

22-24-82

*ADOPTION OF AMENDMENTS TO CHAPTER 82
(MOTOR VEHICLES AND TRAFFIC), SECTION 82-1-6
(ADOPTION OF STATE LAW), SECTION 82-5-29 (REMOVAL
AND DISPOSITION OF CERTAIN UNATTENDED VEHICLES;
SALE, DISPOSITION OR PROCEEDS), SECTION 82-6-48
(OTHER PERMISSIBLE LIGHTS; POLICE AND FIRE-
FIGHTING VEHICLES; EMERGENCY VEHICLES), SECTION
82-7-1 (WIDTH OF VEHICLES AND EXCEPTIONS AS TO
SIZE),
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 25, 2024, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted amendments regarding Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6 (Adoption of State Law), Section 82-5-29 (Removal and Disposition of Certain Unattended Vehicles; Sale,

Disposition or Proceeds), Section 82-6-48 (Other Permissible Lights; Police and Fire-Fighting Vehicles; Emergency Vehicles), Section 82-7-1 (Width of Vehicles and Exceptions as to Size), 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 (Motor Vehicles and Traffic), Section 82-1-6 (Adoption of State Law), Section 82-5-29 (Removal and Disposition of Certain Unattended Vehicles; Sale, Disposition or Proceeds), Section 82-6-48 (Other Permissible Lights; Police and Fire-Fighting Vehicles; Emergency Vehicles), Section 82-7-1 (Width of Vehicles and Exceptions as to Size), is amended as follows:

**Approved Amendments by the BOS on June 25, 2024
Red-Line 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, ~~2023~~ 2024, 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, ~~2023~~ 2024.

18.2-268.1	46.2-109	46.2-349
18.2-268.2	46.2-110	46.2-371
18.2-268.3	46.2-111	<u>46.2-373</u>
18.2-268.4	46.2-112	46.2-376
18.2-268.5	46.2-203.1	<u>46.2-379</u>
18.2-268.6	<u>46.2-208</u>	46.2-380
18.2-268.7	46.2-218	46.2-391.01
18.2-268.8	46.2-300	46.2-391.2
18.2-268.9	<u>46.2-301</u>	46.2-391.3
18.2-268.10	46.2-301.1	46.2-391.4
18.2-268.11	46.2-302	46.2-392
18.2-268.12	46.2-329	46.2-393
18.2-269	46.2-334.001	46.2-398
18.2-270	46.2-341.20:5	46.2-602.3
18.2-270.01	46.2-341.26:2	46.2-612
18.2-270.1	46.2-341.26:3	46.2-613
18.2-271	46.2-341.26:4	46.2-616
18.2-271.1	46.2-341.26:7	46.2-617
18.2-272	46.2-341.26:9	46.2-618
46.2-100	46.2-341.27	46.2-684.2
46.2-102	46.2-341.28	46.2-704
46.2-104	46.2-345.3	46.2-711
46.2-108	46.2-346	46.2-715

46.2-716	46.2-818.2	46.2-839
46.2-724	46.2-819.4	46.2-841
46.2-730	46.2-820	46.2-842
46.2-800	46.2-821	46.2-842.1
46.2-801	46.2-822	<u>46.2-844</u>
46.2-802	46.2-823	46.2-845
46.2-803	46.2-824	46.2-846
46.2-804	46.2-825	46.2-848
46.2-805	46.2-826	46.2-849
46.2-806	46.2-827	46.2-850
46.2-807	46.2-828	46.2-851
46.2-808	46.2-828.2	46.2-852
46.2-808.1	46.2-829	46.2-853
46.2-808.2	46.2-830	46.2-854
<u>46.2-808.3</u>	46.2-831	46.2-855
46.2-810	46.2-832	46.2-856
46.2-811	46.2-833	46.2-857
46.2-812	46.2-833.1	46.2-858
46.2-814	46.2-834	46.2-859
46.2-816	46.2-835	46.2-860
46.2-816.1	46.2-836	46.2-861
46.2-817	46.2-837	46.2-861.1
46.2-818.1	46.2-838	46.2-862

