

MOTION: **BAILEY** **June 3, 2025**
SECOND: **BODDYE** **Regular Meeting**
RE: **ADOPT ANNUAL AMENDMENTS TO THE COUNTY CODE, SOME OF WHICH ARE**
MANDATED BY CHANGES TO STATE LAW, AMENDMENTS TO: CHAPTER 8.1
(COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) FINANCING
PROGRAM), CHAPTER 13 (MOTOR VEHICLES AND TRAFFIC), CHAPTER 16
(MISCELLANEOUS OFFENSES), AND CHAPTER 26 (TAXATION)
ACTION: **APPROVED**

WHEREAS, the Prince William Board of County Supervisors (Board) pursuant to both general and specific authority granted by the Code of Virginia, has enacted certain provisions of Chapter 8.1 (Commercial property Assessed Clean Energy (C-Pace) Financing Program), Chapter 13 (Motor Vehicles and Traffic), Chapter 16 (Miscellaneous Offenses), and Chapter 26 (Taxation) of the Prince William County Code to parallel certain provisions of the Code of Virginia; and

WHEREAS, the parallel provisions of the Code of Virginia have been amended by the Governor of Virginia and the General Assembly during the 2025 general session, or were previously amended by the Governor of Virginia and the General Assembly; and

WHEREAS, a public hearing, duly authorized, was conducted on June 3, 2025, for the purpose of considering adoption of the attached amendments to the Prince William County Code;

NOW, THEREFORE, BE IT ORDAINED that the Prince William Board of County Supervisors hereby adopts the attached amendments to the County Code, some of which are mandated by changes to state law, amendments to: Chapter 8.1 (Commercial property Assessed Clean Energy (C-Pace) Financing Program), Chapter 13 (Motor Vehicles and Traffic), Chapter 16 (Miscellaneous Offenses), and Chapter 26 (Taxation);

BE IT FURTHER ORDAINED that the various sections being amended shall become effective upon each section's corresponding effective date as set forth in the attachment.

ATTACHMENTS: Amendments to the County Code

Votes:

Ayes: Angry, Bailey, Boddye, Franklin, Gordy, Jefferson, Vega, Weir

Nays: None

Absent from Vote: None

Absent from Meeting: None

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For Information:

County Executive
Deputy County Executives
Chief of Police
Finance Director
Planning Director
Development Services Director
Public Works Director
Social Services Director
Transportation Director
Commonwealth's Attorney

ATTEST: Andrea P. Madden
Clerk to the Board

AMENDMENTS TO CHAPTER 8 OF THE COUNTY CODE
TO BECOME EFFECTIVE ON JULY 1, 2025

**CHAPTER 8.1 COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) FINANCING
PROGRAM**

ARTICLE I. IN GENERAL

Sec. 8.1-2. Definitions.

- (a) *Assessment Payment Schedule* means the schedule of installments of C-PACE Payments to be made in the repayment of the C-PACE Loan, which shall be attached as Exhibit B to the C-PACE Program Agreement.
- (b) *Capital Provider* means (i) a private lending institution that has been approved by the Program Administrator in accordance with the Program Guidelines to originate a C-PACE Loan and its successors and assigns; or (ii) the current holder of a C-PACE Loan.
- (c) *County* means the County of Prince William, Virginia.
- (d) *Clerk's office* means the Office of the Clerk of the Circuit Court of the County of Prince William, Virginia.
- (e) *Commonwealth* means the Commonwealth of Virginia.
- (f) *Board of Supervisors* means the Board of Supervisors of the County of Prince William, Virginia.
- (g) *C-PACE* means Commercial Property Assessed Clean Energy.
- (h) *C-PACE Act* means Virginia's "Commercial Property Assessed Clean Energy (C-PACE) financing programs" law, codified at Va. Code § 15.2-958.3.
- (i) *C-PACE Amendment* means an amendment of the C-PACE Lien executed by the Capital Provider, the Property Owner and the Program Manager, as permitted in the C-PACE Documents, which C-PACE Amendment shall be recorded in the Clerk's Office to evidence each amendment to the C-PACE Loan and the C-PACE Lien.
- (j) *C-PACE Assignment (CP)* means a written assignment by one Capital Provider to another Capital Provider of the C-PACE Payments and/or C-PACE Lien pursuant to the terms of the assignment document.
- (k) *C-PACE Assignment (Locality)* means a written assignment by the County to the Capital Provider to whom the C-PACE Loan is then due, wherein the County relinquishes and assigns its right to enforce the C-PACE Lien to the Capital Provider, substantially in the form attached as Addendum 1 to the C-PACE Lien Certificate.
- (l) *C-PACE Documents* means the C-PACE Program Agreement, Financing Agreement, C-PACE Lien Certificate, C-PACE Assignment (CP) (if any), C-PACE Assignment (Locality) (if any), C-PACE Amendment (if any), and any other document, agreement, or instrument executed in connection with a C-PACE Loan.
- (m) *C-PACE Lien or Lien* means the voluntary special assessment lien levied against the Property as security for the C-PACE Loan.

- (n) *C-PACE Lien Certificate* means the voluntary special assessment lien document duly recorded among the Land Records against an Eligible Property to secure a C-PACE Loan.
- (o) *C-PACE Loan or Loan* means a loan from a Capital Provider to finance a Project, in accordance with the Program Guidelines.
- (p) *C-PACE Payment* means the periodic installment payments of the C-PACE Loan by a Property Owner, due and payable to the County or Capital Provider as permitted by the C-PACE Act in such amounts and at such times as described in the Assessment Payment Schedule.
- (q) *C-PACE Program* means the program established by the County through this chapter, in accordance with the C-PACE Act, that in coordination with the Statewide Program facilitates the financing of Eligible Improvements and provides for a C-PACE Lien to be levied and recorded against the Property to secure the C-PACE Loan.
- (r) *C-PACE Program Agreement* means the agreement executed among the Property Owner, the County, the Director of Finance and the Capital Provider, and their respective successors and assigns, which includes the terms and conditions for participation in the C-PACE Program and the Property Owner's acknowledgment and consent for the County to impose a voluntary special assessment, record a C-PACE Lien Certificate against the Property Owner's Eligible Property and assigns the rights to enforce the C-PACE Lien and C-PACE Lien Certificate to the Capital Provider (and if so assigned, also a consent of the Director of Finance to such assignment). The C-PACE Program Agreement shall be substantially in the form attached hereto as Appendix A.
- (s) *Delinquent Payment* means any C-PACE Payment that was not paid by a Property Owner in accordance with the C-PACE Documents.
- (t) *Eligible Improvements* means the initial acquisition and installation of any of the following improvements made to Eligible Properties:
 - (1) Energy efficiency improvements;
 - (2) Water efficiency and safe drinking water improvements;
 - (3) Renewable energy improvements;
 - (4) Resiliency improvements;
 - (5) Stormwater management improvements;
 - (6) Environmental remediation improvements; and
 - (7) Electric vehicle infrastructure improvements.

Eligible Improvements may be made to both existing Properties and new construction, as further prescribed in this chapter and the Program Guidelines. Eligible Improvements shall include types of authorized improvements added by the General Assembly to the C-PACE Act after the date of adoption of this chapter, without need for a conforming amendment of this chapter. In addition to the elaboration on the types of Eligible Improvements provided in Section 8.1-4(a), below, a Program Administrator may include in its Program Guidelines or other administrative documentation definitions, interpretations, and examples of these categories of Eligible Improvements.

