

ALBEMARLE COUNTY CODE

CHAPTER 9

MOTOR VEHICLES AND TRAFFIC

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ARTICLE I. IN GENERAL

Sec. 9-100 Adoption of state law.

Pursuant to the authority of Virginia Code § 46.2-1313, as amended, all of the provisions and requirements of the laws of the Commonwealth contained in Title 46.2, Article 9 of Chapter 11 of Title 16.1, and Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, as in force on July 1, 1998, and as amended from that date and in the future, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county, are hereby adopted and incorporated in this chapter by reference and made applicable within the county. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the 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, and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2, Article 9 of Chapter 11 of Title 16.1, or Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2, Article 9 of Chapter 11 of Title 16.1, or Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia.

(10-19-72, § 3; 10-9-74; 4-13-88; Ord. of 3-14-90; Ord. of 6-5-91; Ord. No. 97-12(1), 5-21-97; Code 1988, § 12-1; Ord. 98-A(1), 8-5-98)

Sec. 9-101 Applicability of chapter to roadways not part of state highway system.

The provisions of this chapter shall apply to all roadways open to the public within residential subdivisions in the county whether or not such roadways are in public ownership or have been accepted into the state highway system.

(10-9-74; Code 1988, § 12-2; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 46.2-1305.

Sec. 9-102 General prohibitions.

A. *Parking or stopping a vehicle in various locations prohibited.* It is unlawful for any person to park or stop a vehicle, except when necessary to avoid traffic or with the directions of a police officer or traffic-control device, in any of the following locations:

1. On any sidewalk;
2. In or in front of any driveway so as to block the use of such driveway to others;
3. Within fifteen (15) feet of any fire hydrant or any mailbox;
4. Any closer to a corner than is indicated by signs or marks upon the road or curb, or within twenty (20) feet from the intersection of curb lines, or if no curb lines, then within fifteen (15) feet of the intersection of property lines at any highway intersection;
5. Within any bus zone, as indicated by signs or marks upon the road or curb;
6. Within a marked crosswalk;
7. Abreast of another vehicle parallel to a curb (double parking);
8. Within any loading zone, as indicated by signs or marks upon the road or curb;

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9. Within any zone indicated by signs or marks upon the road or curb as a no parking zone;
10. At any location for a longer time than is permissible by signs or marks upon the road or curb (overtime parking);
11. In any fire lane marked or indicated as such;
12. On any grass, unless such parking is indicated by sign as permissive;
13. Within fifty (50) feet of the nearest rail of a railroad grade crossing;
14. Alongside or opposite any street excavation or obstruction, when such parking would obstruct traffic;
15. Upon any bridge or other elevated structure on a highway or within a tunnel; or
16. At any place where official signs prohibit parking.

B. *Parking commercial vehicles, placing portable or mobile storage containers and dumpsters on designated secondary highways prohibited.* It is unlawful for any person to park any commercial and recreational vehicle, or place any portable or mobile storage container, or dumpster on the state secondary highways in areas zoned for residential use. For the purposes of this subsection, the following terms mean:

1. "Commercial and recreational vehicle" means:
 - a. Any vehicle having a registered gross weight of 16,000 pounds or more, or being more than 25 feet in length, more than eight feet in height including accessories and appurtenances attached to the vehicle, or more than 102 inches in width;
 - b. Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, tow truck, and heavy construction equipment, whether located on a highway, truck, trailer, or semitrailer;
 - c. Any vehicle, trailer, or semitrailer in which food or beverages are stored or sold;
 - d. Any trailer or semitrailer used for transporting landscaping, lawn-care, or construction equipment or supplies, regardless of whether the trailer or semitrailer is attached to another vehicle;
 - e. Any vehicle used to transport passengers or property for compensation, including minibuses; limousines; taxicabs; vehicles performing taxicab, common carrier, medical transportation carrier, or passenger carrier services; and Transportation Network Company (TNC) partner vehicles. However, per each residential address, one motor vehicle used to transport passengers for compensation, which has a seating capacity of not more than seven passengers, excluding the driver, and which otherwise is not deemed to be a commercial vehicle under this article may be parked on a state secondary highway in an area zoned for residential use and at a location directly adjacent to the vehicle's registered owner's residential address;
 - f. Any watercraft;
 - g. Any motor home or camping trailer;

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used as a school bus;

h. Any school bus or any vehicle previously used as or designed to be

i. Any vehicle carrying commercial freight in plain view;

j. Any trailer or semitrailer, regardless of whether a state safety inspection is required or if it is attached to another vehicle; and

k. Any vehicle with three or more axles.

2. “Commercial and recreational vehicle” does not mean:

a. Any clearly marked privately owned vehicle displaying accessible parking placards or license plates, not for hire, driven by or for the transport of a person with a disability;

b. Any rented moving truck or any for-hire moving company vehicle within 48 hours of the move;

c. Any vehicle when it is picking up or discharging passengers or when temporarily parked pursuant to the performance of work or service at the work or service location, including any vehicle used in construction, home repair, maintenance, landscaping, and delivery of goods; and

d. Any portable or mobile storage container or dumpster parked pursuant to a Virginia Department of Transportation permit.

3. “Areas zoned for residential use” means all areas of the County in the Residential (R-1), Residential (R-2), Residential (R-4), Residential (R-6), Residential (R-10), Residential (R-15), Village Residential (VR), and Planned Residential Development (PRD) zoning districts and the residential areas within the Neighborhood Model (NMD) and Planned Unit Development (PUD) zoning districts (a “residential zoning district”), including any secondary highway abutting one or more of these zoning districts as provided in County Code § 18-1.7(C)(2); provided that if a secondary highway serves as a boundary between a residential zoning district and a non-residential zoning district, only the side of the secondary highway abutting the residential zoning district is considered an area zoned for residential use.

C. *Authority of law enforcement officers in the performance of their lawful duties.* In the performance of their lawful duties, law-enforcement officers may move or cause to be moved motor vehicles to any place they may deem expedient without regard to the provisions of this section.

(Code 1988, § 12-3; Ord. 98-A(1), 8-5-98; Ord. 20-9(1), 3-18-20)

State law reference--Authority, Va. Code § 46.2-1220.

Sec. 9-103 Restricted parking on county-owned property.

A. The county executive is authorized to designate specific areas on county-owned property to be restricted parking zones. The county executive shall designate the types of motor vehicles which may be permitted to park in the restricted zones and the time, place and manner in which such vehicles may be permitted to park in the restricted parking zones. The county executive shall make such rules and regulations as parking conditions may require in the restricted parking zones and under the varying conditions that may exist at different times.

B. It shall be the duty of the county executive, upon the adoption of such regulations but before the same shall become effective, to give public notice thereof by establishing and posting signs or by other means which may be reasonably adequate to readily inform the operators of vehicles in restricted parking zones of the existence, nature and requirements of such regulations.

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C. It shall be unlawful for any person to park or stop a motor vehicle of a type or in a manner which violates the provisions of any rule or regulation restricting the parking of motor vehicles on county-owned property adopted and promulgated in accordance with this section.

(Code 1988, § 12-4; Ord. 98-A(1), 8-5-98)

State law reference--Authority, Va. Code § 46.2-1221.

Sec. 9-104 Stopping or parking; generally.

A. No person shall stop a vehicle in such a manner as to impede or render dangerous the use of highways or county roads by others, except in the case of an emergency, an accident, or mechanical breakdown. In the event of any such emergency, accident or breakdown, the emergency flashing lights of such vehicle shall be turned on, if the vehicle is equipped with such lights and such lights are operating. A report of the vehicle's location shall be made to the nearest police officer as soon as practical. The vehicle shall be moved to the shoulder as soon as possible and then removed from the shoulder without unnecessary delay. If such vehicle is not promptly removed, removal may be ordered by a police officer, at the expense of the owner, if such vehicle creates a traffic hazard.

State law reference--Va. Code § 46.2-888.