46.2-863	46.2-883	46.2-906
46.2-864	46.2-884	46.2-908.1
46.2-865	46.2-885	46.2-909
46.2-865.1	46.2-886	46.2-910
46.2-866	46.2-887	46.2-911.1
46.2-868	46.2-888	46.2-912
46.2-868.1	46.2-889	46.2-914
46.2-869	46.2-890	46.2-915
46.2-870	46.2-891	46.2-915.2
46.2-871	46.2-892	46.2-918
46.2-872	46.2-893	46.2-919
46.2-873	46.2-894	46.2-919.1
46.2-874	46.2-895	46.2-920
46.2-876	46.2-896	46.2-921
46.2-877	46.2-897	46.2-922
<u>46.2-878</u>	46.2-898	46.2-923
46.2-878.1	46.2-899	46.2-924
46.2-878.2	46.2-900	46.2-926
46.2-878.3	46.2-902	46.2-927
46.2-879	46.2-903	46.2-928
46.2-880	46.2-904	46.2-929
46.2-882	46.2-904.1	46.2-930
<u>46.2-882.1</u>	46.2-905	46.2-932

46.2-936	<u>46.2-1024</u>	46.2-1052
46.2-937	<u>46.2-1025</u>	46.2-1053
46.2-940	<u>46.2-1025.1</u>	46.2-1054
46.2-942	46.2-1026	46.2-1055
46.2-1001.1	46.2-1027	46.2-1056
46.2-1001	46.2-1030	46.2-1057
46.2-1002	46.2-1031	46.2-1058
46.2-1003	46.2-1032	46.2-1059
46.2-1004	46.2-1033	46.2-1060
46.2-1010	46.2-1034	46.2-1061
46.2-1011	46.2-1035	46.2-1063
46.2-1012	46.2-1036	46.2-1064
46.2-1013	46.2-1037	46.2-1065
46.2-1014	46.2-1038	46.2-1066
46.2-1015	46.2-1039	46.2-1067
46.2-1016	46.2-1040	46.2-1068
46.2-1017	46.2-1041	46.2-1070
46.2-1018	46.2-1043	46.2-1071
46.2-1019	46.2-1043.1	46.2-1072
46.2-1020	46.2-1044	46.2-1076
46.2-1021	46.2-1047	46.2-1077
46.2-1022	46.2-1049	46.2-1077.01
46.2-1023	46.2-1050	46.2-1078

46.2-1079	46.2-1111	46.2-1158.1
46.2-1080	46.2-1112	46.2-1172
46.2-1081	46.2-1115	46.2-1173
46.2-1082	46.2-1116	46.2-1216
46.2-1083	46.2-1118	46.2-1218
46.2-1084	46.2-1120	46.2-1219.2
46.2-1088	46.2-1121	46.2-1219.3
46.2-1088.1	46.2-1130	<u>46.2-1231</u>
46.2-1088.2	46.2-1137	46.2-1234
46.2-1088.5	<u>46.2-1150</u>	46.2-1240
46.2-1088.6	46.2-1151	46.2-1242
46.2-1090	46.2-1154	46.2-1250
46.2-1091	46.2-1155	46.2-1309
46.2-1092	46.2-1156	46.2-1508.2
46.2-1093	46.2-1157	46.2-1552
46.2-1102	46.2-1158	46.2-1561
<u>46.2-1105</u>	46.2-1158.01	46.2-2910
46.2-1110	46.2-1158.02	

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*.

(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; 13-22-82, 32-23-82).

Article 5. – Stopping, Standing and Parking.

