

ORDINANCE NO. 2020-__
PARKING ORDINANCE
OF WYTHE COUNTY, VIRGINIA

Section 1 – Adoption of State Law Provisions

Pursuant to the authority of Virginia Code Annotated § 46.2-1220, all of the provisions and requirements of the laws of the state contained in Title 46.2, Code of Virginia, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and requirements which by their very nature can have no application to or within the county, are adopted and incorporated in this ordinance by reference and made applicable within the county. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein, and it shall be unlawful for any person, within the county to violate or fail, neglect, or refuse to comply with any provision of Title 46.2 of the Code of Virginia which is adopted by this section, provided that in no event shall the penalty imposed for the violation of any provision or requirement adopted exceed the penalty imposed for a similar offense under Title 46.2 of the Code of Virginia.

Section 2 – Violations

It shall be unlawful for any person to violate any of the provisions of this ordinance, and unless otherwise stated, such violations shall constitute traffic infractions punishable by a fine of not more than **\$100.00**.

Section 3 – Powers of County Administrator

- A. The county administrator, or such other officer as may be designated from time to time by the Board of Supervisors, may, with reference to county-owned property, classify vehicles with reference to parking and may designate the time, place, and manner such vehicles may be allowed to park on county-owned property and may make and enforce such additional rules and regulations as parking conditions may require. When any parking regulation is established pursuant to this section, the County Administrator, or other designated officer, shall cause to be erected appropriate signs or markers so that an ordinarily observant person, who may be affected by such regulation, will be aware of such regulation.
- B. When any regulation is made pursuant to this section and when appropriate signs or markers have been erected as required by this section, it shall be unlawful for any person to violate any such regulation.

Section 4 – Parking for Commercial Purposes

- A. It shall be unlawful for any person to park any automobile, truck, or other automotive equipment on or alongside any road, highway, or street of the county or of the state in county, when such person is parking any such automobile, truck, or automotive equipment in pursuance of any commercial purpose.
- B. The provisions of this section shall not apply to motor vehicle carriers when picking up or discharging passengers.

Section 5 – Contracts for Removal of Vehicles Violating Parking Regulations

The county administrator shall have the power to enter into contracts with the owner or operator of garages or places for the removal or storage of vehicles in violation of this ordinance. The contracts shall provide for the payment by the county of reasonable charges for the removal and storage of such vehicles, shall require such owners and operators to deliver such vehicles to the owners thereof or their agents upon demand therefor upon furnishing satisfactory evidence of identity and ownership or agency and upon payment of such removal and storage charges, and that the owners or operators of such garages or places of storage will indemnify the owners of such vehicles for injury or damage thereto resulting from the negligent removal or storage thereof, and such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnity.

Section 6 – Parking on Private Property

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area, contiguous or adjacent to a highway, thoroughfare, or alley, indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across any curb or lot line or over any driveway from a highway or alley into such lot or area for the purpose of standing or parking such vehicle, or for any person to stop, stand, or park any vehicle in such lot or lot area.

Section 7 – Prohibited at All Times on Certain Streets and Roads

- A. When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or roads of the county or parts of the streets or roads so signed.
- B. The owner of any vehicle parked in violation of this section shall be prima facie guilty of such violation.
- C. The Wythe County Sheriff and his appointed deputies shall be empowered to issue citations or summonses for violations of this section.
- D. Any person who shall violate any provision of this section shall be punishable by a fine of not more than **\$100.00**.

Section 8 – General Parking Prohibitions

- A. It shall be unlawful for any person to park or stop a vehicle, except when necessary to avoid traffic or with the directions of a law enforcement officer or traffic-control device, in any of the following locations:
 - 1. At any place where official signs prohibit parking.
- B. 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.

Section 9 – Restricted Parking on County-Owned Property

- A. The county administrator is authorized to designate specific areas on county-owned property to be restricted parking zones. The county administrator shall designate the types of motor vehicles which may be permitted to park in the restricted zones and the time, place, and manner in which such vehicles may be permitted to park in the restricted parking zones. The county administrator shall make such rules and regulations as parking conditions may require in the restricted parking zones and under the varying conditions that may exist at different times.
- B. It shall be the duty of the county administrator, upon the adoption of such regulations but before the same shall become effective, to give public notice thereof by establishing and posting signs or by other means which may be reasonably adequate to readily inform the operators of vehicles in restricted parking zones of the existence, nature, and requirements of such regulations.
- C. It shall be unlawful for any person to park or stop a motor vehicle of a type or in any manner which violates the provisions of any rule or regulation restricting the parking of motor vehicles on county-owned property adopted and promulgated in accordance with this section.

Section 10 – Presumption in Prosecution for Parking Violations

In any prosecution for a violation of any provision of this article, proof that the vehicle described in the citation or summons was in violation of such provision, together with proof that the defendant was, at the time of such violation, the registered owner of the vehicle, as required by Chapter 6 of Title 46.2 of the Code of Virginia, shall constitute in evidence a rebuttable presumption that such registered owner was the person who committed the violation which occurred.