- (u) *Eligible Property or Property* means all assessable commercial real estate located within the County, with all buildings located or to be located thereon, whether vacant or occupied,

improved or unimproved, and regardless of whether such real estate is currently subject to taxation by the County; ~~excluding (i) a residential dwelling with fewer than five (5) units, and (ii) a residential condominium as defined in Va. Code § 55.1-2100. Common areas of real estate owned by a cooperative or a property owners' association described in Va. Code Title 55.1, Subtitle IV (§ 55.1-1800 et seq.), that have a separate real property tax identification number are Eligible Properties. Eligible Properties shall be eligible to participate in the C-PACE Program.~~

"Eligible properties" are eligible for the C-PACE loan program and may include multifamily properties with no fewer than five units, common areas of real estate owned by a cooperative or a property owners' association as defined in VA Code § 55.1-1800 et seq. that have a separate real property tax identification number, and commercial condominiums as defined in VA Code § 55.1-1900.

Residential real estate with fewer than five units is not eligible for the C-PACE loan program.

"Property owner" means the fee simple owner of eligible property or the lessee under a long-term ground lease of eligible property, including a property that is owned by a public or private entity. To be eligible for a C-PACE loan (i) the term of the C-PACE loan shall not exceed the remaining term of the ground lease, (ii) there shall be no ground lease provisions or other circumstances that would prevent the property owner from participating in the C-PACE loan program, (iii) the fee simple owner shall consent to the C-PACE loan, and (iv) the fee simple owner and the lessee under a long-term ground lease shall comply with the requirements of the C-PACE loan program, including the program guide.

- (v) *Financing Agreement* means the written agreement, as may be amended, modified, or supplemented from time to time, between a Property Owner and a Capital Provider, regarding matters related to the extension and repayment of a C-PACE Loan to finance Eligible Improvements. The Financing Agreement may contain any lawful terms agreed to by the Capital Provider and the Property Owner.
- (w) *Land Records* means the Land Records of the Clerk's Office.
- (x) *Lender Consent* means a written subordination agreement executed by each mortgage or deed of trust lienholder with a lien on the Property that is the subject of a C-PACE Loan, which allows the C-PACE Lien to have senior priority over the mortgage or deed of trust liens.
- (y) *Loan Amount* means the original principal amount of a C-PACE Loan.
- (z) *Locality Agreement* means the Virginia Energy - Locality Commercial Property Assessed Clean Energy Agreement between Virginia Energy and the County, pursuant to which the County elects to participate in the Statewide Program. The Locality Agreement shall be substantially in the form attached hereto as Appendix B.
- (aa) *Program Administrator* means ~~the private third party retained by Virginia Energy to provide professional services to administer the Statewide Program in accordance with the requirements of the C-PACE Act, this chapter, the Locality Agreement and the Program Guidelines a third party that is contracted for professional services to administer a C-PACE loan program.~~
- (bb) *Program Fee(s)* means the fee(s) authorized by the C-PACE Act and charged to participating Property Owners to cover the costs to design and administer the Statewide Program, including, without limitation, compensation of the Program Administrator. While Capital Providers are required to service their C-PACE Loans, if a Capital Provider does not do so and the Program

Administrator assumes the servicing responsibility and charges a servicing fee, the servicing fee shall also be included among the Program Fees.

- (cc) *Program Guidelines* means a comprehensive document setting forth the procedures, eligibility rules, restrictions, Program Fee(s), responsibilities, and other requirements applicable to the governance and administration of the Statewide Program.
- (dd) *Program Manager* means the County Executive or such person designated in writing by the County Executive to (i) supervise the County's C-PACE Program and participation in the Statewide Program, (ii) act as liaison with the Program Administrator and (iii) advise the Program Administrator as to who will sign the C-PACE Documents to which the Locality is a party on the Locality's behalf. If the employee of the County who customarily signs agreements for the Locality is not the person designated as Program Manager, then references in this Ordinance and in the C-PACE Documents to the Program Manager signing certain C-PACE Documents on behalf of the Locality shall be construed to also authorize such customary signatory for the County to execute such C-PACE Documents.
- (ee) *Project* means the construction or installation of Eligible Improvements on Eligible Property.
- (ff) *Property Owner* means (i) the Property Owner(s) of Eligible Property who voluntarily obtain(s) a C-PACE Loan from a Capital Provider in accordance with the Program Guidelines; or (ii) a successor in title to the Property Owner.
- (gg) *Property Owner Certification* means a notarized certificate from Property Owner, certifying that (i) Property Owner is current on payments on Loans secured by a mortgage or deed of trust lien on the Property and on real estate tax payments, (ii) that the Property Owner is not insolvent or in bankruptcy proceedings, and (iii) that the title of the Property is not in dispute, as evidenced by a title report or title insurance commitment from a title insurance company acceptable to the Program Administrator and Capital Provider.
- (hh) *Statewide Program* means the statewide C-PACE financing program sponsored by Virginia Energy, established to provide C-PACE Loans to Property Owners in accordance with the C-PACE Act, this chapter, the Locality Agreement, the C-PACE Documents and the Program Guidelines.
- (ii) *Director of Finance* means the Director of Finance of the County.
- (jj) *Useful Life* means the normal operating life of the fixed asset.
- (kk) *Virginia Code* or *Va. Code* means the Code of Virginia of 1950, as amended.
- (ll) *Virginia Energy* means the Virginia Department of Energy.

(Ord. No. 23-04, 2-7-23)

AMENDMENTS TO CHAPTER 13 OF THE COUNTY CODE
TO BECOME EFFECTIVE ON JULY 1, 2025

CHAPTER 13 MOTOR VEHICLES AND TRAFFIC

ARTICLE I. IN GENERAL

Sec. 13-6 Exemptions for operators of emergency vehicles

- (a) The driver of any emergency vehicle, when such vehicle is being used in the performance of public services and when such vehicle is operated under emergency conditions, may, without subjecting himself to criminal prosecution:
 - (1) Disregard speed limits, while having due regard for safety of persons and property;
 - (2) Proceed past any steady or flashing red signal, traffic light, stop sign or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard to the safety of persons and property;
 - (3) Park or stop notwithstanding the other provisions of this chapter;
 - (4) Disregard regulations governing a direction of movement of vehicles turning in specified directions, so long as the operator does not endanger life or property;
 - (5) Pass or overtake, with due regard to the safety of persons and property, another vehicle at any intersection;
 - (6) Pass or overtake, with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going to the left of the stopped or slow-moving vehicle either in a no-passing zone or by crossing the highway centerline; and
 - (7) Pass or overtake, with due regard to the safety of persons and property, while en route to an emergency, stopped or slow-moving vehicles, by going off the paved or main traveled portion of the roadway on the right. Notwithstanding other provisions of this section, vehicles exempted in this instance will not be required to sound a siren or any device to give automatically intermittent signals.
- (b) The exemptions granted to emergency vehicles by subsection (a)(1), (a)(3), (a)(4), (a)(5), and (a)(6) of this section shall apply only when the operator of such vehicle displays a flashing, blinking or alternating emergency light or lights as provided in section 13-131, and sounds a siren, exhaust whistle or air horn designed to give automatically intermittent signals, as may be reasonably necessary. The exemption granted under subdivision (a)(2) shall apply only when the operator of such emergency vehicle displays a flashing, blinking, or alternating emergency light or lights as provided in section 13-131 and either (i) sounds a siren, exhaust whistle, or air horn designed to give automatically intermittent signals or (ii) slows the vehicle down to a speed reasonable for the existing conditions, yields right-of-way to the driver of another vehicle approaching or entering the intersection from another direction or, if required for safety, brings the vehicle to a complete stop before proceeding with due regard for the safety of persons and property. In addition, the exemptions granted to emergency vehicles by subsection (a) shall apply only when there is in force and effect for such vehicle either:

