeds.**

If an abandoned motor vehicle is not reclaimed as provided for in §15-25 of this Code, the County or its authorized agent shall, notwithstanding the provisions of VA. CODE ANN. §46.2-617 (Repl. Vol. 2017), sell it at public auction. For the purposes of this section, the term “public auction,” when conducted by a county, shall include an Internet sale by auction. The purchaser of the motor vehicle shall take title to the motor vehicle free of all liens and claims of ownership of others, shall receive a sales receipt from the sale, and shall be entitled to apply to and receive from the Department of Motor Vehicles a certificate of title and registration card for the vehicle. The sales receipt from the sale shall be sufficient title only for purposes of transferring the vehicle to a demolisher for demolition, wrecking, or dismantling, and in that case no further titling of the vehicle shall be necessary; however, such demolisher shall provide the Department acceptable documentation indicating that the vehicle has been demolished. From the proceeds of the sale of an abandoned motor vehicle the County 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 §15-25 of this Code. 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 sixty (60) days, and then be deposited into the treasury of the County.

For state law authority, see VA. CODE ANN. §46.2-1203 (Repl. Vol. 2017).

Editor's note: VA. CODE ANN. §46.2-617 (Repl. Vol. 2017), referred to in this section, concerns the sale of a vehicle without the certificate of title as constituting a Class 3 misdemeanor.

[THE 1989 ACT adopted this section.]

[THE DECEMBER 6, 2004 AMENDMENT added the proviso language beginning “however, such demolisher . . .” at the end of the third sentence and inserted “(90)” in the last sentence.]

[THE DECEMBER 3, 2013 AMENDMENT added the second sentence, substituted “from the sale” for “at the auction” in the third sentence, and “60 days” for “90 days” in the last sentence.]

**Sec. 15-27. Reserved.**

**Sec. 15-28. Disposition of inoperable abandoned vehicles.**

(a) For the purposes of this section, “demolisher” has the meaning ascribed to it in VA. CODE ANN. §46.2-1600 (Repl. Vol. 2017).

(b) Notwithstanding any other provisions of this article, any inoperable motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer which has been taken into custody pursuant to other provisions of this article may be disposed of to a demolisher, without the title and without the notification procedures, by the person or the County on whose property or in whose possession the motor vehicle, trailer, or semitrailer is found. Such demolisher shall be properly licensed under the provisions of VA. CODE ANN. §46.2-1600 et seq. (Repl. Vol. 2017). The demolisher, on taking custody of the inoperable abandoned motor vehicle shall notify the Department of Motor Vehicles on forms and in the manner prescribed by the Commissioner of the Department of Motor Vehicles. Notwithstanding any other provision of law, no other report or notice shall be required in this instance.

For state law basis, see VA. CODE ANN. §46.2-1205 (Repl. Vol. 2017) and §46.2-1201 (Repl. Vol. 2017).

[THE 1989 ACT adopted this section.]

[THE DECEMBER 2, 2014 AMENDMENT added subsection (a) and the subsection (b) designation, and in subsection (b) added the second sentence.]

**Sec. 15-29. Surrender of certificate of title, etc., where motor vehicle acquired for demolition; records to be kept by demolisher or scrap metal processor.**

(a) No demolisher or scrap metal processor who purchases or otherwise acquires a motor vehicle for wrecking, dismantling, or demolition shall be required to obtain a certificate of title for the motor vehicle in his own name. After the motor vehicle has been demolished, processed, or changed so that it physically is no longer a motor vehicle, the demolisher or scrap metal processor shall surrender to the Department of Motor Vehicles for cancellation the certificate of title, Vehicle Removal Certificate, properly executed vehicle disposition history, or sales receipt from a foreign jurisdiction for the vehicle. The Department shall issue the appropriate forms and regulations for the surrender of sales receipts, certificates of title, vehicle disposition histories, and vehicle removal certificates.

(b) Demolishers and scrap metal processors shall keep accurate and complete records, in accordance with VA. CODE ANN. §46.2-1608 (Repl. Vol. 2017), of all motor vehicles purchased or received by them in the course of their business. Demolishers and scrap metal processors shall also collect and verify:

1. The towing company’s name;
2. One of the ownership or possession documents set out in this section following verification of its accuracy;
3. The driver’s license of the person delivering the motor vehicle; and
4. The license plate number of the vehicle that delivered the motor vehicle or scrap.

(c) In addition, a photocopy or electronic copy of the appropriate ownership document or a Vehicle Removal Certificate presented by the customer shall be maintained. Ownership

documents shall consist of either a motor vehicle title or a sales receipt from a foreign jurisdiction or a vehicle disposition history. These records shall be maintained in a permanent ledger in a manner acceptable to the Department at the place of business or at another readily accessible and secure location within the Commonwealth for at least five years. The personal identifying information contained within these records shall be protected from unauthorized disclosure through the ultimate destruction of the information. Disclosure of personal identifying information by anyone other than the Department is subject to the Driver's Privacy Protection Act (18 U.S.C. §2721 et seq.)

(d) If requested by a law enforcement officer, a licensee shall make available, during regular business hours, a report of all the purchases of motor vehicles. Each report shall include the information set out in this chapter and be available electronically or in an agreed-upon format. Any person who violates any provision of this Article or who falsifies any of the information required to be maintained by this Article shall be guilty of a Class 3 misdemeanor for the first offense. Any licensee or scrap metal processor who is found guilty of second or subsequent violations shall be guilty of a Class 1 misdemeanor. The Department shall also assess a civil penalty not to exceed \$500 for the first offense and \$1,000 for the second and subsequent offenses. Those penalties shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

(e) If the vehicle identification number has been altered, is missing, or appears to have been otherwise tampered with, the demolisher or scrap metal processor shall take no further action with regard to the vehicle except to safeguard it in its then-existing condition and shall promptly notify the Department. The Department shall, after an investigation has been made, notify the demolisher or scrap metal processor whether the motor vehicle can be freed from this limitation. In no event shall the motor vehicle be disassembled, demolished, processed, or otherwise modified or removed prior to authorization by the Department. If the vehicle is a motorcycle, the demolisher or scrap metal processor shall cause to be noted on the title or salvage certificate, certifying on the face of the document, in addition to the above requirements, the frame number of the motorcycle and motor number, if available.

For state law basis, see VA. CODE ANN. §46.2-1206 (Repl. Vol. 2017).

[THE 1989 ACT adopted this section.]