B. The provisions of paragraph (A) shall not apply to any vehicle owned or controlled by the Virginia Department of Highways and Transportation or the county, while actually engaged in the construction, reconstruction or maintenance of highways and roads.

State law reference--Va. Code § 46.2-891.

C. No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended, without first effectively setting the emergency or parking brake thereon, stopping the motor and turning the front wheels into the curb or side of the roadway.

D. The operator of a motor vehicle, trailer or semitrailer, when temporarily stopped on the traveled or paved portion of a highway so as to create a traffic hazard, shall flash all four (4) turn signals simultaneously to signal approaching motorists of the existing hazard, whenever such vehicle is equipped with a device which will cause the four (4) turn signals to flash simultaneously.

E. No truck or bus, except a school bus, shall be stopped wholly or partially on the traveled portion of any highway in the county outside of a town for the purpose of taking on or discharging cargo or passengers, unless the operator cannot leave the traveled portion of a highway with safety. A school bus may be stopped on the traveled portion of a highway when taking on or discharging school children, but such stops shall be made only at points where the bus can be clearly seen for a safe distance from both directions.

(Ord. No. 97-12(2), 7-9-97; Code 1988, § 12-5; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 46.2-893.

Sec. 9-105 Restricted areas--handicapped parking.

A. 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 Virginia Code § 46.2-1241, or DV disabled parking license plates issued under Virginia Code § 46.2-739(B), to park in a parking space reserved for persons with disabilities that limit or impair their ability to walk or for a person who is not 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.

B. Any person violating this section may be issued a summons without the necessity of a warrant being obtained by the owner of such privately owned parking area.

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C. 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 Virginia Code §§ 46.2-600 et seq., shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

D. 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 Virginia Code § 36-99.11 provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

E. Any person who creates a counterfeit or unauthorized replica of a disabled parking license plate, DV disabled parking license plate which has been issued under Virginia Code § 46.2-739(B), organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard, shall be guilty of a class 2 misdemeanor.

F. Any person who displays a counterfeit or unauthorized replica of a disabled parking license plate, DV disabled parking license plate which has been issued under Virginia Code § 46.2-739(B), organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard and parks in a disabled parking space or attempts to use the parking privileges afforded by Virginia Code § 46.2-1245, shall be guilty of a class 2 misdemeanor.

G. Any person who alters a disabled parking license plate, DV disabled parking license plate which has been issued under Virginia Code § 46.2-739(B), organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard shall be guilty of a class 2 misdemeanor.

H. Any person who parks in a space reserved for persons with disabilities that limit or impair their ability to walk or attempts to use the parking privileges afforded by Virginia Code § 46.2-1245 and displays a disabled parking license plate, DV disabled parking license plate which has been issued under Virginia Code § 46.2-739(B), organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard which has been issued to another person, and is not transporting a person with a disability which limits or impairs his ability to walk, shall be guilty of a class 2 misdemeanor.

I. Any person who makes a false statement of material fact to obtain or assist an individual in obtaining a disabled parking license plate, DV disabled parking license plate which has been issued under Virginia Code § 46.2-739, organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard shall be guilty of a class 2 misdemeanor.

J. Any person who sells or exchanges for consideration any valid, altered, or counterfeit disabled parking license plate, DV disabled parking license plate which has been issued under Virginia Code § 46.2-739(B), organizational removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard shall be guilty of a class 2 misdemeanor.

K. Any person who knowingly provides to another person, without sale or exchange of consideration, any valid, altered, or counterfeit disabled parking license plate, DV disabled parking license plate which has been issued under Virginia Code § 46.2-739(B), permanent removable windshield placard, temporary removable windshield placard, or organizational removable windshield placard, shall be guilty of a class 3 misdemeanor.

L. Parking a vehicle in a parking space reserved for persons with disabilities in violation of this section shall be punishable by a fine of not less than \$100.00 nor more than \$500.00.

(Code 1988, § 12-51; Ord. 98-A(1), 8-5-98)

State law reference--Authority to adopt local ordinance, Va. Code § 46.2-1242.

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Sec. 9-106 Stop signs; yield right-of-way signs.

The county executive, or his designated agent, shall have the power to designate intersections at which vehicles shall come to a full stop or yield the right-of-way; provided, that nothing herein shall be construed as authorizing the county executive to so designate any intersection within the Town of Scottsville.

(12-19-74; Ord. No. 97-12(1), 5-21-97; Code 1988, § 12-5.2; Ord. 98-A(1), 8-5-98)

Sec. 9-107 Parking on private property.

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

(Code 1988, § 12-5.3; Ord. 98-A(1), 8-5-98)

Sec. 9-108 Parking or standing in fire lanes.

A. It shall be unlawful for any person to park or stand a vehicle in any designated and marked fire lane.

B. The placement of a vehicle, for any purpose, within a fire lane perpendicular to the curb or edge is prohibited.

C. Any police officer or the fire marshal or his authorized representatives who finds any vehicle in violation of this section shall have the authority to remove such vehicle at the owner's risk and expense. This authority shall extend to any fire or rescue officer in charge of a fire or rescue operation who finds any such violation to be interfering with such emergency operations.

D. The county police or the fire marshal or his authorized representatives are authorized to enter any fire lane for the purpose of enforcing the provisions of this section.

E. No provision of this section shall apply to fire, rescue or police vehicles while they are involved in emergency operations.

(Ord. No. 97-12(1), 5-21-97; Ord. No. 97-12(2), 7-9-97; Code 1988, § 12-5.4; Ord. 98-A(1), 8-5-98))

Sec. 9-109 Regulated parking areas; parking meters.

A. The board of supervisors shall have the authority to direct the county executive to order and arrange for the installation and maintenance of parking meters at sites designated by the board. The board shall by resolution set the prices and time limits for parking in the areas regulated by such parking meters.

B. Members of the police department and any other county personnel designated by the police chief shall enforce the restrictions and regulations set by the board regarding parking meters. Such enforcement shall be in compliance with section 9-118 of this Code.

(Code 1988, § 12-5.5; Ord. 98-A(1), 8-5-98)

State law reference--Authority, Va. Code § 46.2-1220.

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Sec. 9-110 Vehicles; generally.

A. It shall be unlawful for the operator of any truck, trailer or other vehicle equipped with a tail gate, to lower or open the tail gate thereon, or to suffer or permit such tail gate to be lowered or opened, except during the time the vehicle is being loaded or unloaded, and except during the time the load on the vehicle necessitates a lowered or opened tail gate as a support for the load. It shall be the duty of the operator of any such vehicle to see that the tail gate on such vehicle is kept closed or raised, except during the times hereinbefore specified.

B. No person shall individually or in association with one or more others willfully break, injure, tamper with or remove any part of any motor vehicle, trailer or semitrailer for the purpose of injuring, defacing or destroying such motor vehicle, trailer or semitrailer or temporarily or permanently preventing its useful operation, or for any purpose, against the will or without the consent of the owner of such motor vehicle, trailer or semitrailer, nor shall any person in any other manner willfully or maliciously interfere with or prevent the running or operation of such motor vehicle, trailer or semitrailer.

C. No person shall, without the consent of the owner or person in charge of a motor vehicle, trailer or semitrailer, climb into or upon such motor vehicle, trailer or semitrailer with intent to commit any crime, malicious mischief or injury thereto; or, while a motor vehicle, trailer or semitrailer is at rest, shall attempt to manipulate any of the levers and starting crank or other device, brakes or mechanism thereof or to set such motor vehicle, trailer or semi-trailer in motion, except that the foregoing provision 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 the performance of any other official duty.

D. Any person violating the provisions of paragraphs (B) or (C), of this section shall be punished as provided in section 1-116.

(Code 1967, § 12-6; Code 1988, § 12-6; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 18.2-146.

Sec. 9-111 Permits for parades and processions.

No athletic contest, race, demonstration, planned gathering or parade, excepting the military forces of the United States, the military forces of the state and police and fire vehicles and personnel, shall occupy, march or proceed along any street, road or highway, except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this chapter which may apply.

