

CHAPTER 7

MOTOR VEHICLES AND TRAFFIC

The provisions of this chapter shall be known as the MOTOR VEHICLES AND TRAFFIC ORDINANCE OF HURT, VIRGINIA, and may be so cited.

The object of this ordinance is to provide for the safety and welfare of all the inhabitants of the town and for all persons using the streets and highways of the town by regular use of Motor Vehicles and traffic in the town.

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Replacement Page. (Sec. 7-36.1 added 8/4/15 and Sec. 7-37 – 7-41 repealed and reserved)

ARTICLE 1

Sec. 7-1. Adoption and Incorporation of State Law into Code of the Town of Hurt.

Pursuant to the authority of Section 46.2-1313 of the Code of Virginia, as amended, and Section 1-13.39:2 of the Code of Virginia, as amended, all of the provisions and requirements of the laws of the state contained in Title 46.2 and Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia, as in force on July 1, 1993, and all future amendments thereto, except those provisions and requirements the violation of which constitute a felony, and except those provisions and requirements which by their very nature can have no application to or within the Town of Hurt, are hereby adopted and incorporated in this chapter by reference and made applicable within the Town. 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 Town. 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 Town, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 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 or Article 2 of Chapter 7 of Title 18.2 of the Code of Virginia.

ARTICLE II - GENERAL PROVISIONS

Sec. 7-2. Powers of Mayor.¹

The Mayor may designate intersections, other than intersections at which one or more of the intersecting streets has been designated as a part of the state highway system, at which vehicles shall come to a full stop or yield the right of way and may cause to be erected appropriate signs or markers at such intersections so that an ordinarily observant person will be aware of the existence of such designation.

The Mayor may classify vehicles with reference to parking and may designate the time, place and manner such vehicles may be allowed to park on town streets, and

1. Va. Code Ref. Sec. 46.2-1301

may make and enforce such additional rules and regulations as parking conditions may require. When any parking regulation is established, pursuant to this paragraph, the Mayor shall cause to be erected appropriate signs or markers so that an ordinarily observant person, who may be affected by such regulation, will be aware of such regulation.

When any regulation is made pursuant to this section and when appropriate signs or markers have been erected as required by this section, it shall be unlawful for any person to violate any such regulation.

Sec. 7-3. Injuring, tampering or interfering generally with vehicles.¹

No person shall individually or in association with one or more others wilfully 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 wilfully or maliciously interfere with or prevent the running or operation of such motor vehicle, trailer or semitrailer.

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 and unattended, 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 semitrailer in motion, except that the foregoing provisions shall not apply when any such act is done in an emergency or in furtherance of public safety or by or under the direction of an officer in the regulation of traffic or the performance of any other official duty.

Sec. 7-4. Washing or greasing vehicle on highway or sidewalk prohibited.

No person shall, for compensation, wash, polish or grease a vehicle upon a highway or sidewalk, nor shall the owner of a vehicle permit it to be washed, polished or greased, for compensation, upon a highway or sidewalk.

Sec. 7-5. Authority of Fire Department officials to direct traffic.

Members of the Hurt Volunteer Fire Department may direct or assist the police in directing traffic at or in the immediate vicinity of a fire, and while so acting, shall have all the authority of peace officers.

1. Va. Code Ref. Sec. 18.2-146

Sec. 7-6. Allowing escape of load material; penalty.¹

No vehicle shall be driven or moved on any Town street or road or public vehicular area unless such vehicle is constructed or loaded to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom. Provided, however, that sand or any substance for increasing traction during times of snow and ice may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by the State or Town having that responsibility. Any person operating a vehicle from which any glass or objects have fallen or escaped, which could constitute an obstruction or damage a vehicle or otherwise endanger travel upon such public highway shall immediately cause the highway to be cleaned of all glass or objects and shall pay any costs therefor. Violation of this section shall constitute a Class 1 misdemeanor.

Sec. 7-7. Permits required for parades.

No parade, excepting the forces of the United States Army or Navy, the military forces of the state and the forces of the police and fire departments of the Town, shall occupy, march or proceed along any street, except in accordance with a permit issued by the Mayor, and such other applicable regulations as are set forth in this section. This ordinance shall not apply to funeral processions.

Applications for said permit shall be submitted at least 48 hours in advance of the time requested. In the event that the date, time and/or place requested is unsuitable the Town shall offer a reasonable substitute date, time and/or place.

No such parade or demonstration shall be permitted during periods of heavy traffic congestion such as morning and evening rush hours.

No such parade or demonstration shall be permitted in such a manner or at such a time or place as to disrupt school activities.

No such parade or demonstration shall be conducted in such a manner as to violate the noise prohibitions of Section 8-83 of the Code of the Town of Hurt, or disturb or disrupt regularly scheduled church services.