[THE DECEMBER 7, 2009 AMENDMENT rewrote the first two paragraphs to add scrap metal processors, and added the last three paragraphs.]

[THE DECEMBER 4, 2012 AMENDMENT deleted “and, if applicable, the license number issued to the towing company by the Virginia Board for Towing and Recovery Operators” from subsection 1, added subdivision 4, and deleted the first sentence of (c).]

### **Sec. 15-30. Certification of disposal; reimbursement of County by Commissioner of Department of Motor Vehicles.**

(a) On certification by the County on forms provided by the Department of Motor Vehicles that an inoperable abandoned motor vehicle left on property within the County has been disposed of as provided in §15-28 of this Code or that an inoperable motor vehicle has been removed from the vehicle owner's property and disposed of by the County or its authorized agent, the Commissioner of the Department of Motor Vehicles shall reimburse the County fifty dollars for

each such motor vehicle disposed of at the expense of the County. These reimbursements shall be made from appropriations made in the state general appropriations act.

(b) The Commissioner of the Department of Motor Vehicles shall promulgate regulations concerning requirements for such reimbursements, which shall include, but not be limited to, the requirement that the identification number or motor number of the vehicle for which reimbursement is sought shall be furnished, or an acceptable reason why that number is not furnished shall be provided.

(c) No reimbursement shall be made to the County for vehicles which it acquires from sources outside its jurisdiction nor for vehicles it receives from dealers engaged in the business of dismantling used automobiles.

For state law basis, see VA. CODE ANN. §46.2-1207 (Repl. Vol. 2017). See also VA. CODE ANN. §46.2-1201 and §46.2-1205 (Repl. Vol. 2017).

Editor's note: VA. CODE ANN. §46.2-1207 (Repl. Vol. 2017) provides that when the state appropriation is insufficient to satisfy requests for reimbursement, payments shall be made in chronological order on the basis of the date on which the request was received. No payments, however, shall be made for requests received on any date until adequate funds are available to pay all requests received on that date.

[THE 1989 ACT adopted this section.]

[THE 1990 AMENDMENT deleted "an abandoned vehicle fund which shall consist of" following "reimbursements shall be made from" and "to the fund" preceding "in the state general appropriations act" in the last sentence of (a).]

[THE JULY 2, 2007 AMENDMENT, in the first sentence in (a), inserted "or that an inoperable motor vehicle has been removed from the vehicle owner's property and disposed of by the County or its authorized agent" and substituted "such" for "inoperable abandoned."]

#### **Sec. 15-31. Reserved.**

### **Article IV. Immobilized and Unattended Vehicles.**

#### **Sec. 15-32. Temporary removal and disposition of vehicles involved in accidents.**

Whenever a motor vehicle, trailer, or semitrailer involved in an accident is so located as to impede the orderly flow of traffic, a County law enforcement officer or other uniformed employee of the Sheriff who specifically is authorized to do so by the Sheriff or his designee may (i) 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 (ii) have the vehicle removed to a storage area for safekeeping and shall report the removal to the Department of Motor Vehicles of the Commonwealth and to the owner as promptly as possible. If the vehicle is removed to a storage area under clause (ii), the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage.

For state law, see VA. CODE ANN. §46.2-1212 (Repl. Vol. 2017).

[THE 1989 ACT adopted this section.]

[THE 1992 AMENDMENT inserted the designation "(i)" and added clause (ii) in the first sentence and added the second sentence.]

[THE DECEMBER 4, 2012 AMENDMENT added “or other uniformed employee of the Sheriff who specifically is authorized to do so by the Sheriff or his designee” in the first sentence.]

**Sec. 15-33. Removal and disposition of unattended or immobile vehicles.**

(a) Any motor vehicle, trailer, semitrailer, or parts thereof, shall be removed for safekeeping to a storage area if:

1. It is left unattended on a public highway or other public property and constitutes a traffic hazard;
2. It is illegally parked;
3. It is 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;
4. It is immobilized on a public roadway by weather conditions or other emergency situation.

(b) Removal shall be carried out by or under the direction of the Sheriff of Campbell County, or other uniformed employee of the Sheriff who specifically is authorized to do so by the Sheriff or his designee. However, there shall be no removal of motor vehicles, trailers, semitrailers, and parts thereof from private property without the written request of the owner, lessee, or occupant of the premises. The person at whose request the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer is removed from private property shall indemnify the County against any loss or expense incurred by reason of removal, storage, or sale thereof. It shall be presumed that such motor vehicle, trailer, semitrailer, or part thereof is abandoned if: (i) it lacks either a current license plate; or a current county, city or town license plate or sticker; or a valid state safety inspection certificate or sticker; and (ii) it has been in a specific location for four days without being moved.

(c) As promptly as possible, each removal shall be reported to the Campbell County Sheriff's Office and to the owner of the motor vehicle, trailer, or semitrailer.

(d) Before obtaining possession of the motor vehicle, trailer, semitrailer, or part thereof, the owner shall pay to the County or other party entitled thereto all costs incidental to its removal and storage and locating the owner. If the owner fails or refuses to pay the cost or if his identity or whereabouts is unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record with the office of the Department of Motor Vehicles against the motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of VA. CODE ANN. §46.2-1200 et seq. (Repl. Vol. 2017) and of Article III of this chapter of the Campbell County Code.

For state law authority, see VA. CODE ANN. §46.2-1213 (Repl. Vol. 2017).

Cross reference: As to authority of the Department of State Police and/or local law-enforcement agency to remove and dispose of vehicles and cargoes of vehicles involved in accidents under certain circumstances, see VA. CODE ANN. §46.2-1212.1 (Repl. Vol. 2017).

[THE 1989 ACT adopted this section, substantially similar to former §15-2.]

[THE DECEMBER 4, 2012 AMENDMENT substituted “or other uniformed employee of the Sheriff who specifically is authorized to do so by the Sheriff or his designee” for “or his duly authorized deputies” in the first sentence of (b).]

### **Sec. 15-34. Sale of personal property found in unattended or abandoned vehicles.**

Any personal property found in any unattended or abandoned motor vehicle, trailer, or semitrailer may be sold incident to the sale of the vehicle as authorized in this article.

For state law, see VA. CODE ANN. §46.2-1214 (Repl. Vol. 2017).

Cross reference: For section regarding disposition of unclaimed personal property in possession of Sheriff, see §9-17 of this Code.

[THE 1989 ACT adopted this section, substantially similar to former §15-2.1.]