(Code 1967, § 12-8; 4-13-88; Ord. No. 97-12(1), 5-21-97; Code 1988, § 12-6.1; Ord. 98-A(1), 8-5-98)

Sec. 9-112 Vehicle requirements.

It shall be unlawful for any person to park, keep or permit to be parked or kept any motor vehicle, trailer or semitrailer in or on any public highway, street, alley, public easement or other public thoroughfare in the county, or any other area in the county subject to regulations by the county, unless:

1. The motor vehicle shall be currently inspected and approved in accordance with the provisions of the laws of the state;

2. The vehicle shall be currently registered and licensed to be operated upon the highways of this state in accordance with the provisions of the laws of this state and a valid state license plate shall be visibly displayed; and

3. The vehicle shall be currently licensed to be operated upon the highways and roads of the county in accordance with the laws of the county, and the county motor vehicle sticker shall be visibly displayed.

(Code 1988, § 12-6.2; Ord. 98-A(1), 8-5-98)

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Sec. 9-113 Putting glass, etc., on highway 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 person 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 guilty of a class 1 misdemeanor.

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.

(Code 1967, § 12-10; Code 1988, § 12-6.3; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 18.2-324.

Sec. 9-114 Removal and disposition of abandoned or unattended vehicles.

A. As used in this section, "abandoned motor vehicle" means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:

1. Is inoperable and is left unattended on public property for more than forty-eight hours; or
2. Has remained illegally on public property for more than forty-eight hours; or
3. Lacks either a current license plate, current county sticker or current state inspection sticker and it has been in a specific location for four days or more without being moved.

B. As used in this section, an "unattended vehicle" means a motor vehicle, trailer, or semitrailer or part of a motor vehicle, trailer, or semitrailer that:

1. Is illegally parked and the owner or operator is not present; or
2. Is stopped on a public highway or other public property, constitutes a traffic hazard and the owner or operator is not present; or
3. Is stopped on a public highway or other public property or private property without the consent of the property owner, lessee or occupant and the vehicle has been in such location for more than ten (10) days without being attended by the owner or operator; or
4. Is immobilized on a public roadway by weather conditions or other emergency situation.

C. An abandoned or unattended vehicle may be removed for safekeeping or other authorized purposes to a storage area.

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D. Removal of abandoned or unattended vehicles under this section shall be carried out by or under the direction of police officers or other uniformed law enforcement personnel designated by the chief of police. Vehicles removed under the authority of this section shall be taken to storage area(s) for safekeeping or other authorized purposes.

E. Abandoned or unattended vehicles left on private property may be removed or caused to be removed by or under the direction of police officers or other uniformed law enforcement personnel designated by the chief of police, but only at the written request of the property owner, lessee or occupant of the premises. The property owner, lessee or occupant of the premises must provide in writing for the indemnification of the county against any loss or expense incurred by reason of removal, storage or sale of the abandoned or unattended vehicle.

F. As soon as possible after removal has occurred under paragraph (C), the police department must notify the owner of the vehicle of the vehicle's location and the procedure for the owner to recover the vehicle.

G. After authorized removal has occurred, disposal of a motor vehicle, trailer, semitrailer or part thereof may occur 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 Virginia Department of Motor Vehicles (DMV) against the motor vehicle, trailer, or semitrailer, and after the motor vehicle, trailer, or semitrailer has been held at least sixty (60) days. The DMV shall be notified of the disposition of any motor vehicle, trailer, or semitrailer under the provisions of this section.

H. In the case of the removal of a motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer from private property under this section, when it cannot be readily sold, the motor vehicle, trailer, semitrailer, or part thereof may be disposed of in accordance with law and pursuant to procedures adopted by the county.

(Code 1988, § 12-6.4; Ord. 98-A(1), 8-5-98; Ord. 05-9(1), 12-7-05)

State law reference--Authority, Va. Code § 46.2-1213.

Sec. 9-115 Authority of fire department officials to direct traffic, etc.

A. While any fire department is in the process of answering an alarm of fire or extinguishing a fire and returning to station, the fire chief or other officer in charge of such fire department at that time shall have the authority to maintain order at the fire or its vicinity, direct the actions of the firemen at the fire, keep bystanders or other persons at a safe distance from the fire and fire equipment, facilitate the speedy movement and operation of fire fighting equipment and firemen and until the arrival of a police officer, direct and control traffic in person or by deputy and facilitate the movement of traffic.

B. The fire chief or other officer in charge shall display his fireman's badge. Notwithstanding any other provision of law, this authority shall extend to the activation of traffic control signals designed to facilitate the safe egress and ingress of fire fighting equipment at a fire station. Any person refusing to obey the orders of the fire chief or his deputies or other officer in charge at that time shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than one hundred dollars.

(Code 1967, § 12-7; 4-13-88; Code 1988, § 12-8; Ord. 98-A(1), 8-5-98)

State law reference--Va. Code § 46.2-834.

Sec. 9-116 Presumption in prosecution for parking violations.

In any prosecution for a violation of any provision of this article, proof that the vehicle described in the citation or summons was in violation of such provision, together with proof that the defendant was, at

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the time of such violation, 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 rebuttable presumption that such registered owner was the person who committed the violation which occurred.

(Code 1988, § 12-9.2; Ord. 98-A(1), 8-5-98)

Sec. 9-117 Removal or immobilization of vehicles with outstanding parking violations.

A. Any vehicle parked or stopped on any public highway, public road or public property against which there are three or more unpaid or unsettled parking violation notices may be removed or immobilized or caused to be removed or immobilized by police officers or other uniformed personnel designated by the chief of police. Such immobilization shall be in a manner which will prevent the removal or operation of the vehicle except by authorized law enforcement personnel.

B. The police department shall, as soon as possible after the vehicle has been removed or immobilized, notify the owner of such vehicle of the nature and circumstances of the prior unsettled or unpaid parking violation notices. If the vehicle has been immobilized or caused to be immobilized by the law enforcement personnel, such personnel shall place on the vehicle, in a conspicuous manner, a notice warning that the vehicle has been immobilized and attempts to move the vehicle could damage it.

C. The owner of an immobilized vehicle, or the owner's agent, has twenty-four (24) hours from the time the vehicle was immobilized to secure the release of the vehicle. After that time, police officers or other uniformed personnel designated by the chief of police may remove or cause to be removed the vehicle to a storage facility.

D. If the owner refuses or fails to pay the outstanding parking violation notices and the costs, or the owner is not ascertainable after a diligent search by the police department, the finance department shall send notice to last known address of the owner and to the holder of any lien of record on the vehicle. The vehicle shall then be subject to the sale provisions of Virginia Code § 46.2-1209.

(Code 1988, § 12-9.3; Ord. 98-A(1), 8-5-98)

State law reference--Authority, Va. Code § 46.2-1216.

Sec. 9-118 Enforcement of parking regulations; notice of violations; waiver of trial; contesting charges; penalties.

A. *Posting written notice of violation.* Police officers and other uniformed personnel designated by the chief of police to enforce the parking provisions of this chapter must post a written notice of violation on the windshield of each vehicle found illegally parked. The notice of violation must state that the recipient of the notice may elect to waive their right to appear and be tried for the offense or offenses indicated in the notice.

B. *Waiving right to trial; payment.* Persons desiring to waive trial may do so by voluntarily remitting to the office of the director of finance the amount of the fine stipulated for each violation marked on the notice and as provided in the schedule in subsection (E). If the required amount is not received in the office of the director of finance or mailed and postmarked within 48 hours after the notice of violation is issued, or within up to 96 hours if a request for review is timely made pursuant to subsection (D), the amount of the applicable fine is doubled.

C. *How payment is made.* Whenever the fines are paid by mail, the responsibility for receipt of the payment by the director of finance lies with the *registered* owner of the vehicle parked in violation. The Director of Finance may accept payment of any amount due by any commercially acceptable means, including, but not limited to, checks, credit cards, debit cards, and electronic funds transfers, and may add to any amount due the amount charged to the County for accepting any payment by a means that incurs a charge to the County or the amount negotiated and agreed to in a contract with the County, whichever is

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less. If a check is returned for insufficient funds, the vehicle owner remains liable for the parking violations, and will be subject to a service charge of \$25.00 for processing the returned check.

