Chapter 28

TRAFFIC AND MOTOR VEHICLES*

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***Editor's note--**The Town Traffic Ordinance is on file in the Town Manager's Office.

Cross reference(s)--Deposit of handbills or other advertising materials in or upon motor vehicles, § 3-7; animals, Ch. 5; transportation of dead animals, § 5-14; fire protection, Ch. 12; direction of traffic by firefighters, § 12-4; compliance with police officer at fire, § 12-5; licenses generally, Ch. 15; motor vehicle license, § 15-62; loitering, § 17-12; direction of traffic by rescue and lifesaving crew members, § 23-5; duties of Captain of voluntary rescue and lifesaving crew relative to vehicles, § 23-7; streets and sidewalks, Ch. 25; driving on streets or sidewalks under construction, § 25-6; washing vehicle on street or sidewalk, § 25-13; purpose of subdivision regulations, § 26-1; taxicabs, Ch. 27; minimum off-street parking, § 30-9; off-street parking requirements for townhouses, § 30-181.

State law reference(s)--Municipal powers as to the use of streets, Code of Virginia, § 15.2-967, § 15.2-2013, § 15.2-2029; limited-access streets in municipalities, Code of Virginia, § 15.2-2026; motor vehicles, Code of Virginia, § 46.2-100 et seq.; local regulation of parking, Code of Virginia, § 46.2-1220 et seq.; local regulation of traffic, Code of Virginia, § 46.2-1300 et seq.

Sec. 28-1. Inoperable vehicles within the corporate limits of the Town.

A. It shall be unlawful for any person to keep, except within a fully enclosed building or structure or otherwise shielded or screened from view, on any property within the corporate limits of the Town any motor vehicle, trailer or semitrailer, as such are defined in Code of Virginia, § 46.2-100, which is inoperable; provided however only one (1) such vehicle may be kept outside a fully enclosed building or structure, provided that it is shielded or screened from view. As used in this section, an inoperable motor vehicle means any motor vehicle which is not in operating condition; or which for a period of 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 the operation of the vehicle or on which there are no valid license plates or a valid inspection decal displayed. However, the provisions of this section 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.

As used in this section, "shielded or screened from view" means not visible by someone standing at ground level from outside of the property on which a subject vehicle is located. Placing an inoperable vehicle within an area completely enclosed by either a solid, rigid, opaque fence composed of standard fencing materials or a landscaped arrangement of non-deciduous trees, sufficient in height, spacing, density and circumference to ensure precluding visibility of the subject vehicle by someone standing at ground level from outside of the property on which the subject vehicle is located shall constitute shielding or screening from view the inoperable motor vehicle in compliance with the requirements of this article. The placing, draping or securing of a tarpaulin or other nonrigid cover over or around an inoperable vehicle shall not be sufficient to comply with the requirements of this section, unless the nonrigid cover is opaque, specifically designed for use as a car cover and is designed for use on the specific model of the vehicle being covered.

B. Any person who is the owner of property within the corporate limits of the Town shall remove from such property any inoperable motor vehicles, trailers, or semitrailers that are not kept within a fully enclosed building or structure upon seventy-two (72) hours notice by the Town Manager, Chief of Police or Town Ordinance Officer. Upon the failure of the person to remove the same within the time fixed by such notice, the Town, acting by its agents, the Town Manager, Chief of Police or Town Ordinance Officer, may remove such inoperable motor vehicles, trailers, or semitrailers. If the Town, through its agents or employees, removes any such motor vehicles, trailers or semitrailers after having given reasonable notice to the owner or owners of the same, the Town may dispose of the same after giving additional reasonable notice to the owner or owners of the vehicle or vehicles of such proposed disposition. The cost of any such removal and disposal shall be chargeable to the owner or owners of the vehicle or vehicles or the premises and may be collected by the Town as taxes and levies are collected; and every cost authorized by this section for which the owner has been assessed shall constitute a lien against the property from which the vehicle, trailer, or semitrailer was removed, the lien to continue until actual payment of such costs has been made to the Town.

C. Any person receiving notice of being in violation of this section and failing to comply with any notice given thereof and shall remain in violation for a period of seventy-two (72) hours shall be guilty of a class 1 misdemeanor, and prosecution therefore shall not bar the Town from proceeding to remove the inoperable vehicles as herein defined as provided for in subsection (B)

above.
(Code 1972, § 15-40; Ord. 2010-2 of 5-18-10)

Cross reference(s)--Solid waste, weeds, tree trimmings, leaves, Ch. 24.

State law reference(s)--Authority for above section, Code of Virginia, § 15.2-904.