### **Sec. 15-35. Leaving vehicles on private property prohibited; authority of County to provide for removal and disposition; notice of removal.**

(a) No person shall leave any motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer on the private property of any other person without his consent. On complaint of the owner of the property on which such motor vehicle, trailer, semitrailer, or part thereof has been left for more than seventy-two hours, that such motor vehicle, trailer, semitrailer, or part thereof, may be removed by or under the direction of a law-enforcement officer or other uniformed employee of the Sheriff who specifically is authorized to do so by the Sheriff or his designee to a storage area. Owners of private property which is normally open to the public for parking shall post or cause to be posted signs warning that vehicles left on the property for more than seventy-two hours will be towed or removed at their owner's expense. The person at whose request the vehicle, trailer, semitrailer, or part thereof is so removed shall indemnify the County against any loss or expense incurred by reason of removal, storage, or sale thereof, and an agreement to so indemnify the County shall be a specific condition precedent to removal of any such motor vehicle, trailer, semitrailer, or part thereof, from private property as aforesaid.

(b) In the case of the removal of a motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer from private property, when it cannot be readily sold, the motor vehicle, trailer, semitrailer, or part may be disposed of in whatever manner the County Board of Supervisors may provide.

(c) In all other respects, the provisions of §15-33 of this Code shall apply to these removals. Disposal of a motor vehicle, trailer, or semitrailer may at the option of the governing body of the county, city or town, be carried out under either the provisions of §15-33 of this Code, or under the provisions of this section after a diligent search for the owner, after notice to him at his last known address and to the holder of any lien of record in the office of the Department of Motor Vehicles against the motor vehicle, trailer, or semitrailer, and after the motor vehicle, trailer, or semitrailer has been held at least sixty days.

The Department of Motor Vehicles shall be notified of the disposition of any motor vehicle, trailer, or semitrailer under §15-33 of this Code, or the provisions of this section.

For state law authority, see VA. CODE ANN. §46.2-1215 (Repl. Vol. 2017).

[THE 1989 ACT adopted this section.]

[THE DECEMBER 4, 2012 AMENDMENT added “or other uniformed employee of the Sheriff who specifically is authorized to do so by the Sheriff or his designee” to the second sentence of (a).]

### **Article V. Unlicensed Motor Vehicle Fee.**

#### **Sec. 15-36. Unlicensed motor vehicle fee--Purpose; fee imposed; amount; license year; due date.**

(a) Recognizing that unlicensed motor vehicles are more likely to be junk vehicles than are licensed vehicles and that unlicensed motor vehicles are more likely to create safety, health, and aesthetic problems than are licensed vehicles, the Campbell County Board of Supervisors, pursuant to the authority granted by VA. CODE ANN. §15.2-973 (Repl. Vol. 2018), does hereby impose an annual license fee of twenty-seven dollars (\$27.00) per motor vehicle on owners of motor vehicles located in Campbell County which do not display current State license plates and which are not exempted from the requirements of displaying such license plates under the provisions of §15-37 of this Code or as specified in VA. CODE ANN. §15.2-973 (Repl. Vol. 2018). The license year with respect to which the fee required to be paid under this article is assessed shall be January 1 through December 31 of each year. The fee assessed under this article shall be assessed to the owner of each unlicensed motor vehicle as provided in this article for motor vehicles owned on January 1 of each year.

(b) The license fee imposed by this section shall be paid to the County Treasurer on or before December 5 of each calendar year.

(c) Reserved.

(d) It shall be presumed that the owner of the motor vehicle is the person on whose land the motor vehicle is located unless otherwise shown (10-17-73, §1)(11-15-82)(11-21-83)(3-21-89)

(e) Reserved.

For state law authority, see VA. CODE ANN. §15.2-973 (Repl. Vol. 2018).

Cross-references.--For state law regarding storage of unlicensed, operable or inoperable, reconstructed or specially constructed, vehicles by a bona fide hobbyist upon his own property, subject to certain screening and other requirements, and also subject to local zoning ordinances, see VA. CODE ANN. §46.2-734 (Repl. Vol. 2017) and VA. CODE ANN. §46.2-755 A 7 (Repl. Vol. 2017).

Editor's note.-- For case law establishing that the unlicensed motor vehicle tax or fee imposed by this section shall apply to unlicensed motor vehicles as defined in §15-36 of this Code, whether operable or inoperable, unless specifically exempted by the provisions of §15-37 of this Code or unless otherwise licensed under other provisions of this chapter, see Duke v. County of Pulaski, 219 Va. 428 (247 S.E.2d 824) (1978), which case is summarized in the editor's notes following §15-37 of this Code. See also §15-44 of this Code.

[THE MARCH 17, 1997 ACT adopted this section, incorporating some provisions of former §15-21, rewrote former (a) and part of (b) and increased the license tax from twenty dollars to twenty-five dollars.]

[THE SEPTEMBER 19, 2005 AMENDMENT substituted “fee” for “tax” throughout the section; in (a), substituted “twenty-seven dollars (\$27.00)” for “twenty-five dollars (\$25.00)” in the first sentence and added the second and third sentences; substituted “December 5” for “April 15” in (b), deleted former (c) concerning the display of license decal, and inserted (e) containing transitional provisions effective for 2006 license year only, which provisions will automatically expire on or before December 5, 2006.]

[THE DECEMBER 4, 2006 AMENDMENT deleted subsection (e) which had contained transitional provisions applicable only to the 2006 license year.]

### **Sec. 15-37. Same. - Exemptions.**

(a) The following classifications of motor vehicles shall be exempted from the unlicensed motor vehicle fee imposed by §15-36 of this Code:

(1) Vehicles exempted from the requirements of displaying current license plates under the provisions of:

(i) VA. CODE ANN. §46.2-662 et seq. (Repl. Vol. 2017) (Article 6 of Chapter 6 of Title 46.2); or

(ii) VA. CODE ANN. §46.2-1554 (Repl. Vol. 2017), regarding movement of motor vehicles by manufacturer to place of shipment or delivery; or

(iii) VA. CODE ANN. §46.2-1555 (Repl. Vol. 2017), regarding movement of motor vehicles by dealers to salesrooms, etc; or

(2) Vehicles in a public dump; or

(3) Vehicles in an automobile graveyard, as defined in §15-48 of this Code and VA. CODE ANN. §33.2-804 (Repl. Vol. 2019); or

- (4) Vehicles in the possession of a licensed junk dealer; or
- (5) Vehicles in the possession of a licensed motor vehicle dealer; or
- (6) Any vehicles which are stored on private property for the purpose of restoration or repair or for removing parts for the repair of another vehicle; or
- (7) Any vehicles being held or stored by or at the direction of any governmental authority; or
- (8) Any vehicles personally owned or leased, in whole or in part, by a member of the armed services of the United States on active duty. For the purposes of this section "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component; or
- (9) Any vehicles regularly stored within a structure; or
- (9A) Any motor vehicle, trailer, or semitrailer that is inoperable and unlicensed pursuant to VA. CODE ANN. §46.2-755 A 7 (Repl. Vol. 2017); or
- (10) Any vehicle that is exempted by state law from requirement to display a State license plate.