D. *Contesting the charges.* Any recipient of a notice of violation desiring to contest the charges cited in the notice must appear at the office of the director of finance and, on forms provided by the director of finance, file a written request for administrative review and dismissal of the charges. The recipient of the notice also must indicate on the request for review whether a hearing in court is demanded in the event the request for dismissal is denied. The facts of the request must be reviewed and commented upon by a representative of the director of finance and a representative of the police department, who must recommend whether the request should be approved or denied. Acting on such request and recommendation, the attorney for the commonwealth or his assistant must decide whether the charge should be dismissed. If the request for review is made within 48 hours of the violation, the recipient shall have an additional 48 hours after denial of the request to remit the fine, before the amount thereof is doubled.

E. *Schedule of fines.* The fines or a violation of this section are as follows:

Offense	Fine	Fine if Amount Doubled Pursuant to Subsection (B)
Parking on sidewalk	\$25.00	\$50.00
Blocking driveway	\$25.00	\$50.00
Park within 15 feet of fire hydrant or mailbox	\$25.00	\$50.00
Park within bus zone	\$25.00	\$50.00
Park in crosswalk	\$25.00	\$50.00
Double parking	\$25.00	\$50.00
Parking in fire lane	\$50.00	\$100.00
Parking in loading zone	\$25.00	\$50.00
Parking in prohibited zone	\$25.00	\$50.00
Overtime parking	\$10.00	\$20.00
Parking within 50 feet of railroad crossing	\$25.00	\$50.00
Parking alongside or opposite street obstruction or excavation	\$25.00	\$50.00
Parking on bridge	\$25.00	\$50.00
Parking where prohibited	\$25.00	\$50.00
Parking in handicapped parking space when prohibited	\$100.00	\$200.00
Parking commercial and/or recreational vehicle or container/dumpster in residential zone	\$25.00	\$50.00

F. *Failure to respond; summons and arrest.* Any vehicle owner who fails to respond to a notice of violation, either by paying the stipulated fines or by filing a request for review or hearing with the director of finance within ten days, is subject to summons and arrest pursuant to Virginia Code § 46.2-941.

(10-11-89; Ord. of 6-9-93; Code 1988, § 12-9.1; Ord. 98-A(1), 8-5-98; Ord. 08-9(1), 12-3-08; Ord. 20-9(1), 3-18-20)

State law reference--Va. Code §§ 46.2-1222, 1225.

Sec. 9-119 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. 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 fine of not more than one hundred dollars (\$100.00).

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(Code 1967, § 12-14; 8-11-76; 4-13-88; Code 1988, § 12-9; Ord. 98-A(1), 8-5-98))

State law 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 § 46.2-1300. As to state law penalty for violation of motor vehicles and traffic regulations generally, see Va. Code § 46.2-113.

**ARTICLE II. PARKING REGULATIONS WITHIN BOUNDARIES OF
UNIVERSITY OF VIRGINIA, PIEDMONT VIRGINIA COMMUNITY
COLLEGE AND CHARLOTTESVILLE-ALBEMARLE AIRPORT**

State law reference--For state law authorizing county to regulate parking within boundaries of state-supported institutions, at request of governing body of such institution, see Va. Code § 15.2-968.

Sec. 9-200 Prohibited acts.

It shall be unlawful for any motor vehicle or any other vehicle operated by any person on the roads, streets, alleys, grounds and other areas within the boundaries of the University of Virginia, Piedmont Virginia Community College and the Charlottesville-Albemarle Airport to:

1. Park or stop in any driveway so as to block the use of such driveway to others.
2. Park or stop within fifteen (15) feet of any fire hydrant.
3. Park or stop closer to a corner than is indicated by signs or marks upon the road or curb.
4. Park or stop within any bus zone, as indicated by signs or marks upon the road or curb.
5. Park or stop a vehicle with its left side to a curb, except upon one-way streets and roads.
6. Park or stop a vehicle within a marked crosswalk.
7. Park or stop a vehicle more than twelve (12) inches from a curb.
8. Park or stop on an angle to a curb where parallel parking is indicated.
9. Park or stop abreast of another vehicle parallel with the curb (double parking).
10. Park or stop within any loading zone, as indicated by signs or marks upon the road or curb.
11. Park or stop within any zone indicated by signs or marks upon the road or curb as a no parking zone.
12. Park a motor vehicle unattended with its motor running.
13. Park or stop a vehicle for a period longer than is indicated as permissible by signs or marks upon the road or curb (overtime parking).
14. Park or stop on or upon any sidewalk.
15. Park or stop in any fire lane marked or indicated as such.
16. Park or stop upon any grass, unless such parking is indicated by a sign as permissive.
17. Park or stop within any zone or area designated by signs as reserved for restricted parking in violation of the restrictions set forth on such signs.

(12-17-52; 7-25-74; 3-13-85; Code 1988, § 12-10; Ord. 98-A(1), 8-5-98)

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Sec. 9-201 Erection of signs.

A. The president of the University of Virginia is hereby authorized and directed to cause such signs to be erected and such markings to be made upon the roads, curbs, sidewalks and grounds within the boundaries or grounds of the University of Virginia as he may deem necessary and proper to carry out the provisions of this article.

B. The president of Piedmont Virginia Community College is hereby authorized and directed to cause such signs to be erected and such markings to be made upon the roads, curbs, sidewalks, and grounds within the boundaries or grounds of the Piedmont Virginia Community College as he may deem necessary and proper to carry out the provisions of this article.

C. The Charlottesville-Albemarle Airport Authority is hereby authorized and directed to cause such signs to be erected and such markings to be made upon the roads, curbs, sidewalks and grounds within the boundaries or grounds of the Charlottesville-Albemarle Airport as it may deem necessary and proper to carry out the provisions of this article.

(12-17-52; 7-25-74; 5-14-80; 3-13-85; Code 1988, § 12-11; Ord. 98-A(1), 8-5-98)

Sec. 9-202 Penalty.

Any person violating any of the provisions of this article shall be liable to a fine not exceeding twenty dollars (\$20.00).

(12-17-52; 7-25-74; Code 1988, § 12-12; Ord. 98-A(1), 8-5-98)

State law reference--For state law establishing maximum fine for violation of parking regulations within state-supported institutions, see Va. Code § 15.2-968.

Sec. 9-203 Removal of vehicles.

In addition to any fine that may be levied for violation of any provision of this article, any officer charged with the enforcement of this article finding a vehicle standing upon a highway, road or land in violation of the provisions of this article is hereby empowered to move or cause such vehicle to be moved at the cost of the owner thereof.

(12-17-52; 7-25-74; Code 1988, § 12-13; Ord. 98-A(1), 8-5-98)

ARTICLE III. SNOW ROUTES

State law reference--For state law authorizing county to establish snow routes and regulate operation of traffic thereon in the event of snow, sleet, etc., see Va. Code 46.2-1302.

Sec. 9-300 Snow routes designated; posting.

The portions of U. S. Route 29, U. S. Route 29A and U. S. Route 250 that lie within the boundaries of this county and all of Route 240, beginning at the eastward intersection with Route 250 and terminating at the westward intersection with Route 250, shall be designated as snow routes and shall be posted as such.

(Code 1967, § 12-85; Code 1988, § 12-14; Ord. 98-A(1), 8-5-98)

Sec. 9-301 Obstruction of highway due to lack of snow tires or chains.

It shall be unlawful for any person to obstruct or impede traffic on a highway designated and posted as a snow route by reason of his failure to have the vehicle operated by him equipped with snow tires or chains.

(Code 1967, § 12-86; Code 1988, § 12-15; Ord. 98-A(1), 8-5-98)

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Sec. 9-302 Abandonment of vehicles so as to block highways prohibited.