Should any applicant be denied said permit, then judicial review by the circuit court shall be of right. Said review shall be handled as expeditiously as possible given all relevant temporal constraints.

Sec. 7-8. Driving through funeral or other processions; manner of driving in funeral processions.

No operator of a vehicle shall drive between the vehicles, persons or animals comprising a funeral or other authorized procession, except when otherwise directed

1. Va. Code Ref. Sec. 10-211

by a police officer. This provision shall not apply to authorized emergency vehicles as defined in this chapter.

Each driver in a funeral procession shall drive as near to the right-hand edge of the roadway as is practicable and shall follow the vehicle ahead as close as is practicable and safe.

Sec. 7-9. Identification of vehicles in funeral processions; right of way.

All motor vehicles participating in a funeral procession, when proceeding to any place of burial, shall display illuminated head lamps thereon and such other identification as the Mayor may prescribe.

All motor vehicles so designated shall have the right of way over all other vehicles, except fire apparatus, ambulances and police vehicles at any street or highway intersection within the town and may proceed through a stop street or signalized intersection with proper caution and safety.

Sec. 7-10. Boarding or alighting from vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion.

Sec. 7-11. Unlawful riding.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

Sec. 7-12. Putting glass, etc., on street prohibited.¹

A. No person shall throw or deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street or highway.

B. Any person who drops, or permits to be dropped or thrown upon any street or highway any destructive 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.

1. Va. Code Ref. Sec. 18.2-324

Sec. 7-13. Dumping trash, etc., on highway, right-of-way or private property.¹

A. Any person shall be guilty of a misdemeanor who shall dump or otherwise dispose of trash, garbage, refuse, litter, or other unsightly matter, on a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent.

B. When any person is arrested for a violation of this section, and the matter alleged to have been dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the arresting officer may comply with the provisions of Section 46.1-178 of the Code of Virginia (1950), as amended, in making such arrest.

C. When a violation of the provisions of this section has been observed by any person, and the matter dumped or disposed of on the highway, right-of-way, property adjacent to such highway or right-of-way, or private property has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such trash, garbage, refuse, litter, or other unsightly matter; provided, however, that such presumption shall be rebuttable by competent evidence.

D. Any person convicted of such violation shall be guilty of a Class 1 misdemeanor.

E. Upon conviction of any person for a violation of this section, the court may suspend the imposition of any sentence on condition that the defendant volunteer his services for such period of time as the court may designate to remove litter from the highway. Any such sums collected shall be paid into the court and forwarded to the Town Treasurer for the construction and maintenance of Town streets.

Sec. 7-14. Riding bicycles without using handlebars.

No person shall ride a bicycle upon any street without having his hands upon the handlebars.

Sec. 7-15. Backing.

The operator of any vehicle in the town shall not back such vehicle unless such movement can be made with safety and without interfering with other traffic.

Sec. 7-16. Blocking intersections.

No operator of a vehicle shall enter an intersection or a marked crosswalk unless there is sufficient space beyond such intersection or crosswalk in the direction

1. Va. Code Ref. Secs. 33.1-346 and 33.1-346.1

in which such vehicle is proceeding to accommodate the vehicle without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Sec. 7-17. Tail gates on vehicles.

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. Any person who shall violate the provisions of this section shall be punished by a fine of not less than five dollars nor more than twenty dollars for each offense.

Sec. 7-18. Backing up to curbs.

No vehicle shall be backed up to a curb, except during the time actually engaged in loading or unloading merchandise therefrom.

Sec. 7-19. Manner of using loading zones.

Where a loading and unloading zone has been set apart by the Mayor in accordance with applicable provisions of this chapter, the following regulations shall apply with respect to the use of such areas:

A. No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect. All delivery vehicles, other than regular delivery trucks, using such loading zones shall be identified by the owner's or company's name in letters three inches high on both sides of the vehicle.

B. The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles when such stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter or is about to enter such loading space.

Sec. 7-20. Manner of using bus stops and taxicab stands.

Where a bus stop or taxicab stand has been set apart by the Mayor in accordance with the applicable provisions of this chapter, the following regulations shall apply as to the use thereof:

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

ARTICLE III - STANDING, STOPPING & PARKING

Division 1 - In General

Sec. 7-21. Parking prohibited in specified places.¹

A. No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device in any of the following places:

1. At any place where official signs prohibit or restrict parking;
2. On a sidewalk;
3. In front of a public or private driveway;
4. Within an intersection;
5. Within fifteen feet of a fire hydrant;
6. On a crosswalk;
7. Within twenty feet of a crosswalk at an intersection;
8. Within thirty feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
9. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by official signs or markings;
10. Within fifty feet of the nearest rail of a railroad grade crossing.
11. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of the entrance when properly signposted;
11. Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
13. On the roadway side of any vehicle parked at the edge or curb of a street;

1. Va. Code Ref. Sec. 46.1-252

14. Upon any bridge or other elevated structure upon a street or highway or within a tunnel;

15. Within any alley unless within a portion of an alley designated for fifteen minute parking and then for a maximum of fifteen minutes only or unless actually engaged in loading or unloading.

