

ORDINANCE NO. 20-9()

AN ORDINANCE TO AMEND ARTICLE I, IN GENERAL, OF CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Article I, In General, of Chapter 9, Motor Vehicles and Traffic, is hereby amended as follows:

By Amending:

Sec. 9-102 General prohibitions.

Sec. 9-118 Removal or immobilization of vehicles with outstanding parking violations—
Enforcement of parking regulations; notice of violations; waiver of trial; contesting charges; penalties.

Chapter 9. Motor Vehicles and Traffic

Article I. In General

Sec. 9-102 General prohibitions.

A. Parking or stopping a vehicle in various locations prohibited. It ~~shall be~~ is unlawful for any person to park or stop a vehicle, except when necessary to avoid traffic or with the directions of a police officer or traffic-control device, in any of the following locations:

1. On any sidewalk;
2. In or in front of any driveway so as to block the use of such driveway to others;
3. Within fifteen (15) feet of any fire hydrant or any mailbox;
4. Any closer to a corner than is indicated by signs or marks upon the road or curb, or within twenty (20) feet from the intersection of curb lines, or, if no curb lines, then within fifteen (15) feet of the intersection of property lines at any highway intersection;
5. Within any bus zone, as indicated by signs or marks upon the road or curb;
6. Within a marked crosswalk;
7. Abreast of another vehicle parallel to a curb (double parking);
8. Within any loading zone, as indicated by signs or marks upon the road or curb;
9. Within any zone indicated by signs or marks upon the road or curb as a no parking zone;
10. At any location for a longer time than is permissible by signs or marks upon the road or curb (overtime parking);
11. In any fire lane marked or indicated as such;
12. On any grass, unless such parking is indicated by sign as permissive;

13. Within fifty (50) feet of the nearest rail of a railroad grade crossing;
14. Alongside or opposite any street excavation or obstruction, when such parking would obstruct traffic;
15. Upon any bridge or other elevated structure on a highway or within a tunnel; or
16. At any place where official signs prohibit parking.

B. Parking commercial vehicles, placing portable or mobile storage containers and dumpsters on designated secondary highways prohibited. It is unlawful for any person to park any commercial vehicle, or place any portable or mobile storage container, or dumpster on the state secondary highways in areas zoned for residential use. For the purposes of this subsection, the following terms mean:

1. “Commercial vehicle” means:
 - a. Any vehicle having a registered gross weight of 16,000 pounds or more, or being more than 25 feet in length, more than eight feet in height including accessories and appurtenances attached to the vehicle, or more than 102 inches in width;
 - b. Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, tow truck, and heavy construction equipment, whether located on a highway, truck, trailer, or semitrailer;
 - c. Any vehicle, trailer, or semitrailer in which food or beverages are stored or sold;
 - d. Any trailer or semitrailer used for transporting landscaping, lawn-care, or construction equipment or supplies, regardless of whether the trailer or semitrailer is attached to another vehicle;
 - e. Any vehicle used to transport passengers or property for compensation, including minibuses; limousines; taxicabs; vehicles performing taxicab, common carrier, medical transportation carrier, or passenger carrier services; and Transportation Network Company (TNC) partner vehicles. However, per each residential address, one motor vehicle used to transport passengers for compensation, which has a seating capacity of not more than six passengers, excluding the driver, and which otherwise is not deemed to be a commercial vehicle under this article may be parked on a state secondary highway in an area zoned for residential use and at a location directly adjacent to the vehicle’s registered owner’s residential address;
 - f. Any watercraft;
 - g. Any motor home or camping trailer;
 - h. Any school bus or any vehicle previously used as or designed to be used as a school bus;
 - i. Any vehicle carrying commercial freight in plain view;
 - j. Any trailer or semitrailer, including double-axle utility trailers, regardless of whether a state safety inspection is required or if it is attached to another vehicle; and
 - k. Any vehicle with three or more axles.

2. “Commercial vehicle” does not mean:

- a. Any clearly marked privately owned vehicle displaying accessible parking placards or license plates, not for hire, driven by or for the transport of a person with a disability;
- b. Any rented moving truck if parked within 48 hours of execution of the lease or any for-hire moving company vehicle within 48 hours of the move;
- c. Any vehicle when it is picking up or discharging passengers or when temporarily parked pursuant to the performance of work or service at the work or service location; and
- d. Any portable or mobile storage container or dumpster parked pursuant to a Virginia Department of Transportation permit.

3. “Areas zoned for residential use” means all areas of the County in the Residential (R-1), Residential (R-2), Residential (R-4), Residential (R-6), Residential (R-10), Residential (R-15), Village Residential (VR), and Planned Residential Development (PRD) zoning districts and the residential areas within the Neighborhood Model (NMD) and Planned Unit Development (PUD) zoning districts (a “residential zoning district”), including any secondary highway abutting one or more of these zoning districts as provided in County Code § 18-1.7(C)(2); provided that if a secondary highway serves as a boundary between a residential zoning district and a non-residential zoning district, only the side of the secondary highway abutting the residential zoning district is considered an area zoned for residential use.

C. Authority of law enforcement officers in the performance of their lawful duties. In the performance of their lawful duties, ~~Law-enforcement officers may move or cause to be moved motor vehicles to any place they may deem expedient without regard to the provisions of this section, when in the performance of their lawful duties.~~

(Code 1988, § 12-3; Ord. 98-A(1), 8-5-98; Ord 19-___)

State law reference-Authority, Va. Code §§ 46.2-1220, 46.2-1222, and 46.2-1305.