It shall be unlawful for any person to abandon vehicles on any highway designated and posted as a snow route in a manner so as to impede or obstruct traffic or impede or obstruct the removal of snow, sleet or ice from such highways by the state department of highways and transportation.

(Code 1967, § 12-87; 4-21-76; Code 1988, § 12-16; Ord. 98-A(1), 8-5-98)

Sec. 9-303 Removal of stuck, abandoned, etc., vehicles.

Any law enforcement officer of the county shall have the authority to remove or cause to have removed and store or cause to be stored vehicles that are stalled, stuck, parked or abandoned in violation of this article.

(Code 1967, § 12-88; Code 1988, § 12-17; Ord. 98-A(1), 8-5-98)

Sec. 9-304 Penalty.

Any person convicted of violating any of the provisions of this article shall, upon conviction thereof, be punished by a fine not to exceed fifty dollars (\$50.00) for each such offense.

(Code 1967, § 12-89; Code 1988, § 12-18; Ord. 98-A(1), 8-5-98)

State law reference--For state law establishing maximum penalty for violation of snow route regulations, see Va. Code § 46.2-1302.

ARTICLE IV. COUNTY VEHICLE LICENSES

Sec. 9-400 Vehicle license tax imposed.

There is hereby levied a license tax upon every person owning a motor vehicle, trailer or semitrailer normally garaged, stored or parked in the county and used or intended to be regularly operated upon the streets or highways in the county, except as otherwise specifically provided in this article.

(Code 1967, § 12-90; Ord. of 2-14-90; Code 1988, § 12-21; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

State law reference – Va. Code § 46.2-752.

Sec. 9-401 Violations.

A. It shall be unlawful for any owner or operator of a motor vehicle, trailer, or semitrailer to fail to obtain a valid local license, as required by this article. Law enforcement officers may issue summonses or warrants for violations. A violation of this article shall constitute a class 4 misdemeanor.

B. In addition to any penalty authorized under this chapter, a penalty of \$250 shall be imposed upon the resident owner of any motor vehicle that, following the end of the owner's first 30 days of residency in the Commonwealth, is required to be registered in Virginia but has not been so registered. This penalty shall be imposed upon the resident owner annually for as long as the motor vehicle remains unregistered in Virginia. This penalty shall be assessed and collected by administrative process, executed by the director of finance or his designee.

(Ord. of 8-8-90; Ord. of 6-9-93; Code 1988, § 12-21.1; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08; Ord. 16-9(1), 7-6-16)

State law reference – Va. Code §§ 46.2-662(B), 46.2-752(G).

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Sec. 9-402 Exempted vehicles-Generally.

A. The provisions of this article shall not apply to any vehicle exempted by the provisions of Virginia Code §§ 46.2-663 through 46.2-683 or Virginia Code § 46.2-755, nor shall the provisions of this article apply to any vehicle licensed pursuant to Virginia Code §§ 46.2-750 through 46.2-751.

B. The provisions of this article shall not apply to any carrier operating under a certificate of public convenience and necessity issued by the state corporation commission for buses operated in special or chartered party service or to any carrier operating under a certificate of public convenience and necessity issued by the state corporation commission or the Interstate Commerce Commission, or under a local franchise granted by any city or town pursuant to Virginia Code § 46.2-696.

(Code 1967, § 12-91; Ord. of 2-14-90; Code 1988, § 12-22; Ord. 98-A(1), 8-5-98)

State law reference – Va. Code §§ 46.2-663 through 46.2-683, 46.2-696, 46.2-750, 46.2-751, 46.2-755

Sec. 9-403 New vehicles required to obtain a license.

The purchaser of a new vehicle or a new resident of the county is required to obtain a vehicle license within thirty (30) days of the purchase date or the date the owner moved into the county.

(Code 1967, § 12-92; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-24; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06 Ord. 08-9(1), 12-3-08)

State law reference – Va. Code § 46.2-752(I).

Sec. 9-404 License tax--Amounts.

A. On all motor vehicles, except as otherwise specifically provided in this article, there shall be an annual license tax based on gross vehicle weight. The license tax shall be forty dollars and seventy-five cents (\$40.75) for vehicles with gross vehicle weights of four thousand (4,000) pounds or less and forty-five dollars and seventy-five cents (\$45.75) for gross weights in excess of four thousand (4,000) pounds. Gross maximum loaded weight shall be substituted for gross vehicle weight for motor vehicles not designed and used primarily for the transportation of passengers.

B. On every motorcycle there shall be an annual license tax of twenty-eight dollars and seventy-five cents (\$28.75).

C. On every trailer or semitrailer not designed and used for transportation of passengers, there shall be an annual license tax as follows:

<u>Gross Weight</u>	<u>Annual Tax</u>
0 - 1,500 lbs.	\$18.00
1,501 lbs. and above	\$28.50

D. In the case of a combination of a tractor-trailer or semitrailer, each vehicle constituting a part of such combination shall be taxed as a separate vehicle.

E. On every motor vehicle, trailer or semitrailer upon which well-drilling machinery is attached or other "specialized mobile equipment" as defined in Virginia Code § 46.2-700(B), there shall be an annual license tax of sixteen dollars and fifty cents (\$16.50).

F. Except as provided in section 9-403(B), the license tax prescribed herein shall be due and payable on or before June 5 of each year, and shall be included and separately stated on the personal property tax bill.

(Code 1967, § 12-93; 1-18-73; 6-7-89; Code 1988, § 12-25; Ord. 98-A(1), 8-5-98; Ord. 99-9(1), 11-10-99; Ord. 02-9(1), 11-6-02; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 07-9(2), 12-5-07, effective 1-1-08; Ord. 16-9(1), 7-6-16)

State law reference--Va. Code §§ 46.2-694(A), 46.2-694.1, 46.2-752, 46.2-1168.

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Sec. 9-405 License tax--Prorating.

The license tax prescribed by this article shall be prorated monthly commencing with the month in which such license tax first becomes due and payable. The license tax shall be collected from and include that month on the basis of one-twelfth of the annual license tax through each month remaining in the current license year.

(Code 1967, § 12-94; 4-21-76; 6-7-89; Ord. of 3-20-91; Code 1988, § 12-26; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 16-9(1), 7-6-16)

State law reference – Va. Code § 46.2-752(A).

Sec. 9-406 License tax--Refunds.

Any person who has paid a license tax under this article who disposes of the vehicle, trailer or semitrailer for which the tax was paid and does not purchase another vehicle, trailer or semitrailer may request a prorated refund of the license tax paid. The director of finance shall refund to the applicant one-twelfth (1/12) of the annual license tax for each full month remaining in the current license year.

(Code 1967, § 12-95; 4-21-76; 6-7-89; Ord. of 2-14-90; Ord. No. 96-12(1), 12-11-96; Code 1988, § 12-27; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08; Ord. 16-9(1), 7-6-16)

State law reference – Va. Code § 46.2-752(A).

Sec. 9-407 License tax--Disposition.

All license taxes collected pursuant to this article shall be deposited by the director of finance in the general fund of the county.

(Code 1967; § 12-96; 4-21-76; Ord. of 2-14-90; Code 1988, § 12-28; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06)

Sec. 9-408 License not to be issued until all personal property taxes are paid.

No motor vehicle, trailer or semitrailer taxable under the provisions of this article shall receive a vehicle license unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes on the motor vehicle, trailer or semitrailer to be licensed which have been assessed or are assessable against such applicant have been paid, and satisfactory evidence that any other delinquent manufactured home, motor vehicle, trailer or semitrailer personal property taxes owing by the applicant and which have been properly assessed or are assessable against the applicant have been paid.

(Code 1967, 12-97; 4-9-80; Ord. of 8-8-90; Code 1988, § 12-29; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08)

State law reference – Va. Code § 46.2-752(C).

Sec. 9-409 Duration.

The license tax year under the terms of this article shall commence on the first day of January and shall expire on the thirty-first day of December of the calendar year.

