

TOWN OF ONLEY

ORDINANCE No. 001-09

April 2009

**AN ORDINANCE TO REGULATE PARKING
IN THE
TOWN OF ONLEY**

WHEREAS, the Town Council of the Town of Onley desires to promote the public safety, health, and welfare of the residents of the Town of Onley, and

WHEREAS, it is declared to be in the public interest to regulate and restrict the parking of any motor vehicle, conveyance or trailer within the Town of Onley, and

WHEREAS, under the authority of § 46.2-1220 and § 46.2-1239 of the Code of Virginia, the Town of Onley may enact regulations and is authorized to cause signs and/or other markings to be placed or erected to limit and/or restrict parking at any time traffic and/or parking conditions may merit;

WHEREAS, the Town Council desires to repeal previous ordinances regulating parking, specifically the following ordinances regarding: parking on Main Street dated May 5, 1950; double parking dated May 5, 1950; one hour parking dated April 1, 1968; parking along Route 731 and Route 1605 dated June 2, 1976; parking along Bank St. dated May 7, 1979; and the general regulation of parking dated June 5, 1989;

BE IT THEREFORE ORDAINED, by the Town Council of the Town of Onley that the ordinances of May 5, 1950, April 1, 1968, June 2, 1976, May 7, 1979, and June 5, 1989 be repealed and the following provisions be enacted regulating parking within the Town of Onley.

***State law references:** Parking, stopping, and standing regulations in counties, cities, or towns; parking meters; presumption as to violation of ordinances; penalty § 46.2-1220; Parking in certain locations, § 46.2-1239.

Sec.1. Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

"*Motor vehicle*" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

"*Semitrailer*" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"*Trailer*" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

State law reference: Definitions, § 46.1-100.

Sec. 2. Authority

This article is adopted pursuant to the authority contained in the Charter and Code of Virginia, § 46.2-1220 and § 46.2-1239.

Sec. 3. General prohibitions.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or traffic-control device, in any of the following places, whether signs prohibiting such parking, standing or stopping are erected or not:

- (1) On a sidewalk or walkway.
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within 20 feet of a crosswalk at an intersection.
- (7) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of the roadway.
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the Mayor has indicated a different length by signs or markers.
- (9) Within 50 feet of the nearest rail of a railroad crossing.
- (10) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

- (12) Within 20 feet from the intersection of curb lines or, if none, then within 15 feet of the intersection of property lines at an intersection of streets.
- (13) Upon any bridge, viaduct or causeway.
- (14) Within any alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic; and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.
- (15) At any place where official signs prohibit stopping.

Sec. 4. Parking regulations of Town Council.

- (a) The Town Council may, with reference to town-owned or town-controlled property, make and enforce such parking regulations, not inconsistent with this article, as parking conditions may require. When any parking regulation is so established, the town mayor 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.

State law references: Authority for above section, Code of Virginia, § 46.2-1220.

Sec. 5. Parked vehicle to display current local license.

No vehicle not entitled to the exceptions of Code of Virginia, § 46.2-755, shall be parked in the limits of the town and display a town, county or city license which has expired or display no town, county or city license.

Sec. 6. Obstruction of traffic by parked vehicle.

It shall be unlawful for any person to park or place a motor vehicle on any street, municipal parking lot or public alley in such manner as to obstruct traffic or impede the normal use of the street, parking lot or alley.

Sec. 7. Parking in space reserved for handicapped persons.

- (a) No vehicle other than one displaying special license plates, decals, or special parking permits pursuant to Code of Virginia, § 46.2-731, 46.2-739 or 46.2-1241, shall be parked in any parking space reserved for the handicapped on public property or on privately owned parking areas open to the public. A summons or parking ticket for a violation of this section may be issued by a law-enforcement officer without the necessity of a warrant being obtained by the owner of any private parking area.
- (b) Parking spaces reserved for the handicapped shall be identified by abovegrade signs.

State law references: Authority for above section, Code of Virginia, § 46.2-1242.

Sec. 8. Procedure for parking violations.

(a) Law-enforcement officers of the town shall attach to any vehicle parked in violation of any provision of this article a notice to the owner thereof that such vehicle is parked in violation and instructing such owner to deliver or mail to the town, within seven days of such notice, the sum of \$25.00 in satisfaction of such violation or, in the case of a handicap parking violation, the sum of \$100.00.

(b) If after seven days payment has not been made pursuant to subsection (a) above, a warrant or summons shall be issued to appear in court and upon conviction the violator shall be punished by a traffic fine of not more than that provided for a Class 4 Misdemeanor under § 18.2 -11. (\$250.00)

State law reference: violations of title 46.2; penalties, § 46.2-113.

Sec. 9. Removal or immobilization of motor vehicles against which there are outstanding parking violations.

(a) Any motor vehicle parked on the public highways or public grounds against which there are three or more unpaid or otherwise unsettled parking violation notices may be removed to a place within the town or in an adjacent locality designated by the chief of police for the temporary storage of the vehicle, or the vehicle may be immobilized in a manner which will prevent its removal or operation except by authorized law-enforcement personnel. The removal or immobilization of the vehicle shall be by or under the direction of an officer or employee of the police department.

(b) It shall be the duty of the law-enforcement personnel removing or immobilizing a motor vehicle or under whose direction such vehicle is removed or immobilized pursuant to this section to inform, as soon as practicable, the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking notices for which the vehicle was removed or immobilized. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed on the vehicle, in a conspicuous manner, a notice warning that the vehicle has been immobilized and that any attempt to move the vehicle might damage it.

(c) The owner of an immobilized vehicle, or other person acting on his behalf, shall be allowed at least 24 hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within that time period may result in the removal of the vehicle to a storage area for safekeeping under the direction of law-enforcement personnel.

(d) The owner of a removed or immobilized motor vehicle, or other person acting on his behalf, shall be permitted to repossess or to secure the release of the vehicle by payment of the outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all costs incidental to the removal, immobilization and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should the owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of the

owner be unknown or unascertainable, the motor vehicle may be sold in accordance with the procedures set forth in Code of Virginia, § 46.2-1213.

State law references: Authority for above section, Code of Virginia, § 46.2-1216.

Sec. 10. Presumption in prosecution for parking violation.

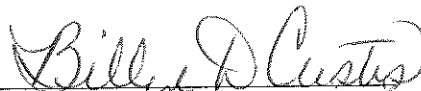
In any prosecution charging a violation of any provisions of this article regulating parking, proof that the vehicle described in the complaint, summons, parking violation notice or warrant was parked in violation of this article, together with proof that the defendant was, at the time, the registered owner of the vehicle, shall constitute in evidence a *prima facie* presumption that the registered owner of the vehicle was the person who committed the violation.

State law references: Similar provisions, Code of Virginia, § 46.2-1220.

Sec. 11. Effective date.

This ordinance shall become effective upon passage.

Enacted this 6th day of April, 2009.


Billye D. Custis, Mayor

Attest:

Jamie Replogle, Town Clerk/Treasurer

I certify that the foregoing is a true copy of an ordinance adopted on April 6, 2009, by the Onley Town Council.

Jamie Replogle, Town Clerk/Treasurer

Council Voting:

- B. Chance _____
- D. Dize. _____
- W. Ferguson _____
- E. Finney _____
- T. Marshall _____
- D. Strautz, Jr. _____