



Albemarle County

Legislation Text

File #: 20-219, **Version:** 1

AGENDA DATE: 3/18/2020

TITLE:

Ordinance to amend County Code Chapter 9, Motor Vehicles

SUBJECT/PROPOSAL/REQUEST: Adoption of an ordinance to amend County Code Chapter 9, Motor Vehicles, revising the provisions regulating parking on secondary highways in residential areas and increasing fine amounts.

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kampthner, DeLoria, Lantz, Stoddard, Miller

PRESENTER (S): Richard DeLoria

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: In 2018, the General Assembly added Albemarle County to the list of localities in Virginia Code § 46.2-1222 enabled to regulate on-street parking on public streets in the State's secondary system of highways ("secondary streets"). Section 46.2-1222 enables the Board of Supervisors to adopt an ordinance that: (1) restricts or prohibits parking on any secondary streets in the County; (2) creates vehicle classifications that would or would not be subject to these restrictions and prohibitions; and (3) provides that the violation of the ordinance would be a traffic infraction and prescribe penalties. The proposed ordinance is intended to allow the County to address on-street parking of commercial vehicles and on-street storing of trailers, boats, storage containers, buses, and recreational vehicles in the County's residential neighborhoods, an issue that has generated complaints from residents.

A team that included representatives from the County Attorney's Office, the Department of Community Development, and the Police Department developed a draft ordinance that would implement Virginia Code § 46.2-1222 and update parking violation fine levels, which have not been changed since at least 1998.

At the November 20, 2019 meeting, the Board scheduled a public hearing on a draft ordinance for December 18, 2019. However, the Board deferred the public hearing for further study and revisions. In addition, several clarifications were made to the draft ordinance that went to the Board on February 19, 2020 as highlighted on the attached proposed ordinance (Attachment A).

STRATEGIC PLAN: Mission: To enhance the well-being and quality of life for all citizens through the provision of the highest level of public service consistent with the prudent use of public funds.

DISCUSSION: The proposed ordinance would amend County Code § 9-102 to prohibit commercial, recreational, and other large vehicles from being parked on secondary streets in areas zoned for residential use in the County. The proposed ordinance also would prohibit storage containers and dumpsters from being

placed on those same secondary streets. A violation of these regulations would be subject to a fine pursuant to County Code § 9-118, which the proposed amendment would increase. The terms “commercial and recreational vehicle” and “areas zoned for residential use” are defined in the ordinance.

The Police Department proposes to enforce the ordinance by first educating the residents about the parking restrictions and providing warnings. Subsequent violations by the same vehicle owner could be enforced by issuing a notice of violation.

The proposed increased fines remain in line with state parking and stopping violations filed in court. Those pre-payable fines, including the mandated \$51.00 processing fee, range from \$71.00 to \$81.00, with a handicap parking violation being \$201.00. The purpose of increasing the fines is to deter violations.

BUDGET IMPACT: The budget impact on the Police Department will depend on whether the ordinance is enforced on a complaint basis or proactively. If it is enforced on a complaint basis, staff has not identified a need for additional staffing at this point. Proactive enforcement may necessitate creating a parking enforcement unit within the Police Department. An increase in the number of parking tickets would also have an impact on the Department of Finance, which processes fine payments and appeals. An increase in the number of parking tickets and the fine amounts may increase the parking fines collected by the County, but the purpose is to deter and decrease the incidence of violations.

RECOMMENDATION:

Staff recommends that the Board adopt the attached proposed ordinance (Attachment A).

ATTACHMENTS:

Attachment A - Proposed Ordinance