(Code 1967, § 12-98; Ords. (2) of 2-14-90; Code 1988, § 12-30; Ord. 98-A(1), 8-5-98; Ord. 05-9(2), 12-7-05, effective 1-1-06; Ord. 08-9(1), 12-3-08)

Sec. 9-410 Reserved.

Sec. 9-411 Reserved.

Sec. 9-412 Reserved.

ARTICLE V. INOPERABLE VEHICLES

Sec. 9-500 Keeping of inoperable vehicles; removal.

Inoperable vehicles are subject to the following:

A. *Unshielded or unscreened inoperable vehicles prohibited.* It shall be unlawful for any person to keep an inoperable vehicle on any parcel used or zoned for agricultural, residential, commercial or industrial purposes, except within a fully enclosed building or structure, subject to the following:

1. *Parcels in the rural areas (RA) zoning district.* On any parcel in the rural areas (RA) zoning district, no more than two (2) inoperable vehicles may be parked or stored outside of a fully enclosed building and each vehicle parked or stored outside of a fully enclosed building shall be shielded or screened from view or be covered.

2. *Parcels in any residential zoning districts.* On any parcel in a residential zoning district, including Downtown Crozet District (DCD) and the residential sections of any planned development zoning district, no more than one (1) inoperable vehicle may be parked or stored outside of a fully enclosed building and the vehicle parked or stored outside of a fully enclosed building shall be shielded or screened from view or be covered; provided that up to two (2) inoperable vehicles may be parked or stored outside of a fully enclosed building if the person demonstrates that he is actively restoring or repairing one of the vehicles within a consecutive one hundred eighty (180) day period, the second vehicle is being used for the restoration or repair, and each vehicle parked or stored outside of a fully enclosed building is shielded or screened from view or is covered; the one hundred eighty (180) day period may be extended by the zoning administrator upon the person demonstrating to the satisfaction of the zoning administrator that more than one hundred eighty (180) days is required to actively restore or repair the vehicle.

3. *Authorized businesses in commercial, industrial or other zoning districts.* Subsections (A)(1) and (A)(2) shall not apply to any licensed business regularly engaged in business as an automobile dealer, salvage dealer, scrap processor, or public garage that is operated in compliance with this chapter, including any such business operating as a lawful nonconforming use; provided that on any parcel in any commercial or industrial zoning district, including the commercial and industrial sections of any planned development zoning district, and on any parcel in any other zoning district in which any such a use has been authorized by special use permit, no inoperable vehicle may be parked or stored outside of a fully enclosed building except in the location designated for that use on an approved site plan.

B. *Removal and disposition of inoperable vehicles.* Inoperable vehicles may be removed and shall be disposed of as follows:

1. *Removal by the landowner.* The owners of a parcel used or zoned for residential purposes, or zoned for commercial or agricultural purposes shall, at such time or times as the zoning administrator prescribes, remove any inoperable motor vehicles that are not authorized to be parked or stored outside of a fully enclosed building or structure as provided in subsection (A).

2. *Removal and disposal by the county.* The zoning administrator may remove any inoperable motor vehicle whenever the owner of the parcel, after reasonable notice provided by the zoning administrator, has failed to remove the inoperable motor vehicle as provided in subsection (B)(1). If the zoning administrator removes an inoperable motor vehicle, the vehicle may be disposed after giving additional notice to the owner of the vehicle.

3. *Recovery of county cost of removal and disposal.* The cost of any removal and disposal of an inoperable motor vehicle by the zoning administrator shall be chargeable to the owner of the vehicle or the premises and may be collected as taxes are collected. Every cost with which the owner of the premises has been assessed shall constitute a lien against the parcel from which the vehicle was removed. The lien shall continue until actual payment of the costs has been made to the county.

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C. *Definitions.* As used in this section, the following definitions shall apply:

1. The term “cover” means a form-fitted default-free cover specifically designed and manufactured for motor vehicles and which completely shields the body of an inoperable vehicle from view and, in the rural areas (RA) zoning district, can include a tarpaulin or other cover that completely shields the body of an inoperable vehicle from view.

2. The term “inoperable vehicle” means any motor vehicle, trailer or semitrailer, as those vehicles are defined in Virginia Code § 46.2-100, which has one or more of the following characteristics: (i) it is not in operating condition; (ii) it does not display valid license plates if the vehicle is required by State law to display valid license plates; (iii) it does not display an inspection decal if the vehicle is required by State law to display a valid inspection decal; or (iv) it displays an inspection decal that has been expired for more than sixty (60) days.

3. The term “parcel” means a parcel of land that is neither “public property,” a “public highway,” nor a “public roadway” as those terms are used in Albemarle County Code § 9-114.

4. The term “shielded or screened from view” means that the inoperable vehicle is not visible by someone standing at ground level from any vantage point outside of the parcel on which the inoperable vehicle is located because of one or more of the following: (i) distance, terrain, or one or more buildings between the inoperable vehicle and the parcel boundary; (ii) evergreen vegetation; (iii) an opaque masonry wall; (iv) a wood fence of stockade, board and batten, panel or similar type design; or (v) any combination of the foregoing.

D. *Administration.* The zoning administrator is hereby designated as the official authorized to carry out the provisions of this section.

(Ord. of 2-7-90; Ord. of 4-7-93; Code 1988, § 12-34; Ord. 98-A(1), 8-5-98; Ord. 13-9(1), adopted 11-13-13, effective 1-1-14)

State law reference--Authority, Va. Code §§ 15.2-905.

ARTICLE VI. SPEED LIMITS

Sec. 9-600 Authority to establish on certain subdivision roads.

The county executive is hereby authorized to establish, increase or decrease the speed limit upon any road within a subdivision approved and platted pursuant to Chapter 22, Title 15.2 of the Code of Virginia which is open to the public but not part of the Virginia Secondary System of Highways; provided such road or roads form through connection between two (2) roads which are in the Virginia Secondary System of Highways; and to establish, increase or decrease the speed limit upon any road, within a subdivision approved and platted pursuant to Chapter 22, Title 15.2 of the Code of Virginia which is dedicated to public use but not part of the Virginia Secondary System of Highways. Any such action by the county executive shall be based upon an engineering and traffic investigation, and such speed area or zone shall be clearly indicated by markers or signs.

(Ord. of 6-13-90; Ord. of 12-15-93; Code 1988, § 12-41; Ord. 98-A(1), 8-5-98)

State law reference--Authority for provisions of this article, Va. Code §§ 46.2-1300 et seq.

Sec. 9-601 Private roads designated highways.

Pursuant to Virginia Code § 46.2-1307, the following private road or roads are hereby designated as a highways for law enforcement purposes:

1. Greenbrier Drive within the subdivision of Townwood;
2. West Leigh Drive within the subdivision of West Leigh.

(Ord. of 12-15-93; Code 1988, § 12-41.1; Ord. 98-A(1), 8-5-98; Ord. 98-9(1), 8-5-98)

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Sec. 9-602 Violations.

Upon the proper posting of such speed limits as may be established pursuant to section 9-600 above, violation of any such speed limit shall be punishable the same as under the Code of Virginia.

(Ord. of 6-13-90; Code 1988, § 12-42; Ord. 98-A(1), 8-5-98)

ARTICLE VII. TRAFFIC LIGHT SIGNAL MONITORING SYSTEMS

Sec. 9-700 Definitions.

For the purposes of this article and, unless otherwise required by the context, “traffic light signal violation monitoring system” shall mean a vehicle sensor installed to work in conjunction with a traffic light that automatically produces two or more photographs, two or more microphotographs, video, or other recorded images of each vehicle at the time it is used or operated in violation of Virginia Code §§46.2-833, 46.2-835, or 46.2-836. For each such vehicle, at least one recorded image shall be of the vehicle before it has illegally entered the intersection, and at least one recorded image shall be of the same vehicle after it has illegally entered that intersection.

(Ord. 09-9(1), 8-5-09)

Sec. 9-701 Establishment and implementation.