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

Sec. 7-22. Parking Prohibited in Fire Lanes on Private Property, Devoted to Public Use.

A. It shall be the duty of the Chief of Police to inspect private property, devoted to public use, and to determine if the establishment of fire lanes on the said property is necessary to facilitate access and easy movement of fire fighting equipment throughout the said property and to require the owners of the said property to establish the said fire lanes. The marking of the said fire lanes on the said private property, devoted to public use, shall then be approved by the Chief of Police.

B. Parking of motor vehicles in marked fire lanes or otherwise obstructing marked fire lanes shall be prohibited at all times. Any person violating this section shall be guilty of a traffic infraction with punishment as prescribed in Sec. 7-32 hereof.

C. The Town police or other uniformed personnel employed by the Town to enforce parking regulations shall be empowered to issue a summons for any violation of this Section occurring at privately owned parking areas without the necessity of a warrant being obtained by the owner of such private parking area.

Sec. 7-23. Exceptions to Article III of Chapter 7 - Disabled persons - special plates.

Notwithstanding anything in this Article to the contrary, any disabled person to whom special plates are issued pursuant to Virginia Code Section 46.2-731 or under Section 46.2-739 shall be allowed to park the vehicle upon which such plates are displayed for unlimited periods of time in parking zones restricted as to length of time permitted; provided, however, this subsection shall not apply to any such ordinance which creates the zones where stopping, standing or parking is prohibited, or which creates parking zones for special types of vehicles, nor shall it apply to any such ordinance which prohibits parking during heavy traffic periods during specified rush hours, or where parking would clearly present a traffic hazard.

Sec. 7-24. Exception to Article III of Chapter 7 - Disabled Persons - Permits.¹

Notwithstanding anything in this Article to the contrary, any disabled person to whom a special vehicle parking permit is issued pursuant to Virginia Code Section 46.2-1238 may utilize such permit as follows:

A. Use of such permits shall be limited to passenger vehicles and pickup trucks during times when the permit owner is being transported in such vehicle. The permit owner may give the permit to the vehicle operator who is chauffeuring the permit owner; provided, however, upon completion of the trip, the permit shall be returned to the permit owner.

B. The permit shall be displayed in the window of the transporting vehicle and the operator shall be allowed to park the vehicle for unlimited periods of time in parking zones restricted as to length of parking time permitted; provided, however, this subsection shall not apply to any such ordinance which creates zones where stopping, standing or parking is prohibited, or which creates parking zones for special types of vehicles, nor shall it apply to any such ordinance which prohibits parking during heavy traffic periods during specified rush hours, or where parking would clearly present a traffic hazard.

C. Any person who is not a person described in this section and who utilizes the parking privilege accorded by this section shall be guilty of a traffic infraction with punishment as prescribed in Sec. 7-32 hereof.

Sec. 7-25. Parking spaces reserved for handicapped persons.²

A. It shall be unlawful for a nonhandicapped operator of a motor vehicle to park in a parking space reserved for the handicapped on public property or at privately owned parking areas open to the public. Any person violating this section shall be guilty of a traffic infraction with punishment as prescribed in Sec. 7-32 hereof.

B. The Town police or other uniformed personnel employed by the Town to enforce parking regulations shall be empowered to issue a summons for any violation of this Section or of Section 7-24 C. occurring at privately owned parking areas without the necessity of a warrant being obtained by the owner of such private parking area.

Sec. 7-26. Presumption where vehicle illegally parked.³

In any prosecution charging a violation of any parking regulation, proof that

1. Va. Code Ref. Sec. 46.2-1238
2. Va. Code Ref. Sec. 46.2-1237 and 36-99.11
3. Va. code Ref. Sec. 46.2-1220

the vehicle described in the complaint, summons or warrant was parked in violation of such ordinance or regulation together with proof that the defendant was at the time of such parking the registered owner of the vehicle shall constitute a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where and for the time during which, such violation occurred.

Sec. 7-27. Notice of violation (Parking ticket).

Any police officer who shall find any vehicle to be parked in violation of Article III shall attach to such vehicle a notice to the owner thereof that such vehicle has been parked in a prohibited place, or manner, as applicable, and instructing such owner when and where to report with reference to such violation. Each such owner may, within forty-eight hours of the time when such notice as attached to such vehicle, pay to the Treasurer of the Town a fine for and in full satisfaction of such violation, the sum of Ten Dollars and in event of such timely payment shall be deemed a defense to any complaint made hereunder. The failure of such owner to make payment to the Treasurer of the Town within forty-eight hours, shall render such owner subject to the penalties provided in Sec. 7-32.

