

13-22-82

ADOPTION OF AMENDMENTS TO CHAPTER 82,

SECTIONS 82-1-6, 82-6-25, and 82-6-26

(MOTOR VEHICLES AND TRAFFIC)

OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

At a regular meeting of the Board of Supervisors of Fairfax, County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, June 28, 2022, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted amendments regarding Chapter 82, Sections 82-1-6, 82-6-25, and 82-6-26 (Motor Vehicles and Traffic) of the 1976 Code of the County of Fairfax, Virginia, said amendments so adopted being in the words and figures following, to wit:

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,

VIRGINIA:

That Chapter 82, Sections 82-1-6, 82-6-25, and 82-6-26 (Motor Vehicles and Traffic) are amended as follows:

Approved Amendments by the BOS on June 28, 2022
Clean Version
Chapter 82, Motor Vehicles and Traffic

Article 1. – In General.

Section 82-1-6. Adoption of State Law

Pursuant to the authority of Section 46.2-1313 of the Virginia Code, all provisions and requirements of the following sections of the Code of Virginia, as in effect on July 1, 2022, except those provisions and requirements the violation of which constitutes a felony, are hereby incorporated into the Fairfax County Code by reference, effective July 1, 2022, except where otherwise noted.

18.2-266	18.2-270	46.2-218
18.2-266.1	18.2-270.01	46.2-300
18.2-267	18.2-270.1	46.2-301
18.2-268.1	18.2-271	46.2-301.1
18.2-268.2	18.2-271.1	46.2-302
18.2-268.3	18.2-272	46.2-329
18.2-268.4	46.2-100	46.2-334.001
18.2-268.5	46.2-102	46.2-341.20:5
18.2-268.6	46.2-104	46.2-341.26:2
18.2-268.7	46.2-108	46.2-341.26:3
18.2-268.8	46.2-109	46.2-341.26:4
18.2-268.9	46.2-110	46.2-341.26:7
18.2-268.10	46.2-111	46.2-341.26:9
18.2-268.11	46.2-112	46.2-341.27
18.2-268.12	46.2-203.1	46.2-341.28
18.2-269	46.2-208	46.2-345.3

46.2-346	46.2-715	46.2-818.2
46.2-349	46.2-716	46.2-819.4
46.2-371	46.2-724	46.2-820
46.2-373	46.2-730	46.2-821
46.2-376	46.2-800	46.2-822
46.2-379	46.2-801	46.2-823
46.2-380	46.2-802	46.2-824
46.2-391.01	46.2-803	46.2-825
46.2-391.2	46.2-804	46.2-826
46.2-391.3	46.2-805	46.2-827
46.2-391.4	46.2-806	46.2-828
46.2-392	46.2-807	46.2-828.2
46.2-393	46.2-808	46.2-829
46.2-398	46.2-808.1	46.2-830
46.2-602.3	46.2-808.2	46.2-831
46.2-612	46.2-810	46.2-832
46.2-613	46.2-811	46.2-833
46.2-616	46.2-812	46.2-833.1
46.2-617	46.2-814	46.2-834
46.2-618	46.2-816	46.2-835
46.2-684.2*	46.2-816.1	46.2-836
46.2-704	46.2-817	46.2-837
46.2-711	46.2-818.1	46.2-838

46.2-839	46.2-863	46.2-883
46.2-841	46.2-864	46.2-884
46.2-842	46.2-865	46.2-885
46.2-842.1	46.2-865.1	46.2-886
46.2-844	46.2-866	46.2-887
46.2-845	46.2-868	46.2-888
46.2-846	46.2-868.1	46.2-889
46.2-848	46.2-869	46.2-890
46.2-849	46.2-870	46.2-891
46.2-850	46.2-871	46.2-892
46.2-851	46.2-872	46.2-893
46.2-852	46.2-873	46.2-894
46.2-853	46.2-874	46.2-895
46.2-854	46.2-876	46.2-896
46.2-855	46.2-877	46.2-897
46.2-856	46.2-878	46.2-898
46.2-857	46.2-878.1	46.2-899
46.2-858	46.2-878.2	46.2-900
46.2-859	46.2-878.3	46.2-902
46.2-860	46.2-879	46.2-903
46.2-861	46.2-880	46.2-904
46.2-861.1	46.2-882	46.2-904.1
46.2-862	46.2-882.1	46.2-905

46.2-906	46.2-936	46.2-1024
46.2-908.1	46.2-937	46.2-1025
46.2-909	46.2-940	46.2-1026
46.2-910	46.2-942	46.2-1027
46.2-911.1	46.2-1001.1	46.2-1030
46.2-912	46.2-1001	46.2-1031
46.2-914	46.2-1002	46.2-1032
46.2-915	46.2-1003	46.2-1033
46.2-915.2	46.2-1004	46.2-1034
46.2-918	46.2-1010	46.2-1035
46.2-919	46.2-1011	46.2-1036
46.2-919.1	46.2-1012	46.2-1037
46.2-920	46.2-1013	46.2-1038
46.2-921	46.2-1014	46.2-1039
46.2-922	46.2-1015	46.2-1040
46.2-923	46.2-1016	46.2-1041
46.2-924	46.2-1017	46.2-1043
46.2-926	46.2-1018	46.2-1043.1
46.2-927	46.2-1019	46.2-1044
46.2-928	46.2-1020	46.2-1047
46.2-929	46.2-1021	46.2-1049
46.2-930	46.2-1022	46.2-1050
46.2-932	46.2-1023	46.2-1052