- (1) Standard motor vehicle liability insurance covering injury or death to any person in the sum of at least \$100,000.00 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of \$300,000.00 because of bodily injury to or death of two or more persons in any one accident; or
- (2) A certificate of self-insurance issued pursuant to Code of Virginia, § 46.2-368, as amended.
- (c) The exemptions granted by this section shall not protect the operator of any such vehicle from criminal prosecution for conduct constituting reckless disregard of the safety of persons and property. Nothing in this section shall release the operator of any such vehicle from civil liability for failure to use reasonable care in such operation.
- (d) For the purposes of this section, the term "emergency vehicle" shall mean means:
 - (1) Any law enforcement vehicle operated by or under the direction of a federal, state, or local law enforcement officer, (i) in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation, (ii) in response to an emergency call, (iii) in testing the accuracy of speedometers of such vehicles, or (iv) in testing the accuracy of speed measuring devices specified in Code of Virginia, § 46.2-882, as amended;
 - (2) Any regional detention center vehicle operated by or under the direction of a correctional officer responding to an emergency call or operating in an emergency situation;
 - (3) Any vehicle used to fight fire, including publicly owned state forest warden vehicles, when traveling in response to a fire alarm or emergency call;
 - (4) Any emergency medical services vehicle designed or used for the principal purpose of providing emergency medical services where human life is endangered;
 - (5) Any Virginia Department of Emergency Services vehicle or office of emergency medical services vehicle, when responding to an emergency call or operating in an emergency situation;
 - (6) Any Virginia Department of Corrections vehicle designated by the Director of the Department of Corrections, when (i) responding to an emergency call at a correctional facility, (ii) participating in a drug-related investigation, (iii) pursuing escapees from a correctional facility, or (iv) responding to a request for assistance from a law enforcement officer; and
 - (7) Any vehicle authorized to be equipped with alternating blinking, or flashing red or red and white secondary warning lights under the provisions of Code of Virginia, § 46.2-1029.2 or section 13-133.1 of this chapter.
 - (8) Any Virginia National Guard Civil Support Team vehicle when responding to an emergency; and
 - (9) Any vehicle operated by the Response and Recovery Coordination Branch of the Washington Metropolitan Area Transit Authority's Office of Emergency Preparedness, when responding to an emergency, provided that the operator of any such vehicle (i) has completed an initial emergency vehicle operators course from an approved course list prepared by the Department of Fire Programs, the Office of Emergency Medical Services, or an equivalent agency and (ii) recertifies as an emergency vehicle operator every two years.

(10) Any vehicle operated by a mine rescue team that is certified as a mine rescue team by the Mine Safety and Health Administration under 30 C.F.R. Part 49 when responding to a mine emergency, provided that the operator of any such vehicle (i) has completed an initial emergency vehicle operator course from an approved course list prepared by the Department of Fire Programs, the Office of Emergency Medical Services, or an equivalent agency and (ii) recertifies as an emergency vehicle operator every two years.

- (e) Any law enforcement vehicle operated by or under the direction of a federal, state, or local law enforcement officer may disregard speed limits, while having due regard for safety of persons and property, (i) in testing the speedometers of such vehicles, (ii) in testing the accuracy of speed measuring devices pursuant to Code of Virginia, § 46.2-882, or (iii) in following another vehicle for the purpose of determining its speed.
- (f) A department of environmental quality vehicle, while en route to an emergency and with due regard to the safety of persons and property, may overtake and pass stopped or slow-moving vehicles by going off the paved or main traveled portion of the highway on the right or on the left. These department of environmental quality vehicles shall not be required to sound a siren or any device to give automatically intermittent signals, but shall display red or red and white warning lights when performing such maneuvers.
- (g) Any law-enforcement vehicle operated by or under the direction of a federal, state, or local law-enforcement officer while conducting a funeral escort, wide-load escort, dignitary escort, or any other escort necessary for the safe movement of vehicles and pedestrians may, without subjecting himself to criminal prosecution:
 - (1) Disregard speed limits, while having due regard for safety of persons and property;
 - (2) Proceed past any steady or flashing red signal, traffic light, stop sign, or device indicating moving traffic shall stop if the speed of the vehicle is sufficiently reduced to enable it to pass a signal, traffic light, or device with due regard for the safety of persons and property;
 - (3) Park or stop notwithstanding the other provisions of this chapter;
 - (4) Disregard regulations governing a direction of movement of vehicles turning in specified directions so long as the operator does not endanger life or property; or
 - (5) Pass or overtake, with due regard for the safety of persons and property, another vehicle.
- (h) Notwithstanding other provisions of this section, vehicles exempted in this subsection may sound a siren or any device to give automatically intermittent signals.

(Code 1965, § 12.1-119; Ord. No. 85-86, 8-6-85; Ord. No. 89-168, 12-19-89; Ord. No. 94-40, 6-28-94; Ord. No. 95-46, 6-27-95; Ord. No. 00-42, 6-27-00, effective 7-1-00, Ord. No. 03-47, 6-24-03, effective 7-1-03; Ord. No. 05-43, 6-28-05; Ord. No. 07-49, 6-26-07; Ord. No. 11-29, Atch., 7-19-11; Ord. No. 14-30, Atch., 6-17-14; Ord. No. 17-39, Atch., 6-20-17, effective 7-1-17; Ord. No. 23-21, 6-27-23)

Editor's note(s)—Former § 13-298 was deleted and the provisions thereof incorporated into § 13-6 with the codification of Ord. No. 89-168.

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-920.

ARTICLE IV. VEHICLE EQUIPMENT

Division 2. Lighting Equipment

Sec. 13-131.1. Flashing red or red and white warning lights.

Fire apparatus, forest warden vehicles, emergency medical services vehicles, vehicles of the Virginia Department of Emergency Management, vehicles of the Department of Environmental Quality, vehicles of county, city or town departments of emergency management, vehicles of the office of emergency medical services, animal warden vehicles, vehicles of the Response and Recovery Coordination Branch of the Washington Metropolitan Area Transit Authority's Office of Emergency Preparedness, vehicles of mine rescue teams that are certified as mine rescue teams by the Mine Safety and Health Administration under 30 C.F.R. Part 49, vehicles of the Virginia National Guard Civil Support Team and the Virginia National Guard Chemical, Biological, Radiological, Nuclear and High Yield Explosive (CBRNE) Enhanced Response Force Package (CERFP) when responding to an emergency, and vehicles used by security personnel of Huntington Ingalls Incorporated, Bassett-Walker, Inc., the Winchester Medical Center, the National Aeronautics and Space Administration's Wallops Flight Facility, and within those areas specified in their orders of appointment, by special conservators of the peace and policemen for certain places appointed pursuant to Code of Virginia, §§ 19.2-13 and 19.2-17, as amended, may be equipped with flashing, blinking, or alternating red or red and white combination warning lights of types approved by the superintendent of the state police. Such warning lights may be of types constructed within turn signal housing or motorcycle headlight housings, subject to approval by the superintendent.