Sec. 28-2. Signals required by railroad locomotives or diesel engines at crossings; exception.

Within the corporate limits of the Town, the steam whistle or horn on each railroad locomotive or diesel engine passing upon the road of every railroad company shall be sharply sounded at least twice at a distance of not less than 275 yards nor more than 300 yards from the place where the railroad crosses upon the same level, as any public highway, street, or crossing, and the bell on each such locomotive or diesel engine shall be rung, or whistle or horn sounded, continuously or alternately until the engine has reached such highway crossing; however, the foregoing shall not apply to the highway crossing at Cambria Street (State Route No. 111), at which such signals shall not be permitted.
(Ord. of 3-2-76)

Editor's note--An ordinance adopted March 2, 1976, did not specifically amend the Code; hence, codification of the substantive provisions as § 28-2 was at the discretion of the editor.

Sec. 28-3. Adoption of Code of Virginia.

A. Pursuant to the authority of Code of Virginia, §§ 1-13.39:2 and 46.2-1313, as amended, all of the provisions and requirements of the laws of the State of Virginia contained in Code of Virginia, Title 18.2, Chapter 7, Article 2, as amended; and Code of Virginia, Title 16.1, Chapter 11, Article 9, as amended, and Code of Virginia, Title 46.2 as in force on July 1, 1998, including any amendments to those statutes which may be adopted by the Virginia General Assembly 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 Town, are adopted and incorporated in this Chapter 28 by reference and made applicable within the Town.

B. The following articles of the Code of Virginia, Title 46.2, are specifically excluded from such adoption and incorporation: Article 2 of Chapter 2; Articles 6, 13, 14, 15, 16, 17, 18, and 19 of Chapter 3; Articles 4 and 5 of Chapter 6; Articles 2 and 23 of Chapter 10; and Chapter 14.

C. References to "Highways of the State" contained in the provisions and requirements hereby adopted and incorporated shall refer to the streets, highways and other public ways within the Town. Such provisions and requirements are hereby adopted, *mutatis mutandis*, and made a part of this chapter. It shall be unlawful for any person, within the Town, to violate or fail, neglect or refuse to comply with any provisions or requirements of the Code of Virginia, Title 46.2; as amended, Code of Virginia, Title 18.2, Chapter 7, Article 2, as amended; or Code of Virginia, Title 16.1, Chapter 11, Article 9, as amended, which is adopted by this section, and the penalty imposed for violation of any provision or requirement hereby adopted shall be the same penalty imposed for a similar offense under Code of Virginia, Title 46.2; Code of Virginia, Title 18.2, Chapter 7, Article 2, as amended; or Code of Virginia, Title 16.1, Chapter 11, Article 9, as amended, unless otherwise stated herein.

(Ord. of 8-4-98; Ord. 2006-3 of 9-19-06)

Sec. 28-4. Removal and disposition of unattended or immobile vehicles.

A. It is provided that removal for safekeeping of motor vehicles, trailers, semi-trailers, or parts thereof, to a storage area may be effected if any of the following conditions exist:

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 (10) 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 a Town of Christiansburg law enforcement officer. It is provided, however, that removal of motor vehicles, trailers, semi-trailers, and parts thereof, from private property shall not be authorized without the written request of the owner, lessee, or occupant of the premises. It is provided that the person at whose request the motor vehicle, trailer, semi- trailer, or part of a motor vehicle, trailer, or semi-trailer is removed from private property shall indemnify the Town against any loss or expense incurred by reason of removal, storage, or sale thereof. It is also provided that it shall be presumed that such motor vehicle, trailer, semi-trailer, or part thereof is abandoned if it (i) 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 (4) days without being moved. As promptly as possible, each removal shall be reported to the Office of the Town Manager of Christiansburg, Virginia and to the owner of the motor vehicle, trailer or semi-trailer. Before obtaining possession of a motor vehicle, trailer or semi-trailer, or part thereof, the owner shall pay to the parties 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 of the Commonwealth of Virginia, against the motor vehicle, trailer or semi-trailer, or part of a motor vehicle, trailer or semi-trailer, the vehicle shall be treated as an abandoned vehicle under the provisions of the Code of Virginia, Article 1 (§ 46.2-1200 et. seq.), as amended.

(Ord. of 2-1-00; Ord. 2006-3 of 9-19-06)

State law reference(s)--Authority for above section, Code of Virginia, § 46.2-1213.

Sec. 28-4.1. Authority of Town Manager relative to parking.