Section 11 – Removal or Immobilization of Vehicles with Outstanding Parking Violations

- A. Any vehicle parked or stopped on any public highway, public road, or public property against which there are three or more unpaid or unsettled parking violation notices may be removed or immobilized by any law-enforcement officer. Such immobilization shall be in a manner which will prevent the removal or operation of the vehicle except by authorized law enforcement personnel.
- B. The sheriff's office shall, as soon as possible after the vehicle has been removed or immobilized, notify the owner of such vehicle of the nature and circumstances of the prior unsettled or unpaid parking violation notices. If the vehicle has been immobilized or cause to be immobilized by the law enforcement personnel, such personnel shall place on the vehicle, in a conspicuous manner, a notice warning that the vehicle has been immobilized and attempts to move it could damage it.
- C. The owner of an immobilized vehicle, or the owner's agent, has 24 hours from the time the vehicle was immobilized to secure the release of the vehicle. After that time, any law-enforcement officer may remove or cause to be removed the vehicle to a storage facility.
- D. If the owner refuses or fails to pay the outstanding parking violation notices and the costs, or the owner is not ascertainable after a diligent search by law enforcement personnel, the treasurer shall send notice to the last known address of the owner and the to the holder of any lien of record on the vehicle. The vehicle shall then be subject to the sale provisions of Virginia Code Annotated § 46.2-1209.

Section 12 – Enforcement of Parking Regulations

- A. The Sheriff is hereby authorized and directed to enforce this ordinance and all rules, regulations, and penalties related to parking.
- B. Any law-enforcement officer, or person authorized to enforce this Ordinance, shall post a written notice of violation on the windshield of each vehicle found illegally parked.
- C. When a notice or citation is attached to a vehicle found parked in violation of any provision of this Ordinance, the owner of the vehicle may pay to the County Treasurer, in satisfaction of any such violation, a penalty fine as listed herein when such payment is postmarked or received by the County Treasurer within fifteen (15) calendar days after issuance of such a notice or citation. Such payment shall constitute a plea of guilty to the violation in question.
- D. Persons desiring to waive trial may do so by voluntarily remitting to the County Treasurer’s office the amount of the fine stipulated for each violation marked on the notice. Such fines shall be levied in accordance with the schedule set forth in subsection (H) of this section. If the required amount is not received in the office of the County Treasurer or mailed and postmarked within fifteen (15) calendar days after the notice of violation is issued, then a fifteen dollar (\$15.00) late fee is added to the amount due. If the payment of the violations is not remitted within sixty (60) days after the notice of violation, then a thirty dollar (\$30.00) administrative fee is added. If the total amounts due are not paid within ninety (90) days of the violation, then the County Treasurer may place a DMV (Department of Motor Vehicles) Stop on the person or entity issued the violations, and there will be a \$30 fee for issuing the DMV Stop, or the County Treasurer may pursue the collection of unpaid fines as described in subsection (G) below.
- E. Whenever the fines are paid by mail, the responsibility for receipt of the payment by the County Treasurer’s office shall lie with the registered owner of the vehicle parked in violation. Payment may be made by personal check; provided, that if such check is returned for insufficient funds, the vehicle owner shall remain liable for the parking violations, and shall likewise be subject to a service charge of thirty-five dollars (\$35.00) for processing the returned check.
- F. If any person desires to contest any parking citation, then the person shall present the citation/notice of violation to the County Treasurer, within fifteen (15) days of the violation, and request the County Treasurer to certify the same to the General District Court, and the County Treasurer shall certify it on an appropriate form to the General District Court.
- G. The County Treasurer may issue a complaint directed to the General District Court and cause a warrant to be issued for delinquent parking citations.
- H. The schedule of fines shall be as follows:

Offense	Fine
1. Parking in prohibited zone [as designated by signs]	\$100.00
2. Parking in prohibited zone (Section 7)	\$100.00

All violations and fines under the Virginia Code remain applicable.

- I. 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 County Treasurer within fifteen (15) days from the date of violation, shall be subject to summons and arrest pursuant to Virginia Code Annotated § 46.2-941.
- J. Before any summons shall be issued for the prosecution of a violation of this article, the County Treasurer shall first notify the violator by mail at his/her last known address or at the address shown for such violator on the records of the state department of motor vehicles, that he/she may pay the fine provided by law for such violation within five (5) days of receipt of such notice. The officer issuing such summons shall be notified that the violator has failed to pay such fine within the time prescribed by the notice. The notice to the violator required by the provisions of this subsection shall be contained in an envelope bearing the term "Law-Enforcement Notice" stamped or printed on the face thereof in all capital letters, bold face type, no smaller than the print type size used for the primary address on the envelope. *See* Va. Code Ann. § 46.2-941.

Section 13 – Compliance with Ordinance

- A. It shall be unlawful for any person to refuse, fail, or neglect to comply with any of the provisions of this ordinance or any rule or regulation promulgated pursuant thereto.
- B. Every person convicted of a violation of any of the provisions of the ordinance or rule or regulation promulgated thereto, for which no other penalty is provided, shall be guilty of a traffic infraction, punishable by a fine of not more than **\$100.00**.

Section 14 – Ordinance Approval

This ordinance was duly considered following the required public hearing held on _____, 2020; _____ made a motion to approve this ordinance; the motion was seconded by _____, and this ordinance was adopted by the Board of Supervisors of Wythe County, Virginia. This ordinance shall become effective on 12:01 a.m. on _____, 2020. The Board of Supervisors voted in the following manner:

Name	For	Against	Absent
Rolland R. Cook			
B.G. Horney, Jr.			
Ryan M. Lawson			
Coy L. McRoberts			
James D. Smith			
Stacy A. Terry			
Brian W. Vaught			

I certify that this is a true and correct copy taken from the _____, 2020 minutes of the Wythe County Board of Supervisors' meeting.

Martha Collins, Clerk