(b) While vehicles described in subsection (a) of this section shall be exempted from the unlicensed motor vehicle fee imposed by §15-36 of this Code, these motor vehicles are not necessarily exempt from the Campbell County Zoning Ordinance (Chapter 22 of this Code), the provisions of §15-40 *et seq.* of this Code, or any other provision of this Code prohibiting or limiting the number of unlicensed or inoperative motor vehicles in certain areas of the County.

For state law authority, see VA. CODE ANN. §15.2-973 (Repl. Vol. 2018).

Editor's notes.--VA. CODE ANN. §46.2-662 et seq. (Repl. Vol. 2017) pertains to licensing exemptions for backhoes, certain vehicles used for spraying fruit trees and for other agricultural, horticultural, or farm purposes, farm machinery and tractors, tractors and other vehicles used in harvesting, sawmill, mining, quarrying, or commercial fishing operations, golf carts, self-propelled wheelchairs, forklifts, snowmobiles, vehicles used for fire-fighting, lifesaving, first aid or rescue, machinery used for highway purposes, traction engines, all-terrain vehicles, off-road motorcycles, etc.

In Duke v. County of Pulaski, 219 Va. 428, 247 S.E.2d 824 (1978), the Supreme Court of Virginia examined a similar ordinance, enacted pursuant to authority of former VA. CODE ANN. §15.1-27.1 [now VA. CODE ANN. §15.2-973 (Repl. Vol. 2018)]. While the Court conceded that not all unlicensed vehicles are junk, it recognized that "unlicensed vehicles are much more likely to be junk vehicles than are licensed vehicles. And unlicensed vehicles are far more likely to create safety, health, and aesthetic problems than are licensed vehicles." (at p. 434). Thus, the Court found that a distinction drawn between licensed and unlicensed motor vehicles is neither unreasonable nor arbitrary. The Court then examined exemptions in the ordinance (which included all those found in §15-37 of this Code, except for (a)(6) which was not then a part of the Pulaski County Code). The exemptions were upheld as constitutional because the classifications created have a rational basis and are reasonably related to the purpose of the ordinance. Furthermore, the fact that "every possible exemption which could be justified is not provided for does not invalidate the ordinance in its application to one occupying a non-exempt status". (at p. 437). Finally, the Court held that

Duke, the owner of four unlicensed vehicles, two of which were acknowledged to be otherwise operable, was subject to the unlicensed motor vehicle tax imposed by that ordinance.

[THE MARCH 17, 1997 ACT adopted this section, incorporating in (a) all of the exemptions from former §15-21(a) as well as those exemptions previously set out in (a) and (c) of former §15-22, added subsection (a)(10), added subsection (b), and deleted former (d), which provisions are now found at §15-36(d).]

[THE SEPTEMBER 19, 2005 AMENDMENT substituted “fee” for “tax” throughout the section, and in (a)(8), substituted “personally owned or leased, in whole or in part” for “owned” and “armed services of the United States” for “armed forces” in the first sentence, and added the second sentence.]

[THE DECEMBER 3, 2007 AMENDMENT added subsection (a)(9A).]

[THE DECEMBER 3, 2013 AMENDMENT deleted “for a period not in excess of sixty (60) days” and added “restoration or repair or for” in (a)(6).]

### **Sec. 15-38. Reserved.**

Editor’s note: The September 19, 2005 amendment deleted this section which had provided a grace period for purchasers of new or used vehicles and certain resident owners of vehicles registered in other state or country.

### **Sec. 15-39. Penalty for violations.**

(a) It shall be unlawful for any owner or operator of a motor vehicle to fail to pay the license fee required by this article.

(b) A violation of this section shall constitute a Class 4 misdemeanor and, upon conviction, shall be punished by a fine not exceeding \$250.00. In the case of a motor vehicle registered to a resident of the locality where such vehicle is registered, local law-enforcement officers may issue citations, summonses, parking tickets, or uniform traffic summonses for violations.

(c) A violation of this section by the registered owner of the vehicle shall not be discharged by payment of a fine imposed under subsection (b) hereof, except upon presentation of satisfactory evidence that the required license fee has been paid.

For state law authority, see VA. CODE ANN. §15.2-973 (Repl. Vol. 2018) and §46.2-752G (Cum. Supp. 2019). For penalty for misdemeanor, see §1-6 of this Code. See also VA. CODE ANN. §15.2-1429 (Repl. Vol. 2018) and §18.2-11 (Repl. Vol. 2014).

[THE MARCH 17, 1997 ACT adopted this section.]

[THE SEPTEMBER 19, 2005 AMENDMENT, in (a), substituted “pay the license fee” for “obtain and display the license” following “fail to” and deleted “or to display upon such motor vehicle such license after its expiration date” at the end of the subsection; and, in (c), substituted “fee has been paid” for “has been obtained.”]

## **Article VI. Regulations Restricting the Keeping of Inoperable Motor Vehicles.**

### **Sec. 15-40. Purpose of article; definitions.**

(a) The purpose of this article is to restrict the keeping of inoperable motor vehicles on any property within the County zoned for residential, business, industrial, or agricultural purposes so as to prevent the safety, health, and aesthetic problems which are likely to arise when inoperable vehicles are allowed to deface the landscape as derelicts.

(b) As used in this article, the following definitions shall apply:

- (1) "Inoperable motor vehicle" means any motor vehicle, trailer or semitrailer which:
  - (i) is not in operating condition; or
  - (ii) for a period of sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or
  - (iii) on which there are displayed neither valid license plates nor a valid inspection decal.

**A motor vehicle which meets any one of the descriptions listed at items (i) through (iii) above shall be deemed to be an inoperable motor vehicle for the purposes of this article.**

- (2) As used in this article, notwithstanding any other provision of law, general or special, "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which the subject vehicle is located.
- (3) "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

For state law authority, see VA. CODE ANN. §15.2-904 A. (Repl. Vol. 2018) and VA. CODE ANN. §33.2-804 (Repl. Vol. 2019).