A. The Town Manager, except as otherwise provided by this chapter and except as otherwise directed from time to time by the Council, shall have power and is hereby authorized to regulate the parking of vehicles within the corporate limits of the Town by the erection or placing of proper signs or markers indicating prohibited or limited parking; angle parking; the parking of buses, trucks and other vehicles of various weights; loading and unloading zones; and other signs or markers indicating the place and the manner of parking vehicles in the Town.

B. The Town Manager, except as otherwise provided by this chapter and except as

otherwise directed from time to time by the Council, shall have power and is hereby authorized to designate bus stops and to erect signs prohibiting the parking of vehicles other than buses at such stops.

C. No person shall park a vehicle in violation of the directions contained on any sign or marker erected or placed in accordance with this section.

D. The Town Manager is hereby authorized to determine the time limits for parking on the streets within the corporate limits of the Town including, but not limited to, parking meter limits, limitations provided by posted signs and limitations during peak travel times.

E. Persons parking motor vehicles in violation of limitations specified on posted parking signs shall be deemed to be in violation thereof for each separate one-hour period or more cited on each parking citation, and each case such citation shall be deemed a separate offense subject to penalties provided in this article.
(Ord. 2006-3 of 9-19-06)

Sec. 28-5. Parking in spaces reserved for persons with disabilities; penalty for violations.

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 Code of Virginia, § 46.2-1241, as amended, or capital DV disabled parking license plates issued under Code of Virginia, § 46.2-739, subsection B, as amended, to be parked in a parking space in the Town of Christiansburg 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. It is provided that there be and there is hereby assessed and to be retained a fine of Five Hundred Dollars ($500.00) for violations of this ordinance. The fine shall be paid within 10 days after the citation or issuance of ticket for violation of the ordinance at the Office of the Treasurer of the Town.

C. It is hereby provided that a summons or parking ticket for the offense may be issued by law enforcement officers, volunteers serving in units established pursuant to Code of Virginia, § 46.2-1244, as amended, and other uniformed personnel employed by the locality to enforce parking regulations without the necessity of a warrant being obtained by the owner of the private parking area.

D. It is hereby provided that in any prosecution charging a violation of this ordinance, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this ordinance, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Code of Virginia, Chapter 6, § 46.2-600 et seq., as amended, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

E. It is hereby provided that no violation of this ordinance shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set

forth in Code of Virginia, § 36-99.11, as amended, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.
(Ord. 2001-6 of 11-20-01)

Sec. 28-6. Parking in public metered spaces; penalty for violations.

No person shall park a vehicle or permit it to stand, whether attended or unattended, in a public metered parking space without paying the specified parking meter amount for the respective time desired. In addition to a fine for a violation of the section, a subsequent fine shall be assessed for each violation in excess of two hours.
(Ord. 2002-1 of 1-15-02; Ord. 2006-3 of 9-19-06)

Sec. 28-7. Parking near fire hydrants.

Where fire hydrants are located at or close to the curbline or edge of the road and face on the public street, a public parking lot or a private road open to the public, the parking of any motor vehicle within 15 feet of such hydrant is prohibited.
(Ord. 2006-3 of 9-19-06)

Sec. 28-8. Parking in fire lanes.

It shall be unlawful for any person to park any motor vehicle in a designated fire lane.
(Ord. 2006-3 of 9-19-06)

Sec. 28-9. Enforcement of Sections 28-7 and 28-8.

A. In addition to Town Police and other law enforcement officers, the Fire Marshall is hereby authorized to enforce the provisions of Sections 28-7 and 28-8.

B. In addition to any penalty provided for a violation of Section 28-7 and 28-8, any motor vehicle parked in violation of either section may be moved to a garage or parking lot for storage, at the expense of the owner of the vehicle.
(Ord. 2006-3 of 9-19-06)

Sec. 28-10. Parking on wrong side of street.

It shall be unlawful for any person to park any motor vehicle on the wrong or opposite side of the street so as to be facing oncoming traffic.
(Ord. 2006-3 of 9-19-06)

Sec. 28-11. Parking so as to block driveway of business, filling station, church, or personal residence.

It shall be unlawful for any person to park any vehicle so as to block any driveway of any business establishment, filling station, church or personal residence. In addition to the penalties applied by this article, any motor vehicle parked in violation of this section may be moved to a garage or parking lot for storage, at the expense of the owner of the vehicle. Furthermore, the Fire Marshall is hereby authorized to enforce the provisions of this section.

(Ord. 2006-3 of 9-19-06)

Sec. 28-12. Parking vehicle without valid license plates.

It shall be unlawful for any person to park or stand any vehicle on any street within the Town unless valid license plates are displayed on such vehicle.
(Ord. 2006-3 of 9-19-06)

Sec. 28-13. Parking vehicle without valid state inspection sticker.