Sec. 7-28. Parking on private property.¹

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, thoroughfare or alley indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a street or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand or park any vehicle in such lot or lot area.

Sec. 7-29. Parking for certain purposes prohibited.²

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

1. Va. Code Ref. Sec. 46.1-252

2. Va. Code Ref. Sec. 46.1-252

sale or for rent. The phrase "for the purpose" shall mean that the primary reason for parking the vehicle on the public street is to put it in a position where it can readily be seen by the public with signs placed thereon to indicate that it is offered for sale. Exemption: This Subparagraph A. shall not apply to the offering for sale by an individual of his or her personal vehicle actually titled in his or her name (or jointly with his or her spouse) provided such individual has not offered for sale any other vehicle on the public streets within the previous twelve month period.

B. It shall be unlawful to park any vehicle upon any street in a business district from which any merchandise is being sold.

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

Sec. 7-30. Parking prohibitions and time limitations within certain areas.

No vehicle, other than a passenger vehicle, pickup or panel truck not exceeding an actual gross weight of five thousand (5,000) pounds, shall be parked or left standing in any street of the Town in any residential district thereof, between the hours of 6:00 p.m. and 7:00 a.m.; provided, that between the hours of 6:00 p.m. on any Saturday and 7:00 a.m. on the Monday following, such parking shall be prohibited at all times.

Sec. 7-31. Parking vehicles without state license on highways.

It shall be unlawful to park any vehicle having no current state license on any highway.

Sec. 7-32. Penalty for violation of Article III.

Unless otherwise provided, any person violating the provisions of this Article III or any parking regulation promulgated pursuant to Sec. 7-2 shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than fifty dollars for each offense.

Division 2 - Abandoned Vehicles

Sec. 7-33. Removal and disposition of abandoned vehicles.

In addition to any other provision of law, abandoned vehicles as herein defined shall be removed and disposed of in accordance with Chapter 10 of Title 46.2 (Sections 46.2-1200 through 1208) of the Code of Virginia, said Chapter 10 having been incorporated by reference into the Code of the Town of Hurt under Section 7-1 hereof.

An abandoned motor vehicle is defined as stated in Section 46.2-1200 of the Code of Virginia, as amended, and in addition to said definition, it shall be presumed that any motor vehicle, trailer or semitrailer or part thereof found on the public streets or public grounds unattended by the owner or operator thereof or found upon privately owned property, without the permission of the owner, lessee or occupant of said private property, is abandoned if A. it lacks either: 1. a current license plate or, 2. a current county, city or town, plate or stickers, or 3. a valid state inspection certificate or sticker, and B. it has been in a specific location for 10 days without being moved.

Sec. 7-34. Sale of personal property found in unattended or abandoned vehicles.

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

Sec. 7-35. Temporary removal and disposition of vehicles involved in accidents.

Whenever a motor vehicle, trailer or semitrailer involved in an accident is found upon the highways or streets of the town and is so located as to impede the orderly flow of traffic, the police may at no cost to the owner or operator remove such motor vehicle, trailer or semitrailer from the highways or streets to some point in the vicinity where such motor vehicle, trailer or semitrailer will not impede the flow of traffic.

Sec. 7-36. Leaving vehicles upon private property prohibited; removal and disposition.

It shall be unlawful for any person to leave any motor vehicle, trailer, semitrailer, or part thereof on the private property of any other person without his consent.

Upon written request of the owner of the property on which such motor vehicle, trailer, semitrailer, or part thereof, has been abandoned for more than five days, such motor vehicle, trailer, or semitrailer, or part thereof, may be removed by or under the direction of a police officer to a storage garage or area, provided that the person at whose request such motor vehicle, trailer, semitrailer, or part thereof, is so removed shall indemnify the town against any loss or expense incurred by reason of removal, storage or sale thereof.

The provisions of Chapter 10 of Title 46.2 of the Code of Virginia shall apply to all such removals and the disposal of all such vehicles.

Sec. 7-36.1. Donation of abandoned bicycles.

The Hurt Police Department, acting on behalf of the Town is hereby authorized to sell to the public by auction or by sealed bids or, in its discretion, to donate to a charitable organization any bicycle, electric power-assisted bicycle, or moped that has been in the possession of the police department, unclaimed, for more than thirty days.

The location and description of the bicycle, electric power-assisted bicycle or moped shall be published at least once a week for two successive weeks in a newspaper of general circulation within the Town and should the rightful owner not claim the same within 30 days after the second such publication it may be disposed of by the Police Department as set forth above. Should the rightful owner wish to reclaim the bicycle, electric power-assisted bicycle or moped he/she shall reimburse the town for the costs of the said publication before taking possession thereof.

Supplement Page. (Sec. 7-36.1 added 8/4/15).

ARTICLE IV – REPEALED AND RESERVED

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