(Ord. No. 03-47, 6-24-03, effective 7-1-03; Ord. No. 08-58, 6-24-08; Ord. No. 09-41, 6-23-09; Ord. No. 14-30, Atch., 6-17-14; Ord. No. 17-39, Atch., 6-20-17, effective 7-1-17; Ord. No. 18-30, Atch., 6-19-18, effective 7-1-18; Ord. No. 23-21, 6-27-23)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-1023.

Sec. 13-131.3. Flashing amber, purple, or green warning lights.

(a) The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the superintendent of state police:

- (1) Vehicles use[d] for the principal purpose of towing or servicing disabled vehicles;
- (2) Vehicles used in constructing, maintaining, or repairing highways or utilities on or along public highways, or in assisting with the management of roadside and traffic incidents, or performing traffic management services along public highways;
- (3) Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways, or state vehicles used to perform other state-required environmental activities, provided that the amber lights are not lit while the vehicle is in motion;
- (4) Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;
- (5) Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection;

- (6) Vehicles used by individuals for emergency snow-removal purposes;
- (7) Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad rails;
- (8) Fire apparatus and emergency medical services vehicles, provided the amber lights are used in addition to lights permitted under Code of Virginia, § 46.2-1023 and section 13-131 of this chapter and are so mounted or installed as to be visible from behind the vehicle;
- (9) Vehicles owned and used by businesses providing security services, provided the amber lights are not lit while the vehicle is operated on a public highway;
- (10) Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;
- (11) Vehicles used to collect and deliver packages weighing less than 150 pounds by a national package delivery company that delivers such packages in all 50 states, provided that the amber lights are lit only when the vehicle is stopped and its operator is engaged in such collection and delivery;
- (12) Vehicles used to transport petroleum or propane products, provided the amber light is mounted on the rear of the vehicle and is lit when parked while making a delivery of petroleum or propane products, or when the vehicle's back-up lights are lit and its device producing an audible signal when the vehicle is operated in reverse gear, as provided for in Code of Virginia, § 46.2-1175.1, as amended, is in operation;
- (13) Vehicles used by law enforcement agency personnel in the enforcement of laws governing motor vehicle parking;
- (14) Government-owned law enforcement vehicles, provided the lights are used for the purpose of giving directional warning to vehicular traffic to move one direction or another and are not lit while the vehicle is being in motion;
- (15) Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after landing, provided the amber lights are not lit while the vehicle is in motion;
- (16) Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;
- (17) Vehicles owned and used by construction companies operating under Virginia contractor's licenses;
- (18) Vehicles used to lead or provide escorts for bicycle races authorized by the Virginia Department of Transportation or the locality in which the race is being conducted;
- (19) Vehicles used by radio or television stations for remote broadcasts, provided the amber lights are not lit while the vehicle is in motion;
- (20) Vehicles used by municipal safety officers in the performance of their official duties. For the purpose of this subsection, "municipal safety officers" means municipal employees responsible for managing municipal safety programs and ensuring municipal compliance with safety and environmental regulatory mandates;
- (21) Vehicles used as pace cars, security vehicles, or fire-fighting vehicles by any speedway or motor vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a public highway;

- (22) Vehicles used in patrol work by members of neighborhood watch groups approved by the chief of police in their assigned neighborhood watch program area, provided that the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while the vehicle is in motion;
- (23) Vehicles that are not tow trucks, but are owned or controlled by a towing and recovery business, provided that the amber lights are lit only when the vehicle is being used at a towing recovery site; and
- (24) Vehicles used or operated by federally licensed amateur radio operators (i) while participating in emergency communications or drills on behalf of federal, state, or local authorities or (ii) while providing communications services to localities for public service events authorized by the Department of Transportation where the event is being conducted;
- (25) Publicly owned or operated transit buses;
- (26) Vehicles used for hauling trees, logs, or any other forest products when hauling such products, provided that the amber lights are mounted or installed so as to be visible from behind the vehicle; ~~and~~
- (27) Vehicles authorized to use amber lights pursuant to Virginia Code § 46.2-1025.1.; ~~and~~
- (28) Vehicles used by a local department of social services to respond to a request for assistance from law-enforcement agency personnel.

- (b) Except as otherwise provided in this section, such amber lights shall be lit only when performing the functions which qualify them to be equipped with such lights.
- (c) Vehicles used to lead or provide escorts for funeral processions may use either amber warning lights or purple warning lights, but amber warning lights and purple warning lights shall not simultaneously be used on the same vehicle.
- (d) Vehicles used by police, fire-fighting, or rescue personnel as command centers at the scene of incidents may be equipped with and use green warning lights of a type approved by the superintendent of state police. Such lights shall not be activated while the vehicle is operating upon the highway.

(Ord. No. 03-47, 6-24-03, effective 7-1-03; Ord. No. 05-43, 6-28-05; Ord. No. 10-28, Attch., 6-22-10; Ord. No. 11-29, Attch., 7-19-11; Ord. No. 14-30, Attch., 6-17-14; Ord. No. 15-35, Attch., 6-23-15; Ord. No. 16-22, Attch., 6-21-16, effective 7-1-16; Ord. No. 17-39, Attch., 6-20-17, effective 7-1-17; Ord. No. 19-27, Attch., 6-25-19, effective 7-1-19; Ord. No. 20-21, 6-16-20, effective 7-1-20; Ord. No. 23-21, 6-27-23; Ord. No. 24-29, 6-4-24, effective 7-1-24)

State law reference(s)—Similar provisions, Code of Virginia, §§ 46.2-1025 and 46.2-1300.

Sec. 13-135. When lights to be lighted; number of lights to be lighted at one time; use of warning lights.

Every vehicle in operation on a highway in this county shall display lighted headlights and illuminating devices, as required by this article (i) from sunset to sunrise, (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light or unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not

clearly discernible at a distance of 500 feet and (iii) whenever windshield wipers are in use as a result of smoke, fog, rain, sleet or snow. The provisions of this subsection, however, shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet or snow. The failure to display lighted headlights and illuminating devices under the conditions set forth in subdivision (iii) of this subsection 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.

- (b) Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the superintendent, shall be lighted at any one time. Motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations shall not preclude the display of warning lights authorized in section 13-131, or other lights as may be authorized by the superintendent.
- (c) Vehicles equipped with warning lights authorized in section 13-131 shall display such lighted warning lights at all times when responding to emergency calls, responding to traffic incidents, responding to metropolitan transit-related incidents, responding to mine rescue incidents, towing disabled vehicles or constructing, repairing and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.
- (d) No citation for a violation of provision (iii) of subsection (a) shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for some other provision of the Code of Virginia or local ordinance relating to this operation, ownership or maintenance of a motor vehicle or any criminal statute. No law-enforcement officer shall stop a motor vehicle for violation of this section, except that a law-enforcement officer may stop a vehicle if it displays no lighted headlights during the time periods set forth in subsection (a). No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

(Code 1965, § 12.1-180; Ord. No. 87-60, 7-7-87; Ord. No. 89-168, 12-19-89; Ord. No. 92-61, 6-23-92; Ord. No. 96-55, 6-25-96, effective 7-1-96; Ord. No. 97-60, 6-24-97, effective 7-1-97; Ord. No. 16-22, Atch., 6-21-16, effective 7-1-16; Ord. No. 21-32, 6-22-21, effective 7-1-21; Ord. No. 22-27, 6-28-22, effective 7-1-22; Ord. No. 23-21, 6-27-23)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-1030.