It shall be unlawful for any person to park or stand any vehicle on any street within the Town unless there is displayed on such vehicle a valid state inspection sticker.
(Ord. 2006-3 of 9-19-06)

Sec. 28-14. Parking on Town-owned or Town-leased property.

A. No person shall stand, stop or park a motor vehicle on any Town-owned or Town-leased property except within properly marked and designated parking spaces in compliance with all authorized signs or markings posted on such property.

B. No person shall stand, stop or park a motor vehicle adjacent to any yellow painted curb on Town-owned or Town-leased property.
(Ord. 2006-3 of 9-19-06)

Sec. 28-15. Parking citations generally.

A. Any law enforcement officer or other officer charged with enforcing this chapter or other parking regulations of the Town shall attach, in plain view, to any vehicle parked in violation of this chapter or any other parking regulation, a citation notifying the owner or operator that such vehicle has been parked in violation of a provision of this chapter or other parking regulation and instructing such owner or operator when and where to report with reference to the violation.

B. It is hereby provided that a summons or parking ticket for the violation of provisions contained in this chapter may be issued by law enforcement officers and other uniformed personnel employed by the locality to enforce parking regulations without the necessity of a warrant being obtained.

C. It is hereby provided that in any prosecution charging a violation of any provision of this chapter, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this ordinance, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Code of Virginia, Chapter 6, § 46.2-600 et seq., as amended, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.
(Ord. 2006-3 of 9-19-06)

Sec. 28-16. Penalty for parking violation; late payment penalty; certification of contest of parking citation.

A. Unless otherwise provided, any person violating the provisions of this chapter shall, upon conviction, be punished by such fine provided by resolution of Town Council for the provision violated, as the same may be amended from time to time, provided that a copy of the most current version of such resolution shall be on file in the Office of the Town Treasurer during regular office hours for public inspection. Any violation for which a fine is not specified by such resolution shall be punishable by a fine of $10.00.

B. All uncontested parking citations paid under this section shall be accounted for by the Town Treasurer. The contest, by any person, of a parking citation shall be certified in writing, upon an appropriate form, to the General District Court by the Town Treasurer.

C. Any person receiving three or more parking citations issued in a consecutive seven-day period shall be punished by a fine of $100.00 for such third offense and any subsequent offense within a consecutive seven-day period.

D. Any person who fails to pay an uncontested parking citation within 10 days of its issuance shall also pay a $10.00 late payment penalty in addition to the fine imposed.

E. In the event that the Town Treasurer is advised that any person desires to contest any parking citation, the Town Treasurer shall certify such fact in writing, in an appropriate form, to the Clerk of the General District Court.
(Ord. 2006-3 of 9-19-06)

Sec. 28-17. Procedure for delinquent parking citations.

A. The Town Treasurer shall cause a complaint or summons to be issued for delinquent parking citations.

B. Notwithstanding the provisions of subsection (a) of this section, before any summons shall be issued for the prosecution of a violation of this Code or other ordinance or regulation of the Town regulating parking, the violator shall have been first notified, by certified mail at their last known address or at the address shown for such violator on the records of the state Department of Motor Vehicles, that they may pay the fine provided by law for such violation, within five days of receipt of such notice, and the authorized person issuing such summons shall be notified that the violator has failed to pay such fine within such time. The notice to the violator, required by the provisions of this section, 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.

C. Every action to collect unpaid parking citation penalties imposed for violation of an ordinance regulating parking under this article shall be commenced within three years of the date upon which such penalty became delinquent.
(Ord. 2006-3 of 9-19-06)

Sec. 28-18. Safety equipment required, moped operators and passengers.

A. Every person operating a moped on a public street or highway of the Town shall wear a face shield, safety glasses or goggles approved by the Superintendent of State Police, or shall have the moped equipped with safety glass or a windshield at all times while operating it; and any operator and any passengers thereon, if any, shall wear on their heads protective helmets of a type approved by the Superintendent of State Police.

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

C. 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, nor shall anything in this Section change any existing law, rule, or procedure pertaining to any civil action.
(Ord. 2009-2 of 1-20-09)

Sec. 28-19. Helmets required, riders of bicycles, and electric power-assisted bicycles.

A. 1. For purposes of this Section, "bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. A bicycle shall be a vehicle while operated on the highway.

2. For purposes of this Section, "electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii) an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the rider. An electric power-assisted bicycle shall be a vehicle when operated on a highway.

3. For purposes of this Section, "highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the Town of Christiansburg.

B. 1. Every person 14 years of age or younger shall wear a protective helmet on their head that at least meets the Consumer Product Safety Commission standard whenever riding or being carried on a bicycle, or an electric power-assisted bicycle on any highway, sidewalk, or public bicycle path.