Section 82-5-29. Removal and disposition of certain unattended vehicles; sale, disposition or proceeds.^[107]

- (a) Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic, or is parked in such manner as to be in violation of law, or whenever any motor vehicle, trailer or semitrailer is left unattended for more than 15 days upon any public property or privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, or is abandoned upon such public property or privately owned property, without the permission of the owner, lessee or occupant thereof, or whenever any motor vehicle, trailer, or semitrailer is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on any public roadway, any such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a law-enforcement officer or other uniformed employee of the Fairfax County Police Department who specifically is authorized to do so by the Chief of Police or his designee to a storage area; provided, however, that no such vehicle shall be so removed from privately owned premises without the written request of the property owner, property lessee, or property occupant thereof.
- (b) The person at whose request such motor vehicle, trailer or semitrailer is removed from privately owned property shall indemnify the County against any loss or expense incurred by reason of removal, storage or sale thereof.
- (c) It shall be presumed that such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if: (1) it lacks either a current license plate, or a valid state inspection certificate or sticker, or is parked in violation of the law; or (2) it has been in a specific location for 15 days without being moved at least 300 feet. Provision (2) does not apply if the vehicle is parked within 500 feet of the property line where the vehicle is registered.
- (d) If the vehicle to be towed is a resident's vehicle that is parked in a parking lot owned and maintained by the landlord of a multifamily dwelling unit, the towing operator for such parking lot, prior to the towing of such vehicle for an expired vehicle registration or expired vehicle inspection sticker, shall post written notice on the vehicle, which shall include the date of posting of such notice, that such vehicle will be towed due to an expired registration or expired vehicle inspection sticker after 48 hours from the date of the posting of such notice and that such vehicle will not be removed or towed until such time period has passed. The towing operator shall transmit a copy of such notice to the landlord with which he contracts for parking enforcement of the multifamily dwelling unit's parking lot. No law enforcement officer shall direct the towing of such vehicle unless these requirements have been satisfied.
- (d)(e) Each removal shall be reported immediately to the Department of Public Safety Communications and notice thereof given to the owner of the motor vehicle, trailer or semitrailer as promptly as possible.

~~(e)~~(f) The owner of such motor vehicle or trailer or semitrailer, before obtaining possession thereof, shall pay to the parties entitled thereto all reasonable costs incidental to the removal, storage, and locating and notifying the owner of the motor vehicle, trailer, or semitrailer. Should such owner fail or refuse to pay the cost, or should the identity or whereabouts of such owner be 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 filed with the Virginia Department of Motor Vehicles against the motor vehicle, trailer or semitrailer, the officer or authorized agent designated by the Chief of Police may, after holding the motor vehicle, trailer or semitrailer 40 days and after due notice of sale dispose of the same at a public auction, which may include an internet sale by auction. The County or its authorized agent shall reimburse itself for the expenses of the auction, the cost of removal, storage, and investigation as to ownership and liens. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interest in the vehicle, as their interests may appear, for 60 days, and then be deposited into the General Fund of the County.

~~(f)~~(g) This Section shall not operate to deprive any person of other remedies available under law to obtain payment from the owner of unattended, abandoned or immobile vehicles for towing, storage or other services rendered.

~~(g)~~(h) The Virginia Department of Motor Vehicles shall be notified of the disposition of any motor vehicle, trailer or semitrailer under this Section.

~~(h)~~(i) Any person who shall violate, permit, or suffer or allow anyone to violate any provisions of Section 82-5-29 shall be punished as provided in Section 82-1-32. (3-13-63; 1961 Code, § 16-133; 37-76-82; 26-81-82; 24-84-82; 34-86-82; 08-06-82; 27-18-82; 32-23-82.)

Footnotes:

--- (107) ---

98. For authority of the county to adopt this Section, see Va. Code Ann., § 46.2-1213, § 46.2-1232.

ARTICLE 6. – Equipment.