ARTICLE VII. STATE DRIVER'S LICENSE

Sec. 13-253. License required.

- (a) No person, except those expressly exempted in Code of Virginia, §§ 46.2-303 through 46.2-308, shall drive any motor vehicle on any highway in this county, until such person shall have obtained a driver's license from the state, nor unless issued to such person is valid.
- (b) Upon a first conviction of a violation of this section, the penalty imposed shall be as provided in section 13-252. A second or subsequent violation of this section is a Class 1 misdemeanor.

(c) Upon conviction under this section, the court may suspend the person's privilege to drive for a period not to exceed 90 days.

(d) The court may, in its discretion, dismiss the summons or warrant, where proof of compliance with this section is provided to the court on or before the court date, unless such person was operating a commercial motor vehicle as defined in Code of Virginia §46.2-341.4.

(Code 1965, § 12.1-44; Ord. No. 86-101, 7-1-86; Ord. No. 89-168, 12-19-89; Ord. No. 05-43, 6-28-05)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-300.

Sec. 13-254. Driving while license, permit or privilege to drive suspended or revoked.

(a) In addition to any other penalty provided by this section, any motor vehicle administratively impounded or immobilized under the provisions of section 13-248 of this chapter (or Code of Virginia, § 46.2-301.1) may, in the discretion of the court, be impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked for (i) a violation of Code of Virginia, §§ 18.2-36.1, 18.2-51.4, 18.2-266 (or section 13-240 of this chapter), or § 46.2-341.24, or a substantially similar ordinance or law in any other jurisdiction or (ii) driving after adjudication as an habitual offender, where such adjudication is based in whole or in part on an alcohol-related offense, or where such person's license has been administratively suspended under the provisions of Code of Virginia, §§ 46.2-391.2 or 13-248.1 of this chapter. However, if, at the time of the violation, the offender was driving a motor vehicle owned by another person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment or immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of impoundment or immobilization, including removal or storage expenses, shall be paid by the offender prior to the release of his motor vehicle.

(b) Except as otherwise provided in the Code of Virginia, §§ 46.2-304, 46.2-320 and 46.2-357 no resident or nonresident, (i) whose driver's license or learner's permit has been suspended or revoked, or (ii) who has been directed not to drive by any court or by the commonwealth transportation commissioner, or (iii) who has been forbidden, as prescribed by operation of any statute of the commonwealth or a substantially similar ordinance of any county, city or town, to operate a motor vehicle in this state, shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any highway in this county, unless and until the period of such suspension or revocation has terminated or the privilege has been reinstated or a restrict license is issued pursuant to subsection (e). For the purposes of this section, the phrase "motor vehicle or any self-propelled machinery or equipment" shall not include mopeds.

(c) A violation of subsection (b) is a Class 1 misdemeanor.

(d) Upon a violation of subsection (b), the court shall suspend the person's license or privilege to drive a motor vehicle for the same period for which it had been previously suspended or revoked. In the event the person violated subsection (b) by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed 90 days to commence upon the expiration of the previous suspension or revocation, or to commence immediately if the previous suspension or revocation has expired. However, no such

suspension shall extend beyond 10 years from the conviction date for such violation of subsection B, unless required by Virginia Code § 46.2-341.1 et seq.

- (e) Any person who is otherwise eligible for a restricted license may petition each court that suspended his license pursuant to subsection (d) for authorization for a restricted license, provided that the period of time for which the license was suspended by the court pursuant to subsection (d), if measured from the date of conviction, has expired, even though the suspension itself has not expired. A court may, for good cause shown, authorize the department of motor vehicles to issue a restricted license for any of the purposes set forth in subsection E of Code of Virginia, § 18.2-271.1. No restricted license shall be issued unless each court that issued a suspension of the person's license pursuant to subsection (d) authorizes the department of motor vehicles to issue a restricted license. Any restricted license issued pursuant to this subsection shall be in effect until the expiration of any and all suspensions issued pursuant to subsection (d), except that it shall automatically terminate upon the expiration, cancellation, suspension, or revocation of the person's license or privilege to drive for any other cause. No restricted license issued pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in Code of Virginia, § 46.2-341.1, et seq. (the Commercial Driver's License Act). The court shall forward to the commissioner of the department of motor vehicles a copy of its authorization entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such license is issued as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization to the person, who may not operate a motor vehicle until receipt from the commissioner of a restricted license. A copy of the restricted license issued by the commissioner shall be carried at all times while operating a motor vehicle.
- (f) Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of the terms of a restricted license issued pursuant to subsection (e) above is not guilty of a violation of this section but is guilty of a violation of Code of Virginia, § 18.2-272 and/or section 13-247 of the County Code.
- (g) *The court may, in its discretion and where there have been no prior violations or convictions of this section within the past 10 years, dismiss the summons or warrant, where proof of compliance with this section is provided to the court on or before the court date, unless such person (i) possesses a commercial driver's license or commercial learner's permit, as those terms are defined in Code of Virginia § 46.2-341.4, or (ii) was operating a commercial motor vehicle as defined in Code of Virginia § 46.2-341.4. Where there has been a prior violation or violations, the court, in its discretion, may dismiss or amend the summons or warrant, where proof of substantial compliance has been provided to the court.*

(Code 1965, § 12.1-46; Ord. No. 86-101, 7-1-86; Ord. No. 89-168, 12-19-89; Ord. No. 92-61, 6-23-92; Ord. No. 94-65, 10-4-94; Ord. No. 95-46, 6-27-95; Ord. No. 00-42, 6-27-00, effective 7-1-00; Ord. No. 04-39, 6-22-04, effective 7-1-04; Ord. No. 09-41, 6-23-09; Ord. No. 17-39, Attach., 6-20-17, effective 7-1-17; Ord. No. 20-21, 6-16-20, effective 7-1-20; Ord. No. 24-29, 6-4-24, effective 7-1-24)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-301.

ARTICLE IX. RECKLESS DRIVING; SPEED

Sec. 13-288. Same—Racing, generally.

(a) As used in this article, unless the context requires a different meaning:
"Exhibition driving" means the intentional performance of any of the following in close proximity to a group of two or more people:
(1) Maintaining a motor vehicle in a stationary position by using the brake pedal or parking brake of such vehicle while simultaneously engaging the gas pedal, causing one set of wheels to spin or lose contact with the pavement;
(2) Operating a motor vehicle in an unnecessary manner that causes such vehicle to move in a manner inconsistent with the normal operation of such vehicle, such as zigzagging or spinning around in a circular pattern. "Exhibition driving" does not include operating a motor vehicle in an otherwise lawful manner and engaging in such described conduct as necessary to avoid collision, damage, or injury;
(3) Operating one or more motor vehicles, for the purpose of exhibiting the speed or power of such vehicle or vehicles, from a designated starting point to a designated ending point or over a common selected course, including drag racing; or
(4) Transporting a passenger on the hood or roof of the motor vehicle.

(b) Any person who shall engage in a race between two or more motor vehicles on the highways of the county or upon any premises of a church, school, recreational facility or business property open to the public in this county is shall be guilty of reckless driving, unless authorized by the owner of the property or his agent.

(c) Any person who engages in exhibition driving on the highways in the Commonwealth or on any driveway or premises of a church, school, recreational facility, or business property open to the public in the Commonwealth is guilty of reckless driving, unless authorized by the owner of the property or his agent.