Sec. 9-118 ~~Removal or immobilization of vehicles with outstanding parking violations—~~
Enforcement of parking regulations; notice of violations; waiver of trial; contesting charges; penalties.

- A. Posting written notice of violation. Police officers and other uniformed personnel designated by the chief of police to enforce the parking provisions of this ~~code chapter~~ shall must post a written notice of violation on the windshield of each vehicle found illegally parked. ~~Such~~ The notice of violation ~~shall must~~ state that the recipient of the notice may elect to waive ~~his or her~~ their right to appear and be tried for the offense or offenses indicated in the notice.
- B. Waiving right to trial; payment. Persons desiring to waive trial may do so by voluntarily remitting to the office of the director of finance the amount of the fine stipulated for each violation marked on the notice and as provided in the schedule in subsection (E). ~~Such fines shall be levied in accordance with the schedule set forth in paragraph (E) of this section.~~ If the required amount is not received in the office of the director of finance or mailed and postmarked within ~~forty-eight~~ 48 hours after the notice of violation is issued, or within up to 96 hours if a request for review is timely made pursuant to subsection (D), the amount of the applicable fine ~~shall be~~ is doubled.

- C. How payment is made. Whenever the fines are paid by mail, the responsibility for receipt of the payment by the director of finance ~~shall~~ lies with the *registered* owner of the vehicle parked in violation. The Director of Finance may accept payment of any amount due by any commercially acceptable means, including, but not limited to, checks, credit cards, debit cards, and electronic funds transfers, and may add to any amount due the amount charged to the County for accepting any payment by a means that incurs a charge to the County or the amount negotiated and agreed to in a contract with the County, whichever is less. ~~Payment may be made by personal check; provided, that if such~~ If a check is returned for insufficient funds, the vehicle owner shall remain liable for the parking violations, and ~~shall likewise be~~ will be subject to a service charge of \$25.00 ~~twenty-five dollars (\$25.00)~~ for processing the returned check.
- D. Contesting the charges. Any recipient of a notice of violation desiring to contest the charges cited in the notice ~~shall~~ must appear at the office of the director of finance and, on forms provided by the director of finance, file a written request for administrative review and dismissal of the charges. The recipient of the notice also must indicate on the request for review whether a hearing in court is demanded in the event the request for dismissal is denied. The facts of the request ~~shall~~ must be reviewed and commented upon by a representative of the director of finance and a representative of the police department, who ~~shall~~ must recommend whether the request should be approved or denied. Acting on such request and recommendation, the attorney for the commonwealth or his assistant ~~shall~~ must decide whether the charge ~~shall~~ should be dismissed. ~~The recipient of the notice shall indicate on the request for review whether a hearing in court is demanded in the event the request for dismissal is denied.~~ If the request for review is made within ~~forty-eight (48)~~ hours of the violation, the recipient shall have an additional ~~forty-eight (48)~~ hours after denial of the request to remit the fine, before the amount thereof is doubled.
- E. Schedule of fines. ~~The schedule of fines shall be~~ for a violation of this section are as follows:

	<u>Offense Paid before 96 hours Fine</u>	<u>Paid after 96 hours Fine if Amount Doubled Pursuant to Subsection (B)</u>
Parking on S sidewalk	\$10.00 <u>25.00</u>	\$20.00 <u>50.00</u>
Blocking D driveway	\$10.00 <u>25.00</u>	\$20.00 <u>50.00</u>
Park within 15 feet of fire hydrant	\$10.00 <u>25.00</u>	\$20.00 <u>50.00</u>
Park within bus zone	\$10.00 <u>25.00</u>	\$20.00 <u>50.00</u>
Park in crosswalk	\$10.00 <u>25.00</u>	\$20.00 <u>50.00</u>
Double P parking	\$10.00 <u>25.00</u>	\$20.00 <u>50.00</u>
Parking in F ire L ane	\$25.00 <u>50.00</u>	\$50.00 <u>100.00</u>
Parking in loading zone	\$10.00 <u>25.00</u>	\$20.00 <u>50.00</u>
Parking in prohibited zone	\$10.00 <u>25.00</u>	\$20.00 <u>50.00</u>
Overtime parking	\$5.00 <u>10.00</u>	\$10.00 <u>20.00</u>
Parking within 50 feet of railroad crossing	\$10.00 <u>25.00</u>	\$20.00 <u>50.00</u>

Parking alongside or opposite street obstruction or excavation	\$10.00 <u>25.00</u>	\$20.00 <u>50.00</u>
Parking on bridge	\$10.00 <u>25.00</u>	\$20.00 <u>50.00</u>
Parking where prohibited	\$10.00 <u>25.00</u>	\$20.00 <u>50.00</u>
<u>Parking in handicapped parking space when prohibited</u>	\$100.00	\$200.00
<u>Parking commercial vehicle or container/dumpster in residential zone</u>	<u>\$25.00</u>	<u>\$50.00</u>

- F. *Failure to respond; summons and arrest.* Any vehicle owner who fails to respond to a notice of violation, either by paying the stipulated fines or by filing a request for review or hearing with the director of finance within ten days, ~~shall be~~ is subject to summons and arrest pursuant to Virginia Code § 46.2-941.

(10-11-89; Ord. of 6-9-93; Code 1988, § 12-9.1; Ord. 98-A(1), 8-5-98; Ord. 08-9(1), 12-3-08; Ord. 19-__)

State law reference-Va. Code §§ 46.2-1222 and 46.2-1225.

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Gallaway	_____	_____
Ms. LaPisto-Kirtley	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Ms. Price	_____	_____