Cross-references.--For provisions regarding unlicensed motor vehicle tax, see §15-36 et seq. of this Code. For provisions regulating abandoned vehicles, see §15-23 of this Code. For provisions regulating automobile graveyards and junkyards, see §15-48 et seq. of this Code.

For state law regulating and restricting the establishment, operation and maintenance of junkyards in areas adjacent to the highways within this Commonwealth, see VA. CODE ANN. §33.2-804 (Repl. Vol. 2019). For state law regarding the storage of certain unlicensed, operable or inoperable, reconstructed or specially constructed vehicles by a bona fide hobbyist, as defined therein, upon his own property, subject to certain screening and other requirements, and also subject to local zoning ordinances, see VA. CODE ANN. §46.2-734 (Repl. Vol. 2017). See also Duke v. County of Pulaski, 219 Va. 428, 247 S.E. 2d 824 (1978), summarized in editor's note at §15-37 of this Code.

[THE MARCH 17, 1997 ACT adopted this section, incorporating provisions of former §15-2.2(b) as present (b)(1) herein, rewriting the provisions of items (iii) and (iv) therein, and added new (a) and new paragraphs (2) and (3) in (b).]

[THE MAY 17, 1999, AMENDMENT substituted “inoperable” for “inoperative.”]

[THE JULY 6, 2004 AMENDMENT, in (b)(1), substituted “on which there are displayed neither valid license plates nor a valid inspection decal” for “does not display valid license plates” in (iii) [combining provisions of former (iii) and (iv)], and deleted clause (iv) which had provided “does not display an inspection decal that is valid or does display an inspection decal that has been expired for more than sixty (60) days,” and in last paragraph substituted “(i) through (iii)” for “(i) through (iv)”; in (b)(2), added “As used in this article, notwithstanding any other provision of law, general or special” at beginning and substituted “not visible by someone standing . . . is located” for “hidden from sight by natural objects, plantings, fences, covers, or other appropriate means so as not to be visible by adjoining landowners or from the main traveled way of a public highway, street, or road, or otherwise removed from sight” at the end.]

**Sec. 15-41. Restrictions.**

It shall be unlawful for any person to keep, except (1) within a fully enclosed building or structure, or (2) otherwise shielded or screened from view, on any property within Campbell County zoned for residential, business, industrial, or agricultural purposes any motor vehicle, trailer or semitrailer, as such are defined in VA. CODE ANN. §46.2-100 (Cum. Supp. 2019), which is inoperable.

For state law authority, see VA. CODE ANN. §15.2-904 A. (Repl. Vol. 2018).

[THE MARCH 17, 1997 ACT adopted this section, incorporating former §15-2.2(a).]

[THE MAY 17, 1999 AMENDMENT deleted “firm or corporation” following “person” and substituted “inoperable” for “inoperative.”]

**Sec. 15-42. Reserved.**

**Sec. 15-43. Exemptions from regulation under this article.**

(a) The provisions of this article shall not apply to a licensed business which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer, or scrap processor and has been so engaged continuously since that time.

(b) The provisions of this article shall not apply to a person licensed by Campbell County under the provisions of §15-49 of this Code to establish, operate, or maintain an automobile graveyard or junkyard, as those terms are defined in §15-48 of this Code, as long as such automobile graveyard or junkyard (1) is established, operated and/or maintained in accordance with a validly-issued special use permit, or (2) constitutes a valid and continuing nonconforming use as defined in §22-7 through §22-8 of this Code, and, in either case, is in compliance with screening and other requirements imposed by §15-48 et seq. of this Code.

For state law authority, see VA. CODE ANN. §15.2-904 (Repl. Vol. 2018).

Editor's note.--The Campbell County Zoning Ordinance (Chapter 22 of this Code) became effective on July 1, 1985. For application requirements for special use permit, see §22-35 of this Code.

[THE MARCH 17, 1997 ACT adopted this section, incorporating former §15-2.2(c) as present (a) hereof, and added (b).]

[THE MAY 17, 1999 AMENDMENT deleted “firm, or corporation” following “person” in (b).]

[THE JULY 5, 2005 AMENDMENT added the last clause at the end of (b).]

**Sec. 15-44. Inoperable motor vehicles subject to license fee under either §15-36 or §15-9 of this Code.**

Inoperable motor vehicles, as defined in this article, shall be subject either to the license fee imposed by §15-36 of this Code, unless otherwise exempted by the provisions of §15-37 of this Code, or to the license fee imposed by §15-9 of this Code, unless otherwise exempted by state or local law.

Cross-reference.— See VA. CODE ANN. §46.2-734 for state law regarding storage of *unlicensed* operable or inoperable, reconstructed or specially constructed vehicles by a *bona fide* hobbyist.

Editor's note.--VA. CODE ANN. §15.2-973, the state authority for §15-36 *et seq.* of this Code, does not distinguish between unlicensed operable vehicles and unlicensed inoperable vehicles. See also editor's note following §15-37 of this Code, summarizing Duke v. County of Pulaski.

[THE MARCH 17, 1997 ACT adopted this section.]

[THE MAY 17, 1999 AMENDMENT substituted “inoperable” for “inoperative.”]

[THE AUGUST 7, 2000 AMENDMENT added “unless otherwise exempted by state or local law” at the end of the section.]

[THE JUNE 5, 2006 AMENDMENT substituted “fee” for “tax” twice.]

**Sec. 15-45. Penalty for violation.**

(a) Violation of this article shall be deemed to be a misdemeanor, notwithstanding the fact that a County license fee under either §15-36 or §15-9 of this Code has been paid on such vehicle pursuant to the provisions of this chapter, which misdemeanor shall, upon conviction thereof, be punishable by a fine of not more than five hundred dollars (\$500.00). (1989)

(b) The keeping of each inoperable motor vehicle in violation of the provisions of this article shall constitute a separate offense.

(c) Imposition of a penalty prescribed hereunder for a violation of this article shall not preclude the County of Campbell from enjoining a continuing violation of any provision of this article by proceedings for an injunction and/or other incidental relief, brought in any court in Campbell County having jurisdiction to grant such relief.

For state law authority, see VA. CODE ANN. §15.2-904 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-1429 (Repl. Vol. 2018). See also §1-6 of this Code

and VA. CODE ANN. §18.2-11 (Repl. Vol. 2014) and VA. CODE ANN. §8.01-620 (Repl. Vol. 2015).

