

VEHICLES, TRAFFIC AND DWI

Chapter 107**VEHICLES, TRAFFIC AND DRIVING WHILE INTOXICATED**

- § 107-1. Adoption of standards by reference.**
- § 107-2. Construal of provisions.**
- § 107-3. Application of engine brakes.**
- § 107-4. Use of recreational vehicle for residential purposes.**

**[HISTORY: Adopted by the Council of the Town of Middleburg 1-11-1990.
Amendments noted where applicable.]**

GENERAL REFERENCES

Stopping, standing and parking - See Ch. 89.

- § 107-1. Incorporation of state motor vehicle laws.
[Amended 7-9-1992; 2-10-94.]**
 - A. It is hereby deemed to be expedient for the Town of Middleburg, Virginia, to incorporate by reference applicable sections of the state code regarding motor vehicles as is permitted by § 46.2-1313, Code of Virginia, 1950, as amended, the town having formerly done so by ordinances dated January 11, 1990 and July 9, 1992, but there having been substantial changes to the State Code since that date.
 - B. Pursuant to the authority of § 46.2-1313, Code of Virginia, 1950, as amended, all of the provisions contained in Chapters 1, 3, 6, 8, 10, 12, and 13 of Title 46.2 of the Code of Virginia, 1950, as amended or as hereafter amended, except those which by their express and very nature have no effect within the Town, are hereby incorporated by reference by this Ordinance into the Traffic Code of the Town of Middleburg and made applicable within the Town of Middleburg. References to highways of the state contained in such provisions and requirements hereby adopted shall be deemed to refer to the highways and other public ways within the Town. Provisions and requirements are hereby adopted mutatis mutandis and made part of the Traffic Code of the Town of Middleburg as fully as though set forth at length herein.
 - C. Future amendments to sections of the Virginia Code referenced in paragraph B. above, including renumbering of such sections, shall be incorporated herein and shall take effect on the same date as the effective date of such amendments.

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- D. This ordinance shall not be read as to invalidate the prior incorporation of Title 46.1 and 46.2 of the Code of Virginia, (1950), as amended, and the incorporation of those provisions as amended by the state of Virginia from time to time.

§ 107-1.1. Same; driving while intoxicated. [Added 5-13-1993.] [Amended 2-10-1994].

- A. Pursuant to the authority of sections 15.2-972 and 18.2-268.12 Code of Virginia (1950), as amended, all of the provisions of sections 18.2-266 through 18.2-273, and specifically including sections 18.2-268.1 through 18.2-268.11, as amended, or as hereafter amended, except those which by their express and very nature have no effect within the town, are hereby incorporated by reference by this Chapter into the Code of the Town of Middleburg and made applicable within the Town of Middleburg.
- B. References to highways of the state contained in such provisions and requirements adopted by reference by this section shall be deemed to refer to the highways and other ways open to the public within the town. Such provisions and requirements are hereby adopted mutatis mutandis and made part of the Code of the Town of Middleburg as fully as though set forth at length herein.
- C. Future amendments to sections of the Virginia Code referenced in paragraph A. above, including renumbering of such sections, shall be incorporated herein and shall take effect on the same date as the effective date of such amendments.

§ 107-2. Construal of provisions. [Amended 7-9-1992.]

This Ordinance shall not be read as to invalidate the prior incorporation of the Title 46.1 and Title 46.2 of the Code of Virginia, 1950, as amended, and the incorporation of those provisions as amended by the State of Virginia from time to time.

§ 107-3. Application of engine brakes. [Added 1-9-97]

It shall be unlawful for the driver of any motor vehicle to apply engine brakes ("Jake brakes") within the limits of the town except for responding to *bona fide* emergency occurrences.

Violations of this section shall be punished by a fine not less than \$100.00 nor more than \$500.00.

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§ 107-4. Use of recreational vehicle as residence. [Added 2-13-03]

- A. For the purposes of this section, a recreational vehicle shall be a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- B. Use restrictions.
 - (1) It shall be unlawful for any person to maintain any recreation vehicle, used for human habitation or intended to be used for human habitation, upon any plot of ground in the town.
 - (2) It shall be unlawful for any person to remove the wheels or other transporting device from any recreation vehicle or otherwise to affix said recreation vehicle permanently to the ground so as to prevent ready removal of such recreation vehicle.
 - (3) It shall be unlawful to occupy for sleeping or other residence purposes any recreation vehicle, which has been rendered immobile by the removal of wheels, or placing the same on a foundation or on the ground.