A. *Establishment.* The county hereby establishes a traffic signal enforcement program pursuant to Virginia Code §15.2-968.1. The program shall include the installation and operation of traffic light signal violation monitoring systems in a number up to the maximum number permitted by state law. No traffic light signal violation monitoring system shall be operated for enforcement purposes at an intersection until all prerequisites required for such operation have been fulfilled.

B. *Implementation.* The county executive shall (i) have the authority to implement the provisions of this section, (ii) promulgate the rules and regulations necessary to administer the traffic signal enforcement program in compliance with all requirements of Virginia Code §15.2-968.1 and this article, and (iii) be responsible for the compliance of all aspects of the traffic signal enforcement program with applicable state law. The county shall annually certify compliance with Virginia Code §15.2-968.1 and make all records pertaining to such system available for inspection and audit by the Commonwealth Transportation Commissioner or the Commissioner of the Department of Motor Vehicles or his designee. In addition, the county shall evaluate the system on a monthly basis to ensure all cameras and traffic signals are functioning properly. Evaluation results shall be made available to the public.

C. *Private entities.* The county may enter into an agreement with a private entity to provide the traffic light signal violation monitoring system or equipment and all related support services, to include consulting, operations and administration. However, only a law-enforcement officer employed by the county may swear to or affirm the certificate required by Virginia Code §15.2-968.1(C). A private entity may not obtain records on behalf of the county regarding the registered owners of vehicles that fail to comply with traffic light signals.

D. *Restricted uses of information; penalty.*

1. Information collected by a traffic light signal violation monitoring system installed and operated pursuant to this article shall be limited exclusively to that information that is necessary for the enforcement of traffic light violations. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other personal information collected by a traffic light signal violation monitoring system shall be used exclusively for enforcing traffic light violations and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the enforcement of a traffic light violation or to a vehicle owner or operator as part of a challenge to the violation; or (iv) be used in a court in a pending

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action or proceeding unless the action or proceeding relates to a violation of Virginia Code §§46.2-833, 46.2-835, or 46.2-836 or requested upon order from a court of competent jurisdiction.

2. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. If the county does not execute a summons for a violation of this section within 10 business days, all information collected pertaining to that suspected violation shall be purged within two business days.

3. Any person who discloses personal information in violation of the provisions of this section shall be subject to a civil penalty of \$1,000.

(Ord. 09-9(1), 8-5-09)

Sec. 9-702 Traffic signal violations; penalty.

A. *Monetary penalty.* The operator of a vehicle shall be liable for a monetary penalty of fifty dollars (\$50.00) imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a traffic light signal violation monitoring system, to have failed to comply with a traffic light signal within such locality. Imposition of a penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

B. *Evidence of violation.* Proof of a violation of this section shall be evidenced by information obtained from a traffic light signal violation monitoring system authorized pursuant to this section. A certificate, sworn to or affirmed by a law-enforcement officer employed by the county authorized to impose penalties pursuant to this section, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a traffic light signal violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation pursuant to an ordinance adopted pursuant to this section.

C. *Summons.* Summonses for traffic light signal violations under this article shall be executed by first-class mail and accompanied by a written notice in accordance with Virginia Code §15.2-968.1.

(Ord. 09-9(1), 8-5-09)

ARTICLE VIII. VIDEO-MONITORING SYSTEM

Sec. 9-800 Definitions.

For the purposes of this article and, unless otherwise required by the context, “video-monitoring system” shall mean 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 being operated in violation of Virginia Code § 46.2-859. Such system 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 Virginia Code § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.

(Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19)

State law reference – Va. Code § 46.2-844.

Sec. 9-801 Authorization.

A. *Authorization.* Pursuant to Virginia Code § 46.2-844(B)(1), the County authorizes the school division to install and operate video-monitoring systems in or on the division’s school buses.

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B. *Private entities.* Pursuant to the Virginia Public Procurement Act, the school division may enter into an agreement with a private entity to provide the video-monitoring systems and all related support services, to include consulting, operations, and administration for the purpose of recording, charging, and prosecuting violations of Virginia Code § 46.2-844(A). Only a law enforcement officer employed by the County may authorize the issuance of a civil summons or ticket pursuant to this article.

C. *Restricted collection of information.* Personal information collected by a video-monitoring system installed and operated pursuant to this article shall be limited exclusively to that information that is permitted by Virginia Code § 46.2-208(B)(30).

(Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19)

State law reference – Va. Code §§ 46.2-844, 46.2-208

Sec. 9-802 Passing stopped school buses violations; civil penalty.

A. *Elements of violation.* The driver of a vehicle will be deemed to be in violation of this section if the driver fails to stop the vehicle when approaching, from any direction, any school bus which is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, and if the vehicle fails to remain stopped until all of those persons are clear of the highway, private road, or school driveway and the bus is put in motion.

B. *Evidence of violation.* In any prosecution for which a civil summons is issued within 10 days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of the violation the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Code of Virginia, shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred.

The testimony of the school bus driver, the supervisor of school buses or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in Virginia Code § 46.2-1090 is *prima facie* evidence that the vehicle is a school bus.

C. *Civil summons.* A civil summons for a violation of this section may be executed as provided in Virginia Code § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy to the address of the owner of the vehicle contained in the records of the Virginia Department of Motor Vehicles. Every mailing shall include, in addition to the summons, a notice of: (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in Virginia Code § 46.2-844(A); and (ii) instructions for filing the affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons, the summons shall be executed in the manner set out in the Virginia Code. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.

D. *Civil Penalties.* The operator of a vehicle deemed to be in violation of this section shall be subject to the following:

1. *Amount of civil penalty.* Any violation of this section shall be subject to a civil penalty of \$250.00, payable to Albemarle County.

2. *Civil penalties are in lieu of criminal penalties.* A prosecution or proceeding under Virginia Code § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under Virginia Code § 46.2-859 for the same act.

(Ord. 14-9(1), 7-2-14; Ord. 19-9(1), 8-7-19)

**ARTICLE IX. BICYCLES, ELECTRIC POWER-ASSISTED BICYCLES,
MOTORIZED SKATEBOARDS OR SCOOTERS, AND MOPEDS**

Sec. 9-900 Riders subject to traffic laws, etc.

Every person riding a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped upon a street, roadway or other public vehicular area will be subject to the provisions of this Code and the provisions of Code of Virginia, Chapter 8 (Section 46.2-800 et seq.) of Title 46.2, applicable to drivers of motor vehicles, unless the context of any such provision clearly indicates otherwise.

(Ord. 19-9(2), 12-18-19)

State law reference – Similar provisions, Va. Code § 46.2-800

Sec. 9-901 Required equipment for bicycles, electric power-assisted bicycles, and motorized skateboards or scooters.

- A. Every bicycle, electric power-assisted bicycle, and motorized skateboard or scooter, when in use between sunset and sunrise, must be equipped with a lamp on the front which must emit a white light visible in clear weather from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved for use on the highways of this state by the superintendent of state police, which must be visible in clear weather from all distances from 600 feet to the rear, when directly in front of lawful lower beams of headlights on a motor vehicle.
- B. Every bicycle, electric power-assisted bicycle, and motorized skateboard or scooter, when in use between sunset and sunrise, must be equipped with a taillight on the rear emitting a red light plainly visible in clear weather from a distance of at least 500 feet to the rear. Any such taillight must be of a type approved by the superintendent of state police.
- C. Every bicycle, electric power-assisted bicycle, and motorized skateboard or scooter, when operated upon a street or highway, must be equipped with a brake that will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(Ord. 19-9(2), 12-18-19)

State law reference – Similar provisions, Va. Code § 46.2-1015

Sec. 9-902 Riding on roadways generally.

- A. Any person operating a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped on a roadway must ride as close as practicable to the right curb or edge of the roadway, except under any of the following circumstances:
 - 1. When overtaking and passing another vehicle proceeding in the same direction;
 - 2. When preparing for a left turn at an intersection or into a private road or driveway; and
 - 3. When reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right curb or edge.
- B. For the purposes of this section, a "substandard width lane" is a lane too narrow for a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped and another vehicle to pass safely side by side within the lane.