[THE MARCH 17, 1997 ACT adopted this section, incorporating provisions of former §15-2.2(d), and inserted "upon conviction thereof" in (a) and added (b) and (c).]

[THE MAY 17, 1999 AMENDMENT substituted "inoperable" for "inoperative" in (b).]

[THE JUNE 5, 2006 AMENDMENT substituted "a County license fee under either §15-36 or §15-9 of this Code has been paid on such vehicle" for "vehicle bears a County license issued" in (a)].

**Sec. 15-46. Removal of inoperable motor vehicles kept in violation of article; recovery of costs; creation of lien; exemption for certain vehicles being actively restored or repaired.**

(a) The owners of property zoned for residential, business, industrial, or agricultural purposes shall, at such time or times as the County Board of Supervisors may prescribe, remove therefrom any such inoperable motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure.

(b) (1) The County Board of Supervisors through its own agents or employees may remove any such inoperable motor vehicles, trailers or semitrailers, whenever the owner of the premises, after reasonable notice, has failed to do so.

(2) In the event the Board of Supervisors, through its own agents or employees, removes any such motor vehicles, trailers or semitrailers, after having given such reasonable notice, Campbell County may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicle.

(3) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by Campbell County as taxes are collected.

(4) Every cost authorized by this section and VA. CODE ANN. §15.2-904 (Repl. Vol. 2018) with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs shall have been made to Campbell County.

(5) This civil remedy and the criminal remedy of §15-45 of this Code shall be deemed to be cumulative, and not mutually exclusive. (8-15-89)

(c) Notwithstanding the other provisions of this section, if the owner of such vehicle can demonstrate that he is actively restoring or repairing the vehicle, and if it is shielded or screened from view, the vehicle and one additional inoperative motor vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.

For state law authority, see VA. CODE ANN. §15.2-904, especially at B. (Repl. Vol. 2018). See also VA. CODE ANN. §15.2-1429 (Repl. Vol. 2018).

Editor's note: The "civil remedy" in subsection (b)(5) refers to the *lien authorized by paragraphs (3) and (4) in subsection (b) of this section*, and does not refer to a schedule of civil penalties.

Currently, Campbell County has not chosen to adopt provisions subjecting violations of this Article to civil penalties in lieu of criminal penalties.

[THE MARCH 17, 1997 ACT adopted this section, incorporating provisions of former §15-2.3, substituted "business, industrial, or" for "or commercial, or" in (a) hereof .]

[THE MAY 17, 1999 AMENDMENT substituted "inoperable" for "inoperative," deleted "and levies" following "taxes" in (b)(3), and substituted "§15.2-904 (Repl. Vol. 1997)" for "§15.1-11.1 (Repl. Vol. 1989)" in (b)(4).]

[THE JULY 6, 2004 AMENDMENT added subsection (c).]

[THE JULY 5, 2005 AMENDMENT inserted "that is shielded or screened from view and" in (c).]

**Sec. 15-47. Reserved.**

**Article VII. Automobile Graveyards and Junkyards.**

For state law authority, see VA. CODE ANN. §15.2-903 (Repl. Vol. 2018). For County zoning ordinance, see Chapter 22 of this Code.

**Sec. 15-48. Purpose of article; definitions.**

(a) The purpose of this article is to establish certain standards and procedures regulating and restricting the establishment, operation, and maintenance of automobile graveyards and junkyards within Campbell County, in conjunction with the provisions of Chapter 22 (Zoning) of the Campbell County Code of 1988, and under the authority of VA. CODE ANN. §15.2-903 (Repl. Vol. 2018).

(b) For the purposes of this article, the following definitions shall apply:

(1) "Automobile graveyard" shall mean any lot or place which is **exposed to the weather** and upon which **more than five (5)** motor vehicles of any kind that are **incapable of being operated, and which it would not be economically practical to make operative**, are placed, located or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions established by this Article shall begin with the first day that the vehicle is placed on the subject property.

(2) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material; excluding hazardous, infectious or toxic materials.

(3) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. (9-8-87)

(4) "Motor vehicle" shall mean any vehicle as defined in VA. CODE ANN. §46.2-100 (Cum. Supp. 2019).

(5) “Visible” shall mean capable of being seen without visual aid by a person of normal visual acuity.

For state law authority, see VA. CODE ANN. §15.2-903 (Repl. Vol. 2018). For definitions, see VA. CODE ANN. §33.2-804 (Repl. Vol. 2019).

Cross-references.--For provisions regulating and restricting the keeping of **inoperable motor vehicles**, see §15-40 et seq. of this Code. For provisions regulating **unlicensed motor vehicles**, see §15-36 et seq. of this Code. For provisions regulating **abandoned vehicles**, see §15-23 of this Code. For state law regulating and restricting the establishment, operation, and maintenance of **junkyards** in areas adjacent to the highways within this Commonwealth, see VA. CODE ANN. §33.2-804. For state law regarding the **storage of certain unlicensed, operable or inoperable, reconstructed or specially constructed, vehicles by a bona fide hobbyist**, as defined therein, upon his own property, subject to certain screening and other requirements, and also subject to local zoning ordinances, see VA. CODE ANN. §46.2-734.

Editor's note.--It should be noted that this article applies to an "automobile graveyard," as defined herein, *whether or not the activity is operated for profit or as a business.*

[THE MARCH 17, 1997 ACT adopted this section, incorporating provisions of former §14-17, added (a), and designated existing provisions as (b), added therein "excluding hazardous, infectious or toxic materials" at the end of paragraph 2, deleted "and the term shall include garbage dumps and sanitary fills" at the end of paragraph 3, deleted former paragraphs 4, 5, and 6, which defined "Interstate system," "Primary highway" and "Visible," and added present paragraph 4.]

[THE JULY 5, 2005 AMENDMENT, in (b) 1., inserted “that are” preceding “**incapable**” in the first sentence and added the second and third sentences; and added the definition of “Visible” in (b) 5.]

#### **Sec. 15-49. License required.**

It shall be unlawful for any person to establish, operate or maintain an automobile graveyard or junkyard, as defined in §15-48 of this Code, or to engage in activities which constitute establishment, operation or maintenance of an automobile graveyard or junkyard under the definitions in §15-48 of this Code, without first obtaining a license therefor, issued under authority of this article by the Commissioner of the Revenue of the County, and paying the annual license tax imposed by §15-52 of this Code.