Section 82-6-48. Other permissible lights; police and fire-fighting vehicles; emergency vehicles.^[139]

- (a) Any motor vehicle may be equipped with not to exceed two (2) fog lamps, one (1) passing lamp, one (1) driving lamp, two (2) side lamps or not more than six (6) candlepower; interior light of not more than fifteen (15) candlepower; vacant or destination signs on vehicles operated as public carriers and signal lamps.
- (b) Only those vehicles listed in ~~paragraph (a) of Section 82-4-59~~ pursuant to Virginia Code § 46.2-920 and in paragraph (d) of this Section and school buses may be equipped with flashing, blinking or alternating red emergency lights of a type approved by the Superintendent.
- (c) Vehicles used for the principal purpose of towing or servicing disabled vehicles or in constructing, maintaining and repairing highways or utilities on or along public highways; vehicles used for the principal purpose of removing hazardous or polluting substances from State waters and drainage areas on or along public highways for use only when performing such duties; and hi-rail vehicles may be equipped with flashing, blinking or alternating amber warning lights of a type approved by the Superintendent, but such lights on hi-rail vehicles shall be activated only when such vehicles are operated on railroad rails; provided however, that vehicles used by individuals for emergency snow removal purposes shall also be allowed to use such amber warning lights during such snow removal operation.
- (d) High-intensity amber lights as prescribed by the Superintendent shall be required to be used by any vehicle which is engaged in the towing of a manufactured housing unit and shall also be required on the upper rear end of such unit being towed.
- (e) A member of any fire department, volunteer fire company or volunteer rescue squad may equip one (1) vehicle owned by him with no more than ~~two (2)~~ four (4) flashing or steady-burning red or red and white combination lights of a type approved by the Superintendent, for use by him only in answering emergency calls.
- (f) Any person violating the provisions of this Section shall be guilty of a misdemeanor.
- (g) Blue lights, steady or flashing, of a type approved by the Superintendent shall be reserved for civil defense vehicles, publicly or privately owned.
- (h) No motor vehicle shall be operated on any highway which is equipped with any lighting device other than lamps required or permitted in this Article or required or approved by the Superintendent or required by the Federal Department of Transportation. (3-13-63; 1-11-67; 1961 Code, § 16-183; 37-76-82; 9-78-82; 34-78-82.)

Footnotes:

--- (139) ---

131. For similar state law, see Va. Code Ann., §§ 46.2-1021—46.2-1027.

ARTICLE 7. – Maximum Size and Weight; Combination of Vehicles

Section 82-7-1. Width of vehicles and exceptions as to size.^[147]

- (a) No vehicle, including any load thereon, but excluding the mirror required by Section 82-6-13 and any warning device installed on a school bus pursuant to Virginia Code § 46.2-1090, shall exceed a total outside width as follows: of 102 inches.
- (1) ~~Repealed;~~
- (2) ~~Passenger bus operated in an incorporated city or town when authorized under Va. Code Ann., § 46.2-1300, one hundred two (102) inches;~~
- (3) ~~Other vehicles, ninety-six (96) inches; and~~
- (4) ~~School buses one hundred (100) inches wide while in motion and one hundred eighteen (118) inches wide when stopped to pick up or discharge students.~~
- (b) Notwithstanding section (a), a travel trailer as defined in Virginia Code § 46.2-1500 or motor home may exceed 102 inches if such excess width is attributable to an appurtenance that extends no more than six inches beyond the body of the vehicle. For the purposes of this subsection, "appurtenance" includes (i) an awning and its support hardware and (ii) any appendage that is installed by the manufacturer or dealer intended to be an integral part of a motor home or travel trailer, but does not include any item that is temporarily attached to the exterior of the vehicle by the vehicle's owner for the purposes of transporting the item from one location to another. (3-13-63; 1961 Code, § 16-193; 19-79-82; 13-21-82.)

Footnotes:

--- (147) ---

139. For similar state law, see Va. Code Ann., § 46.2-1105.

GIVEN under my hand this 25th day of June, 2024.



Jill G. Cooper
Clerk for the Board of Supervisors