(d) Any person who purposefully rides as a passenger on the hood or roof during any race or exhibition driving in violation of subsection B or C is guilty of a Class 3 misdemeanor.

(e) Any person who purposefully slows, stops, or impedes, or attempts to slow, stop, or impede, the movement of traffic, including pedestrian traffic, for the purpose of a race or exhibition driving in violation of subsection B or C is guilty of a Class 1 misdemeanor.

(f) When any person shall be convicted of reckless driving under this section, subsection B, then in addition to any other penalties provided by law, the operator's or chauffeur's license of such person shall be suspended by the court or judge for a period of not less than six months nor more than two years. In the case of conviction, the court or judge shall order the surrender of the license to the court, where it shall be disposed of in accordance with the provisions of Code of Virginia, § 46.2-398.

(g) When any person is convicted of an offense of reckless driving under subsection C, in addition to any other penalties provided by law, the driver's license of such person shall be suspended by the court for a period of up to six months. In the case of conviction, the court shall order the surrender of the license to the court where it shall be disposed of in accordance with the provisions of Code of Virginia § 46.2-398.

(Code 1965, § 12.1-73; Ord. No. 81-28-38, 10-6-81; Ord. No. 89-168, 12-19-89)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-865.

Sec. 13-288.1. Same—Racing, generally.

(a) If the owner of a motor vehicle (i) is convicted of racing such vehicle in a prearranged, organized and planned speed competition in violation of subsection B of section 13-288 or Code of Virginia, § 46.2-865; (ii) is present in the vehicle which that is being operated by another in violation of subsection B of section 13-288 or Code of Virginia, § 46.2-865, and knowingly consents to the racing; or (iii) is convicted of a violation of Code of Virginia, § 46.2-865.1 then such vehicle shall be seized and disposed of in the manner provided in Code of Virginia, §§ 4.1-339—4.1-348 for seizure and forfeiture of conveyances or vehicles used in the illegal transportation of alcoholic beverages and shall be forfeited to the Commonwealth, and upon being condemned as forfeited under Chapter 22.1 (§ 19.2-386.1 et seq.) of Title 19.2 of the Virginia Code, the proceeds of the sale shall be disposed of according to law. Such sections of the Code of Virginia shall apply *mutatis mutandis*.

(b) The penalties imposed by this section are in addition to any other penalty imposed by law.

(Ord. No. 81-28-38, 10-6-81; Ord. No. 82-28-20, 10-19-82; Ord. No. 89-168, 12-19-89; Ord. No. 94-40, 6-28-94; Ord. No. 04-39, 6-22-04, effective 7-1-04)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-867.

Sec. 13-289. Same—Aiding or abetting

Any person, although not engaged in a race or exhibition driving, as defined in section 13-288, who aids or abets any such race or exhibition driving, shall be is guilty of a Class 1 misdemeanor.

(Code 1965, § 12.1-74)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-866

Sec. 13-291. Finding accused guilty of improper driving rather than reckless driving

(a) Any person who operates a vehicle which is not under proper control but where the degree of culpability is slight shall be guilty of improper driving.

(b) Notwithstanding the foregoing provisions of this chapter, upon the trial of any person charged with reckless driving, where the degree of culpability is slight, the jury or the court, in its discretion, trying the case without a jury may find the accused not guilty of reckless driving but guilty of improper driving. However, an attorney for the Commonwealth may reduce a charge of reckless driving to improper driving at any time prior to the court's decision and shall notify the court of such change. Improper driving is a traffic infraction punishable by a fine of not more than \$500.00.

(Code 1965, § 12.1-79; Ord. No. 81-28-38, 10-6-81; Ord. No. 84-613, 7-17-84; Ord. No. 89-168, 12-19-89; Ord. No. 96-55, 6-25-96, effective 7-1-96; Ord. No. 00-42, 6-27-00, effective 7-1-00)

Editor's note—Former § 13-292 was redesignated as § 13-291 by Res. No. 84-613, enacted July 17, 1984.

State law reference—Similar provisions, Code of Virginia, § 46.2-869.

Sec. 13-298. Use of photo speed monitoring devices in highway work zones and school crossing zones; penalty.

- (a) For purposes of this section, "highway work zone" has the same meaning ascribed to it in Code of Virginia, § 46.2-878.1. "Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles. "School crossing zone" has the same meaning ascribed to it in Code of Virginia, § 46.2-873.
- (b) The county police department may install and operate photo speed monitoring devices, within the boundaries of the county, in school crossing zones for the purposes of recording violations of Code of Virginia, § 46.2-873 and in highway work zones for the purposes of recording violations of Code of Virginia, § 46.2-878.1.
- (c) The operator of a vehicle shall be liable for a monetary civil penalty of not to exceed \$100 imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted school crossing zone or highway work zone speed limit within such school crossing zone or highway work zone, while such zone is active.
- (d) If a photo speed monitoring device is used, proof of a violation of Code of Virginia, § 46.2-873 or 46.2-878.1 shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law enforcement officer employed by the county authorized to impose penalties pursuant to this section, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein. However, for any photo speed monitoring device placed in a school crossing zone, such sworn certificate or facsimile thereof shall not be prima facie evidence of the facts contained therein unless such photographs, microphotographs, videotapes, or other recorded images, or documentation, depict or confirm a portable sign or tilt-over sign that is in position or blinking sign that is activated, indicating the school crossing zone pursuant to VA Code § 46.2-873, at the time of such vehicle speed violation. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation of Code of Virginia, § 46.2-873 or 46.2-878.1.
- (e) In the prosecution for a violation of Code of Virginia, § 46.2-873 or 46.2-878.1 in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in violation of Code of Virginia, § 46.2-873 or 46.2-878.1, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court for the county that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court, under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the

time of the alleged violation of Code of Virginia, § 46.2-873 or 46.2-878.1, is presented, prior to the return date established on the summons issued pursuant to this section, to the general district court for the county adjudicating the alleged violation.

- (f) Imposition of a civil penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made a 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. However, if a law enforcement officer employed by the county uses a photo speed monitoring device to record a violation of Code of Virginia, § 46.2-873 or 46.2-878.1 and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.
- (g) A summons for a violation of Code of Virginia, § 46.2-873 or 46.2-878.1 issued by mail pursuant to this section may be executed pursuant to Code of Virginia, § 19.2-76.2. Notwithstanding the provisions of Code of Virginia, § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first class mail a copy thereof to the address of the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Department of Motor Vehicles. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such 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 above and (ii) instructions for filing such 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 mailed pursuant to this section, the summons shall be executed in the manner set out in Code of Virginia, § 19.2-76.3. 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. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed pursuant to and for a violation of Code of Virginia, § 46.2-873 or 46.2-878.1 issued pursuant to this section shall provide to the person summoned at least 30 days following the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. If the county police department does not execute a summons for a violation of Code of Virginia, § 46.2-873 or 46.2-878.1 issued pursuant to this section within 30 days following the date of the violation, all information collected pertaining to the suspected violation shall be purged within 60 days following the date of the violation.
- (h) A private vendor may enter into an agreement with the county police department to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations and administration. However, only a law enforcement officer may swear to or affirm the certificate required by this section. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed. Any private entity contracting with a law enforcement agency pursuant to this section may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 31 of Code of Virginia, § 46.2-208, to obtain vehicle owner information regarding the registered owners of

vehicles that committed a violation of Code of Virginia, § 46.2-873 or 46.2-878.1. Any such information provided to such private vendor shall be protected in a database.