For state law authority, see VA. CODE ANN. §15.2-903 (Repl. Vol. 2018).

Editor's note.--This article, in conjunction with Chapter 22 (Zoning) of this Code, regulates automobile graveyards and junkyards, subjecting them not only to the licensing and license tax requirements of this article, but also to the special use permit requirements and other requirements imposed by Chapter 22 of this Code. Establishment, operation, or maintenance of an automobile graveyard or junkyard is a permitted use *requiring a special use permit* in both Industrial zoning districts (M-1) and Agricultural zoning districts (A-1), or may continue as a valid nonconforming use if qualified as such under §§22-7 et seq. of this Code.

[THE MARCH 17, 1997 ACT adopted this section, which supersedes permit requirements formerly found at §14-19 of this Code.]

[THE MAY 17, 1999 AMENDMENT deleted “firm or corporation” following “any person.”]

**Sec. 15-50. Special use permit prerequisite to issuance of license; renewal of license; nonconforming uses.**

(a) No license required under this article shall be issued by the Commissioner of the Revenue unless the license applicant first has been issued a special use permit after having met requirements set forth in Chapter 22 of this Code, and presents proof thereof.

(b) An applicant for renewal of the license issued under this article shall certify, as part of the license application, that the required special use permit continues in effect and has not lapsed due to noncompliance with conditions attached thereto or for other reasons.

(c) Where an applicant for a license established an automobile graveyard or junkyard prior to July 1, 1985, and has operated that automobile graveyard or junkyard continuously since that time, notwithstanding a discontinuance for two (2) years or less, the applicant shall certify, as part of the license application, that such nonconforming use continues in effect. The Commissioner of the Revenue may require further documentation from the applicant or the Zoning Administrator regarding the continuance of a nonconforming use. The provisions of §22-7 through §22-8 of this Code shall be controlling as to determination of the status of a nonconforming use and all other matters related to the nonconforming use. However, pursuant to the provisions of VA. CODE ANN. §15.2-903 B. (Repl. Vol. 2018), the screening requirements of §15-50.1 of this Code shall apply to any automobile graveyard or junkyard within the County of Campbell *regardless of the date* on which any such automobile graveyard or junkyard may have come into existence.

(d) Issuance of a special use permit shall be subject to the provisions of Chapter 22 of this Code, and all other applicable provisions of federal, state, and local laws or ordinances, and furthermore, shall be subject to the screening requirements of §15-50.1 of this Code.

For state law authority, see VA. CODE ANN. §15.2-903 (Repl. Vol. 2018).

[THE MARCH 17, 1997 ACT adopted this section.]

[THE JULY 2, 2001 AMENDMENT, in (c), substituted "two (2) years or less" for "less than twelve (12) consecutive months" and deleted "(thus constituting a non-conforming use under §22-7 and §22-8 of this Code)" in the first sentence, and substituted "§22-7 through §22-8" for "§22-7 and §22-8" in the third sentence.]

[THE JULY 5, 2005 AMENDMENT added the last sentence in (c) and the last clause in (d), beginning “and furthermore.”]

**Sec. 15-50.1. Screening required; limited exception where impractical due to topography.**

(a) Automobile graveyards or junkyards located in the County of Campbell shall be screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of a highway, street, or road, or otherwise removed from sight. Such automobile graveyards or junkyards shall be enclosed with a nontransparent, vertical wall, hedge or

fence of a minimum height of eight (8) feet measured from ground level. Such screening devices or screening structures shall be of a uniform type and height and shall be adequately maintained so as to meet the intent of this section. The contents of an automobile graveyard or junkyard shall not be placed or deposited to a height greater than the height of the hedge, fence, or other screening structure required by this section.

(b) The screening requirements of this section shall apply to any automobile graveyard or junkyard now existing or hereafter established within the County of Campbell *regardless of the date* on which any such automobile graveyard or junkyard may have come into existence, notwithstanding the provisions of VA. CODE ANN. §33.2-804 (Repl. Vol. 2019).

(1) In the case of the proposed establishment of a new automobile graveyard or junkyard, locations of screening measures shall be clearly marked on the site plan and an attached description shall include a detailed list of the materials to be used, plant species and height or size at time of planting. Such screening shall be designed and executed in a manner suited to the particular site, as determined by the Zoning Administrator, as a part of the site plan review.

(2) In all cases, the landowner and business owner may both be held responsible for ensuring the proper installation and maintenance of approved screening devices/measures so as to provide permanent screening as required by this section.

(c) The screening requirements of this section shall not apply where the topography of the surrounding area is such that all surrounding points from which the premises or portion thereof can be seen are at a higher elevation than the automobile graveyard or junkyard to the point that the screening devices or screening structures required by this section would not materially reduce the visibility of the automobile graveyard or junkyard.

For state law authority, see VA. CODE ANN. §15.2-903 (Repl. Vol. 2018) and VA. CODE ANN. §33.2-804 (Repl. Vol. 2019).

[THE JULY 5, 2005 ACT adopted this section.]

**Sec. 15-51. License application; due date; information required.**

(a) Each person subject to a license tax under this article shall apply for a license prior to beginning business or engaging in the activities regulated by this article if he was not subject to licensure in Campbell County on or before January 1 of the license year, or no later than May 1 of the license year if he had been issued a license for the preceding year. The license period shall extend for the entire calendar year and the annual license tax shall not be pro-rated for any part of the subject period.

(b) Issuance of a license shall be subject to the requirements of §15-50 of this Code, and all other applicable provisions of this Code, particularly Chapter 22, and state and federal law.

(c) Application for a license shall be made to the Campbell County Commissioner of the Revenue upon a form prescribed by him and shall include, but not be limited to, the following information:

- (1) If applicant is an individual, the applicant shall furnish:
  - (i) Full legal name, and any aliases;
  - (ii) Street and mailing addresses of residence;
  - (iii) Street and mailing address of business;
  - (iv) Residence and business telephone numbers;
  - (v) Age, date of birth, and sex.
  
- (2) If applicant is a firm or corporation, the applicant shall furnish:
  - (i) Legal title of corporation and state of incorporation, or legal name and/or fictitious name used by firm, and date of organization of firm;
  - (ii) Names, addresses, and telephone numbers, both residence and business, of registered agent(s) of a corporation and of corporation's principal office or of managing partners or key personnel of firm;
  - (iii) Full legal name, street and mailing addresses, telephone numbers and brief description of person(s) who will actually operate or manage the automobile graveyard or junkyard on site;
  - (iv) Position or title of person making application on behalf of a firm or corporation.
  