46.2-1053	46.2-1080	46.2-1121**
46.2-1054	46.2-1081	46.2-1130
46.2-1055	46.2-1082	46.2-1137
46.2-1056	46.2-1083	46.2-1150
46.2-1057	46.2-1084	46.2-1151
46.2-1058	46.2-1088	46.2-1154
46.2-1059	46.2-1088.1	46.2-1155
46.2-1060	46.2-1088.2	46.2-1156
46.2-1061	46.2-1088.5	46.2-1157
46.2-1063	46.2-1088.6	46.2-1158
46.2-1064	46.2-1090	46.2-1158.01
46.2-1065	46.2-1091	46.2-1158.02
46.2-1066	46.2-1092	46.2-1158.1
46.2-1067	46.2-1093	46.2-1172
46.2-1068	46.2-1102	46.2-1173
46.2-1070	46.2-1105	46.2-1216
46.2-1071	46.2-1110	46.2-1218
46.2-1072	46.2-1111	46.2-1219.2
46.2-1076	46.2-1112	46.2-1219.3
46.2-1077	46.2-1115	46.2-1231
46.2-1077.01	46.2-1116	46.2-1234
46.2-1078	46.2-1118	46.2-1240
46.2-1079	46.2-1120	46.2-1242

46.2-1250	46.2-1552
46.2-1309	46.2-1561
46.2-1508.2	46.2-2910

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 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-270.1, 18.2-271, 18.2-271.1 and 18.2-272 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 Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-271, 18.2-270.1, 18.2-271.1 and 18.2-272 of the *Code of Virginia*.

* To become effective on July 1, 2023, per 2022 Acts of General Assembly Chapter 51.

** To become effective on July 1, 2023, per 2022 Acts of General Assembly Chapter 50.

(20-83-82; 25-84-82; 14-85-82; 16-87-82; 29-88-82; 20-89-82; 30-89-82; 18-90-82; 36-90-82; 23-91-82; 37-91-82; 37-92-82; 46-92-82; 33-93-82; 27-94-82; 17-95-82; 35-95-82; 25-96-82; 41-96-82; 18-97-82; 21-98-82; 20-99-82; 27-00-82; 25-01-82; 24-02-82; 33-02-82; 26-03-82; 25-04-82; 22-05-82; 18-06-82; 21-07-82; 45-08-82; 52-08-82; 41-09-82; 21-10-82; 22-11-82; 13-12-82; 15-12-82; 48-13-82; 27-14-82; 21-15-82; 21-16-82; 11-17-82; 21-18-82; 21-19-82; 10-20-82; 13-21-82.)

ARTICLE 6. - Equipment.

Section 82-6-25. - Flag or light at end of load.^[131]

[Effective until June 30, 2023]

Whenever the load on any vehicle shall extend more than four (4) feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load, a red flag not less than twelve (12) inches, both in length and width, except that between one-half (½) hour after sunset and one-half (½) hour before sunrise, there shall be displayed at the end of such load a red light, plainly visible in clear weather at least five hundred (500) feet to the sides and rear of such vehicle. (3-13-63; 1961 Code, § 16-162.)

[Effective on July 1, 2023]

- (a) Whenever the load on any vehicle other than a commercial motor vehicle shall extend more than four (4) feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load, a red flag not less than 12 inches, both in length and width.
- (b) Any commercial motor vehicle transporting a load that extends beyond the sides of the vehicle by more than four inches or more than four feet beyond the rear of the vehicle shall have the extremities of the load marked with a red or orange fluorescent warning flag. Any such warning flag shall be at least 18 inches, both in length and width. If the projecting load is two feet wide or less, there shall be at least one flag at the extreme rear. If the projecting load is wider than two feet, there shall be at least two warning flags at the extreme rear. Any such flag shall be located to indicate the maximum widths or any load that extends beyond the sides or rear of the commercial motor vehicle.
- (c) On any vehicle subject to the provisions of subsections (a) or (b), between sunset and sunrise, there shall be displayed at the end of such load a red light, plainly visible in clear weather at least five hundred (500) feet to the sides and rear of such vehicle. (3-13-63; 1961 Code, § 16-162.)

Footnotes:

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123. For similar state law, see Va. Code Ann., § 46.2-1121.

Section 82-6-26. - Exhaust system in good working order required.^[133]

- (a) No person shall drive and no owner of a motor vehicle shall permit or allow the operation of any owned vehicle upon a highway unless such motor vehicle is equipped with an exhaust system in good working order and in constant operation to prevent excessive or unusual levels of noise, provided, however, that for motor vehicles, such exhaust system shall be of a type installed as standard factory equipment, or comparable to that designed for use on the particular vehicle as standard factory equipment or other equipment that has been submitted to and approved by the Superintendent or meets or exceeds the standards and specifications of the Society of Automotive Engineers, the American National Standards Institute, or the federal Department of Transportation.
- (b) The term "exhaust system," as used in this Section, means all the parts of a motor vehicle through which the exhaust passes after leaving the engine block, including mufflers and other sound dissipative devices.
- (c) Chambered pipes shall not be deemed to be an effective muffling device to prevent excessive or unusual noise as required in Subsection (a).

(3-13-63; 1961 Code, § 16-163; 13-21-82.)

Footnotes:

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125. For similar state law, see Va. Code Ann., § 46.2-1049.

GIVEN under my hand this 28th day of June, 2022.

Jill G. Cooper
Clerk for the Board of Supervisors