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- C. Bicycles, electric power-assisted bicycles, and motorized skateboards or scooters may use bicycle lanes when operating in the intended direction of travel.

(Ord. 19-9(2), 12-18-19)

State law reference – Similar provisions, Va. Code § 46.2-905.

Sec. 9-903 Reserved.

Sec. 9-904 Parking for bicycles, electric-power assisted bicycles, and motorized skateboards or scooters.

- A. No person may stand or park a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter:
 - 1. upon the street, other than upon the roadway against the curb, or in a corral marked and designated for the purpose;
 - 2. upon the sidewalk, other than in a rack to support the vehicle, or attached to a street sign or light post, or at the curb or the back edge of the sidewalk;
 - 3. where they would obstruct curb ramps, pedestrian access within bus stops, or fire access;
 - 4. in, or upon, any public right-of-way, other than a street or sidewalk, except in a location specifically designated through signage or provision of racks.
- B. Bicycles, electric power-assisted bicycles, and motorized skateboards or scooters must be parked upright, in such a manner as to afford the least obstruction to pedestrian and vehicular traffic.
- C. Violations of this section will be subject to a civil penalty of not more than \$50.00.

(Ord. 19-9(2), 12-18-19)

State law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300.

Sec. 9-905 Rider not to attach vehicle or himself to another vehicle.

No person riding upon any bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped may attach the same or himself to any other vehicle on the roadway.

(Ord. 19-9(2), 12-18-19)

State law reference – Similar provisions, Va. Code § 46.2-932.

Sec. 9-906 Riding on handlebars.

No person riding a bicycle, electric power-assisted bicycle, motorized skateboard or scooter, or moped on a street, highway, or other public vehicular area may permit any person to ride on the handlebars.

(Ord. 19-9(2), 12-18-19)

State law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300.

Sec. 9-907 Riding with more than one person on a motorized skateboard or scooter.

Motorized skateboards or scooters may not be used on a street, highway, or other public vehicular area by more than one person at a time.

(Ord. 19-9(2), 12-18-19)

State law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300.

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Sec. 9-908 Report of certain vehicle accidents.

It will be the responsibility of the rider to report any bicycle, electric power-assisted bicycle, and motorized skateboard or scooter accident involving bodily injury or damage of \$50.00 or more to the chief of police within 48 hours of such accident. The chief of police must keep complete and retrievable records of all such accidents involving these vehicles. Such records must include the location and nature of the accident.

(Ord. 19-9(2), 12-18-19)

State law reference – Similar provisions, Va. Code §§ 15.2-2028, 46.2-1300.

Sec. 9-909 Disposition of unclaimed bicycles, mopeds, etc.

Where any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized skateboard or scooter, or moped has been found or delivered to the police department, and has thereafter remained in the possession of the police department, unclaimed, for more than 30 days, and the property is not owned by a Dockless Mobility Business operating under a permit issued pursuant to Article X of this Chapter, such property may be disposed of as provided in County Code § 2-502 of the County Code or as provided in Virginia Code § 15.2-1720.

(Ord. 19-9(2), 12-18-19)

State law reference – Similar provisions, Va. Code § 15.2-1720.

Sec. 9-910 Unlawful to ride motorized skateboard or scooter while using earphones.

No person may ride a motorized skateboard or scooter while using earphones on or in both ears. For the purposes of this section, “earphones” will have the meaning set forth in Virginia Code § 46.2-1078.

(Ord. 19-9(2), 12-18-19)

State law reference – Similar provisions, Va. Code § 46.2-1078.

ARTICLE X. PERMIT PROGRAM FOR DOCKLESS MOBILITY DEVICES FOR HIRE

Sec. 9-1000 Purpose and persons covered.

- A. Purpose. The purpose of this section is to establish a permit program to regulate the operation of Dockless Mobility Services for-hire within the County of Albemarle, as defined below. The aims of the permit program shall be:
 - 1. to ensure that Dockless Mobility Services for-hire are carried on in a manner that is consistent with the health, safety, and welfare of the public, as well as consistent with the accessibility of public right-of-way for bicyclists, pedestrians, and people with disabilities;
 - 2. to reduce single occupancy vehicle use; and,
 - 3. to improve the overall mobility, safety, and equity of the County’s transportation network.
- B. Persons Covered. Any person who provides, or applies to provide, Dockless Mobility Service for-hire, as defined below, within the County of Albemarle will be governed by the provisions of this Article.

(Ord. 19-9(2), 12-18-19)

State law reference – Va. Code § 46.2-1315.

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Sec. 9-1001 Definitions.

The following words and terms, when used in this section, will have the following meaning, unless context clearly indicates otherwise:

“Dockless Mobility Device” means a bicycle, electric power-assisted bicycle, or motorized skateboard or scooter, as those terms are defined in the Code of Virginia.

“Dockless Mobility Business” means any person that offers, or applies to offer, Dockless Mobility Devices for-hire by relying on the public right-of-way to store the Dockless Mobility Devices for customer access and use. Dockless Mobility Business does not include any transportation service operated by the County or any other political subdivision or agency of the Commonwealth of Virginia.

“Dockless Mobility Service” means the service provided by a Dockless Mobility Business.
(Ord. 19-9(2), 12-18-19)

State law reference – Va. Code § 46.2-1315.

Sec. 9-1002 Permit requirement.

No person may provide Dockless Mobility Services for public hire within the County of Albemarle without obtaining a permit from the County Executive pursuant to this Article.

(Ord. 19-9(2), 12-18-19)

State law reference – Va. Code § 46.2-1315.

Sec. 9-1003 County Executive authorized to promulgate regulations.

The County Executive, or the County Executive’s designee, will administer the permit program and will have the authority to promulgate regulations setting forth the requirements applicable to all persons applying for, or operating under, a permit issued pursuant to this Article. The County Executive, or the County Executive’s designee, may establish reasonable fees, charges, and penalties in connection with the permit program, including, but not limited to, requirements for insurance coverage, bond payment, and indemnification.

(Ord. 19-9(2), 12-18-19)

State law reference – Va. Code § 46.2-1315.

Sec. 9-1004 Maximum fleet size.

The County Executive, or the County Executive’s designee, will have the authority to establish, modify, or eliminate a cap on the total number of Dockless Mobility Devices allowed to operate under this permit program.

(Ord. 19-9(2), 12-18-19)

State law reference – Va. Code § 46.2-1315.

Sec. 9-1005 Review of permit applications.

- A. The County Executive, or the County Executive’s designee, will evaluate each application for a permit under this program and notify the applicant in writing regarding the decision to approve or deny the application. In making such an approval or denial, the County Executive, or the County Executive’s designee, may consider any established cap on the total number of Dockless Mobility Devices, aggregate demand for services, and any goal articulated in the County’s Comprehensive Plan or Strategic Plan.

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- B. An applicant for a permit must request an initial allocation of Dockless Mobility Devices. The County Executive, or the County Executive’s designee, may determine the initial number of Dockless Mobility Devices approved under the permit. The County Executive, or the County Executive’s designee, may subsequently increase or decrease the number of approved devices under a permit for any of the reasons mentioned in this section or in connection with the enforcement of any regulations promulgated pursuant to this Article.

(Ord. 19-9(2), 12-18-19)

State law reference – Va. Code § 46.2-1315.

Sec. 9-1006 Suspension or revocation of permits.

The County Executive, or the County Executive’s designee, may revoke or suspend a permit for any violation of this Article or regulations promulgated pursuant to this Article.

(Ord. 19-9(2), 12-18-19)

State law reference – Va. Code § 46.2-1315.

Sec. 9-1007 Appeals.

The County Executive, or the County Executive’s designee, will establish an administrative process for any Dockless Mobility Business to appeal the denial of a permit application, the suspension or revocation of a permit, or any change in the number of approved devices under a permit.

(Ord. 19-9(2), 12-18-19)

State law reference – Va. Code § 46.2-1315.