- (3) All applicants shall provide the following information:
  - (i) Location, including street and mailing addresses of automobile graveyard or junkyard;
  - (ii) Name of legal owner of property upon which automobile graveyard or junkyard is or will be located, and a brief description of property, which may include amount of acreage, tax map identification number, etc.;
  - (iii) Proof satisfactory to Commissioner of the Revenue of the proper issuance of a valid special use permit and/or existence of nonconforming use, and required certifications as to either;
  - (iv) Principal sources of junk, dismantled, wrecked, or inoperable motor vehicles, etc. to be deposited in automobile graveyard or junkyard;
  - (v) Applicant's plan for disposition and/or remediation of any hazardous, flammable, or toxic fluids or materials;
  - (vi) Applicant's plan for disposition of waste tires;
  - (vii) Applicant's plan for disposition of "fluff" or other materials reclaimed from motor vehicle upholstery or otherwise which may be highly flammable, especially when bundled.

For state law authority, see VA. CODE ANN. §15.2-903 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-1200 (Repl. Vol. 2018).

[THE MARCH 17, 1997 ACT adopted this section, incorporating some provisions of former §14-17.1 and §14-19.]

[THE MAY 17, 1999 AMENDMENT deleted “firm, or corporation” following “person” in (a).]

[THE DECEMBER 7, 2009 AMENDMENT substituted “May” for “March” in (a), to be effective January 1, 2010.]

**Sec. 15-52. License tax imposed.**

(a) There is hereby imposed upon any person that shall establish, operate, or maintain an automobile graveyard or junkyard, as defined in §15-48 of this Code, or shall engage in the activities regulated by this article, an annual license tax of one hundred dollars (\$100.00).

(b) A separate license and payment of a separate license tax shall be required for each definite place of business and for each business.

(c) The license tax shall be assessed and paid with the license application, and shall not be pro-rated for any fraction of any calendar year. (9-8-87)

For state law authority, see VA. CODE ANN. §15.2-903 (Repl. Vol. 2018).

Editor’s note.--The license tax under this section is a license tax specifically authorized under VA. CODE ANN. §15.2-903 (Repl. Vol. 2018) and is not a fee or tax imposed under the authority of VA. CODE ANN. §58.1-3703 (Cum. Supp. 2019). Therefore, the uniform ordinance provisions set forth at §14-3 of this Code do not apply to this article.

[THE MARCH 17, 1997 ACT adopted this section, incorporating provisions of former §14-17.1, imposing same license tax, but making it payable, along with license application, to the Commissioner of the Revenue, rather than to the Treasurer; and changed the due date of the license application and license tax from January 31 to March 1 for a license renewal or prior to beginning business for an initial license.]

[THE MAY 17, 1999 AMENDMENT deleted “firm, or corporation” following “any person” in (a)].

**Sec. 15-53. Penalty for violation of article.**

(a) Any person that establishes, operates or maintains an automobile graveyard or junkyard or that engages in the activities regulated by this article without the license required or violates any other provision of this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to confinement in jail for not more than twelve months and a fine of not more than \$2,500.00, either or both. Each violation shall constitute a separate offense.

(b) The penalties prescribed by this article shall be in addition to any penalties imposed for violation of Chapter 22 of this Code.

(c) Imposition of a penalty prescribed hereunder for a violation of this article shall not preclude the County of Campbell from enjoining a continuing violation of any provision of this article by proceedings for an injunction and/or other incidental relief, brought in any court in Campbell County having jurisdiction to grant such relief.

For state law authority, see VA. CODE ANN. §15.2-903 (Repl. Vol. 2018) and VA. CODE ANN. §15.2-1429 (Repl. Vol. 2018), and §18.2-11 (Repl. Vol. 2014). See also VA. CODE ANN. §8.01-620 (Repl. Vol. 2015).

[THE MARCH 17, 1997 ACT adopted this section.]

[THE MAY 17, 1999 AMENDMENT deleted “firm or corporation” following “Any person” at the beginning of (a).]

### **Article VIII. Regulation of Cruising.**

#### **Sec. 15-54. Cruising prohibited; posting of signs; designation of prohibited areas; exceptions; penalty.**

(a) No person shall drive or permit a motor vehicle under his care, custody, or control to be driven past a traffic control point three or more times within a two-hour period from 6:00 p.m. to 4:00 a.m. Monday through Sunday, in or around a posted no cruising area so as to contribute to traffic congestion; obstruction of streets, sidewalks, parking lots, or public vehicular areas; impediment of access to shopping centers or other buildings open to the public; or interference with the use of property or conduct of business in the area adjacent thereto.

(b) At every point where a public street or alley becomes or provides ingress to a no-cruising area, there shall be posted a sign which designates "No-Cruising" areas and times.

"Traffic control point," as used in this section, means any point or points within the no-cruising area established by the local law-enforcement agency for the purpose of monitoring cruising.

No violations shall occur except upon the third passage past the same traffic control point within a two-hour period.

**No area shall be designated or posted as a no-cruising area except upon the passage of a resolution by the County Board of Supervisors specifically requiring such designation and posting for a particular area.**

(c) This section shall not apply to in-service emergency vehicles, taxicabs for hire, buses, and other vehicles being used for business purposes.

(d) (1) Where there is a violation of any provision of this section, a law-enforcement officer shall charge such violation on the uniform traffic summons form. Any person violating this ordinance shall, upon conviction, be subject to a fine of twenty-five dollars (\$25.00).

(2) Any person convicted of a second or subsequent violation of this ordinance may be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each succeeding violation. No assignment of demerit points shall be made under VA. CODE ANN. §46.2-489 et seq. (Repl. Vol. 2017) for any violation of the ordinance.

(e) This ordinance shall be applied to and enforced in a specific center or commercial area upon application in writing by the owner or person in general charge of the operation of such area to the Sheriff or his duly authorized agent.

For state law authority and basis for this section, see VA. CODE ANN. §46.2-1219.1 (Repl. Vol. 2017).

[THE 1990 ACT adopted this section.]

[THE 1993 AMENDMENT added the paragraph designation (1) in (d) and therein substituted "charge such violation on the uniform traffic summons form" for "issue a citation for such violation subjecting the violator to a twenty-five dollar civil penalty" in the first sentence, deleted the former second sentence which provided for a delinquency charge of \$25.00 that was recoverable in a civil action and added a new second sentence in paragraph (1) and added paragraph (2) in (d).]