2. Violation of this Section shall be punishable by a fine of $25. However, such fine shall be suspended (i) for first-time violators and (ii) for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by this Section.

3. Violation of this Section shall not constitute negligence, or assumption of risk, 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 of any bicycle or electric power-assisted bicycle, nor shall anything in this Section change any existing law, rule, or procedure pertaining to any civil action.
(Ord. 2009-4 of 5-19-09; Ord. 2009-5 of 8-4-09)

Sec. 28-20. Town Manager authority to reduce speed limit.

The Town Manager is authorized to reduce for a temporary period not to exceed 60 days, without engineering or traffic investigation, the speed limit on any portion of any highway or road of the Town on which work is being done or where the highway or road is under construction or repair.
(Ord. 2011-3 of 8-2-11)

Sec. 28-21. Idling of vehicles; violation.

Any person who idles a vehicle or allows a vehicle to idle in any Residential District, as defined in the zoning ordinance, for a period exceeding fifteen minutes in any twenty-four hour period, except for construction or maintenance equipment for construction or maintenance projects and for safety or emergency operations purposes, shall be guilty of a class 4 misdemeanor for the first offense and a class 3 misdemeanor for all subsequent offenses and shall be punishable as provided in Section 1-6.
(Ord. 2011-4 of 10-18-11)

Sec. 28-22. Traffic Calming Program.

The Town of Christiansburg Traffic Calming Program, as may be amended from time to time, is a program designed to protect residential neighborhoods from excessive speeds and volumes of motor vehicles; increase safety, access, comfort, and convenience for pedestrians, bicyclists, and motorists; and promote a partnership between town staff and neighborhood residents in the development of traffic calming measures.

Pursuant to the procedures set forth in the Traffic Calming Program, an individual, neighborhood, or neighborhood association may identify areas of traffic related concerns, bring those concerns to the attention of the Town, and provide suggestions for traffic calming measures.

Pursuant to the Traffic Calming Program procedure, concerns will be evaluated and traffic calming recommendations will be developed as appropriate.

All recommended traffic calming measures shall require approval by the Town Council except those implemented pursuant to the authority of the Town Manager and Town Engineer as set forth in the Traffic Calming Program and/or as authorized by state and local law.

No provision in the Traffic Calming Program shall be interpreted to be in conflict with other provision of the Town of Christiansburg Code of Ordinances, or limit in any way the authority granted to the Town pursuant to the Virginia Code or its charter to control its streets, sidewalks, and right-of-ways, and regulate traffic and motor vehicles within the Town.
(Ord. 2012-7 of 8-21-12)

Sec. 28-23. Reimbursement of expenses incurred in responding to DUI and other traffic accidents or incidents.

A. A person convicted of violating any of the following provisions shall at the time of sentencing or in a separate civil action be liable for restitution of reasonable expenses incurred by the town, its police department, or by any volunteer fire or rescue squad, or any combination thereof, when providing an appropriate emergency response to any accident, incident, or when issuing any arrest warrant or summons related to the following:

(1) The provisions of §§ 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, or 46.2-341.24 of the Code of Virginia, as amended, or a similar town ordinance, if any, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;

(2) The provisions of Article 7, §§ 46.2-852, et seq., of the Code of Virginia as amended, relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident; and

(3) The provisions of Article 1, §§ 46.2-300, et seq., of the Code of Virginia, as amended, related to driving without a license or driving with a suspended or revoked license; and

(4) The provisions of § 46.2-894, of the Code of Virginia, as amended, relating to improperly leaving the scene of an accident.

B. Personal liability under this section for reasonable expenses of an appropriate emergency response pursuant to subsection A shall not exceed $1,000.00 in the aggregate for a particular accident, arrest, or incident occurring in the town. In determining "reasonable expenses", the town may bill a flat fee of $350.00 or a minute-by-minute accounting of the actual costs incurred. As used in this section "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, rescue, and emergency medical services. The court may order as restitution the reasonable expenses incurred by the town for responding law enforcement, firefighting, rescue, and emergency medical services. The provisions of this section shall not limit any remedy available to the town or volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle, or other conduct as set forth herein.

C. The police department shall compile a report of the reasonable expenses of the appropriate emergency response for each accident, arrest warrant, summons or incident and forward that information to the commonwealth’s attorney's office or the accounting department for appropriate proceedings. The fire department and rescue squad shall have the same reporting requirements except for accidents, arrest warrants, summons, or incidents for which restitution is sought in the underlying criminal case.
(Ord. 2012-12 of 12-18-12)