- (i) Information collected by a photo speed monitoring device operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of school crossing zone and highway work zone speeding violations. Information provided to the operator of photo speed monitoring device shall be protected in a database and used only for enforcement against individuals who violate this section or Code of Virginia, § 46.2-873 or 46.2-878.1. Notwithstanding any other provision of law, all photographs, microphotographs, videotapes, or other personal information collected by a photo speed monitoring device shall be used exclusively for enforcing school crossing zone and highway work zone speed limits and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the enforcement of school crossing zone and highway work zone speed limits 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 action or proceeding unless the action or proceeding relates to a violation of this section or Code of Virginia, § 46.2-873 or 46.2-878.1, or such information is requested upon order from a court of competent jurisdiction. 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. The county police department shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the commissioner of highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this subsection shall be subject to a civil penalty of \$1,000.00 per disclosure.
- (j) Conspicuous signs within 1,000 feet of any school crossing zone or highway work zone at which a photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.
- (k) This section shall remain in effect until August 31, 2025.

(Ord. No. 23-14, 4-11-23; Ord. No. 24-44, 7-2-24)

ARTICLE XV. PEDESTRIANS

Sec. 13-404. Right-of-way.

- (a) The driver of any vehicle upon a highway shall stop when any pedestrian crossing such highway is within the driver's lane or within an adjacent lane and approaching the driver's lane until such pedestrian has passed the lane in which the vehicle is stopped within any clearly marked crosswalk, whether at midblock or at the end of a block, or any regular pedestrian crossing including in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, or at any intersection where the driver is approaching on a highway where the speed limit is not more than 35 miles per hour, except at intersections or crosswalks where the movement of traffic is being regulated by traffic officers or traffic direction devices where the driver shall yield according to the direction of such officers or devices. When a vehicle is stopped pursuant to this subsection, the driver of any other vehicle approaching from an adjacent lane or from behind the stopped vehicle shall not overtake and pass such stopped vehicle.

A violation of this section is a traffic infraction, except that a violation of this section that results in serious bodily injury, as defined in VA Code § 18.2-51.4, to or the death of a vulnerable road user, as defined in VA Code § 46.2-816.1, who is lawfully crossing a highway is a Class 1 misdemeanor.

- (b) No pedestrian shall enter or cross an intersection in disregard of approaching traffic.
- (c) The drivers of vehicles entering, crossing or turning at intersections shall change their course, slow down or stop, if necessary to permit pedestrians to safely and expeditiously cross such intersection.
- (d) Pedestrians crossing highways at intersections shall at all times have the right-of-way over vehicles making turns into the highways being crossed by the pedestrians.

(Code 1965, § 12.1-152; Ord. No. 89-168, 12-19-89; Ord. No. 20-21, 6-16-20, effective 7-1-20; Ord. No. 23-21, 6-27-23)

State law reference(s)—Similar provisions, Code of Virginia, § 46.2-924.

ARTICLE XVI. ACCIDENTS

Sec. 13-442. Report by investigation officer.

Every law enforcement officer who, in the course of duty, investigates a motor vehicle accident resulting in injury to or death of any person or total property damage to an apparent extent of ~~\$1,500.00~~ \$3,000.00 or more, either at the time of and at the scene of the accident or thereafter and elsewhere, by interviewing participants or witnesses shall, within 24 hours after completing the investigation, forward a written report of the accident to the police department. Such report shall include the name or names of the insurance carrier or of the insurance agent of the automobile liability policy on each vehicle involved in such accident and such other information as required by Code of Virginia, § 46.2-373. Such report shall be for the confidential use of the division pursuant to Code of Virginia, § 46.2-379 and shall be disclosed only in accordance with said section.

(Code 1965, § 12.1-252; Ord. No. 86-101, 7-1-86; Ord. No. 88-83, 7-5-88; Ord. No. 89-168, 12-19-89; Ord. No. 98-566, 6-23-98, effective 7-1-98; Ord. No. 24-29, 6-4-24, effective 7-1-24)

State law reference(s)—Similar provisions, Code of Virginia, §§ 46.2-373 and 46.2-379.

AMENDMENTS TO CHAPTER 16 OF THE COUNTY CODE
TO BECOME EFFECTIVE ON JULY 1, 2025

CHAPTER 16 MISCELLANEOUS OFFENSES

Sec. 16-8. Assault and battery

Any person who shall commit a simple assault or assault and battery is guilty of a Class 1 misdemeanor. In addition, the provisions of VA Code Ann. § 18.2-57 Sections D through I are hereby adopted and incorporated mutatis mutandis in this chapter by reference thereto.

(Code 1965, § 13.1-65)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-57.

Sec. 16-11. Slander and libel.

- (a) If any person shall falsely utter and speak, or falsely write and publish, of and concerning any person of chaste character, any words derogatory of such person's character for virtue and chastity, or imputing to such person acts not virtuous and chaste, or shall falsely utter and speak, or falsely write and publish, of and concerning another person, any words which, from their usual construction and common acceptation, are construed as insults and tend to violence and breach of the peace, or who shall use grossly insulting language to any person of good character or reputation, he is guilty of a Class 3 misdemeanor. For purposes of this section, "words" means the same as that term is defined in VA Code § 8.01-45.
- (b) In a prosecution for a violation of this section, the defendant shall be entitled to prove, in mitigation of the punishment, the provocation which induced the libelous or slanderous words or any other fact or circumstance tending to disprove malice or lessen the criminality of the offense.

(Code 1965, § 13.1-67; Ord. No. 20-21, 6-16-20, effective 7-1-20)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-417.

Sec. 16-25. Inhaling or inducing, etc., others to inhale drugs or other noxious chemical substances.

- (a) It is unlawful for any person to deliberately smell or inhale any drugs or any other noxious chemical substances with the intent to become intoxicated, inebriated, excited or stupefied or to dull the brain or nervous system. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.
- (b) It is unlawful for any person, other than one duly licensed to deliberately cause, invite or induce any other person to smell or inhale any drugs or any other noxious chemical substances with the intent to intoxicate, inebriate, excite or stupefy such other person or to dull the brain or nervous system of such other person. Any person violating the provisions of this subsection is guilty of a Class 2 misdemeanor.

(c) 1. It is unlawful for any person to sell, distribute, or offer to sell or distribute a device that is designed or intended to deliver a gas containing nitrous oxide to any person under 18 years of age for any purpose.

2. This subsection shall not apply to (i) a device, as described in subdivision 1, for nitrous oxide that is denatured or otherwise rendered unfit for human consumption or (ii) any person or establishment that is (a) solely engaged in the business of selling or distributing catering supplies, food processing equipment, or compressed gases for industrial or medical use or (b) a health care provider as defined in VA Code § 32.1-127.1:03.

3. Any person who fails to make diligent inquiry as to whether the person trying to obtain a device as described in subdivision 1 is 18 years of age or older or violates the provisions of this subsection is guilty of a Class 1 misdemeanor.

(d) For the purposes of this section, noxious:

"Diligent inquiry" means a good faith effort to determine the age of a person that includes an examination of any valid photo identification that establishes the identity and age of such person.

"noxious Noxious chemical substances" includes fingernail polish and model airplane glue and chemicals containing any ketones, aldehydes, organic acetates, ether chlorinated hydrocarbons or vapors, fluorinated hydrocarbons or vapors, nitrous oxide, or hydrogenated fluorocarbons.

(Code 1965, § 13.1-76; Ord. No. 19-27, Atch., 6-25-19, effective 7-1-25)

State law reference(s)—Similar provisions, Code of Virginia, § 18.2-264.

Sec. 16-57. Use of communications system to expose sexual or genital parts to a child; penalty

Any person 18 years of age or older who uses a communications system as defined in Code of Virginia § 18.2-374.3, including computers or computer networks or bulletin boards, or any other electronic means, with lascivious intent, to expose his sexual or genital parts to any person he knows or has reason to know is a child to whom he is not legally married and such child is 15 years of age or older is guilty of a Class 1 misdemeanor.

AMENDMENTS TO CHAPTER 26 OF THE COUNTY CODE
TO BECOME EFFECTIVE ON JULY 1, 2025

CHAPTER 26 TAXATION

ARTICLE X. TRANSIENT OCCUPANCY TAX

Sec. 26-125. Reports and remittances generally.

- (a) Generally. The person collecting any tax levied pursuant to this article is liable for the tax. The person collecting any taxes under this article shall make out a report, upon such forms and setting forth such information as the director of finance may prescribe and require. Such reports shall show the total price paid by a customer for the use or possession of accommodations occupied by a transient, and the tax required to be collected. The report shall be signed and delivered to the director of finance with a remittance of such tax. Except as otherwise set forth in subsection (d) of this section, such reports and remittances shall be made on or before the last day of the month following each quarter and covering the amount of tax collected during the preceding quarter. Such quarterly reports and remittances shall be made on or before the last day of January, April, July and October in each year; provided, however, that any person operating a hotel or travel campground may make such reports and remittances on a monthly basis.
- (b) For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this section shall prohibit such parties from making an agreement regarding which party shall be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the county for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax shall be the sole party liable for the tax, and the other parties to such agreement shall not be liable for such tax.
- (c) ~~Subject to applicable laws, an~~ An accommodations intermediary shall submit to the director of finance the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in the county. Such information shall be submitted monthly.
- (d) Every accommodations intermediary required to collect or pay the tax levied under this article, on or before the twentieth day of the month following the month in which the tax shall become effective, shall transmit to the director of finance a return showing the gross receipts, any allowable discounts, deductions, or exemptions, and the rate applied to the resultant net receipts and shall remit to the director of finance the total tax due, as well as any penalties and interest due, arising from all transactions taxable under this article during the preceding calendar month. Where applicable, the return shall also include the number of room nights and the room rate applied, the total amount of room tax due, and any transportation transient occupancy taxes due. Thereafter, a like return shall be prepared and transmitted to the director of finance by every accommodations intermediary on or before the twentieth day of each month, for the preceding month.
- (e) An accommodations provider shall not be required to transmit a return to the tax-assessing officer of the County if (i) all retail sales of accommodations owned by the accommodations provider are facilitated by an accommodations intermediary and (ii) the accommodations provider attests to the County that all such sales were facilitated by an accommodations intermediary. Such attestation

shall be effective for 12 months beginning with the month in which the attestation is made, and thereafter, such attestation shall be due annually on a date determined by the locality. However, such accommodations provider shall transmit returns for the retail sale of any accommodations not facilitated by an accommodations intermediary as otherwise required by this article.

(Code 1965, § 15-36; Ord. No. 22-27, 6-28-22, effective 10-1-22; Ord. No. 23-21, 6-27-23)

ARTICLE XVI. PROPERTY EXEMPTED BY LOCAL CLASSIFICATION OR DESIGNATION ON OR AFTER JANUARY 1, 2003

Sec. 26-234. Property exempt by classification on or after January 1, 2003

(a) The following classes of real and personal property shall be exempt from taxation:

- (1) Property owned directly or indirectly by the Commonwealth or any political subdivision thereof.
- (2) a. Real property and personal property owned by churches or religious bodies, including (i) an incorporated church or religious body, and (ii) a corporation mentioned in Code of Virginia, § 57-16.1, as amended, and exclusively occupied or used for religious worship or for the residence of the minister of any church or religious body, and such additional adjacent land reasonably necessary for the convenient use of any such property. Real property exclusively used for religious worship shall also include the following: (a) property used for outdoor worship activities; (b) property used for ancillary and accessory purposes as allowed under the local zoning ordinance, the dominant purpose of which is to support or augment the principal religious worship use; and (c) property on which a new structure is being built to replace or rebuild a church or other building for religious worship, with the intention that such structure will be exclusively occupied or used for religious worship or for the residence of the minister of any church or religious body; and (d) property used as required by federal, state, or local law.
b. For property exempt pursuant to clause (c) of subdivision a, the taxpayer shall be required to demonstrate to the satisfaction of the locality that (i) the property was exempt pursuant to clause (c) of subdivision a prior to the rebuilding or replacement of the structure; (ii) construction of the replacement or rebuilt structure will commence no later than five years after discontinuation of the former use of the property; (iii) the property will be used for no other purpose during the construction of such building; (iv) a reasonable timeline exists for completion of the structure and construction is proceeding at an appropriate pace; and (v) after completion, the property will be exclusively occupied or used for religious worship or for the residence of the minister of any church or religious body.
- (3) Nonprofit private or public burying grounds or cemeteries.
- (4) Property owned by public libraries, law libraries of local bar associations when the same are used or available for use by a state court or courts or the judge or judges thereof, medical libraries of local medical associations when the same are used or available for use by state health officials, incorporated colleges or other institutions of learning not conducted for profit. This paragraph subdivision shall apply only to property primarily used for literary, scientific, or educational purposes or purposes incidental thereto and shall not apply to industrial schools which that sell their products to other than their own employees or students.

- (5) Property belonging to and actually and exclusively occupied and used by the Young Men's Christian Associations and similar religious associations, including religious mission boards and associations, orphan or other asylums, reformatories, hospitals, and nunneries, conducted not for profit but exclusively as charities (which shall include hospitals operated by nonstock corporations not organized or conducted for profit but which may charge persons able to pay in whole or in part for their care and treatment).
- (6) Parks or playgrounds held by trustees for the perpetual use of the general public.
- (7) Buildings with the land they actually occupy, and the furniture and furnishings therein belonging to any benevolent or charitable organization and used by it exclusively for lodge purposes or meeting rooms, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes.
- (8) Property of any nonprofit corporation organized to establish and maintain a museum.

(b) The real and personal property of an organization classified in Code of Virginia, §§ 58.1-3610 through 58.1-3622, as amended, and used by such organization for a religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purpose as set forth in Article X, Section 6(a)(6) of the Constitution of Virginia, the particular purpose for which such organization is classified being specifically set forth within each section, shall be exempt from taxation, so long as such organization is operated not for profit and the property so exempt is used in accordance with the purpose for which the organization is classified. The property exempted from taxation pursuant to this section shall include the real and personal property of a single member limited liability company whose sole member is an organization classified in Code of Virginia, §§ 58.1-3610 through 58.1-3622. The property exempted from taxation pursuant to this section shall include the real and personal property of a single member limited liability company whose sole member is an organization classified in subsection (a).

(Ord. No. 04-70, 12-7-04; Ord. No. 14-30, Atch., 6-17-14; Ord. No. 22-27, 6-28-22, effective 7-1-22)