

ADOPTED

AUG 13 2002

ORDINANCE NO. 66A-48

BOARD OF SUPERVISORS
JAMES CITY COUNTY
VIRGINIA

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 13, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF THE COUNTY OF JAMES CITY, VIRGINIA, BY AMENDING ARTICLE III, STOPPING, STANDING, AND PARKING, SECTION 13-40.1, PARKING SPACES RESERVED FOR HANDICAPPED; SUMMONS FOR UNAUTHORIZED USE; PENALTY; SECTION 13-40.2, PARKING IN THE STATE SECONDARY SYSTEM OF HIGHWAYS; SECTION 13-40.3, PARKING IN FIRE LANES; SECTION 13-40.4, PARKING WITHOUT A VALID LICENSE DECAL; SECTION 13-40.5, UNCONTESTED PAYMENT OF PARKING CITATION PENALTIES; CERTIFICATION OF CONTEST OF CITATION; SECTION 13-40.6, PROCEDURE FOR DELINQUENT PARKING CITATIONS; AND SECTION 13-52, PRESUMPTION WHERE VEHICLE ILLEGALLY PARKED; AND BY AMENDING ARTICLE IV, VEHICLE DECALS, SECTION 13-62, PRESUMPTION ARISING FROM ABSENCE OF COUNTY DECAL.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 13, Motor Vehicles and Traffic, is hereby amended and reordained by amending Section 13-40.1, Parking spaces reserved for handicapped; Section 13-40.2, Parking in the state secondary system of highways; Section 13-40.3, Parking in fire lanes or near fire hydrants; Section 13-40.4, Parking without a valid license plate decal; Section 13-40.5, Issuance of citation; Amount and pre-payment of fines; Protest; Section 13-40.6, Conditions precedent to issuance of summons for violation of parking ordinance; Section 13-52, Presumption where vehicle illegally parked; and Section 13-62, Presumption arising from absence of county decal.

ARTICLE III. STOPPING, STANDING AND PARKING*

Sec. 13-40.1. Parking spaces reserved for handicapped; ~~summons for unauthorized use; penalty.~~

(a) It shall be unlawful for any ~~operator of~~ ~~person to park~~ a motor vehicle ~~to park~~ in a parking space identified by an above-grade sign as reserved for the handicapped, except:

- (1) A person with a disability that limits or impairs his or her ability to walk who is driving a motor vehicle displaying state disabled ~~parking~~ license plates, an organizational ~~removable windshield~~ placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under section 46.2-73+ ~~1241~~ of the Code of Virginia, or a person using a motor vehicle displaying such license plate or placard described above who is transporting a person with a disability that limits or impairs his or her ability to walk; or
- (2) A disabled veteran driving a motor vehicle displaying special license plates issued pursuant to ~~subsection B of~~ section 46.2-739 of the Code of Virginia or a person transporting a disabled veteran in a motor vehicle displaying such special license plates.

*State law reference-Authority of county with regard to regulation of abandoned vehicles and parking,
Code of Va., § 46.2-1200 et seq.

~~(b) Any police officer of James City County may issue a summons charging a person parking in violation of paragraph (a) of this section, or if such person is not known, then the registered owner of the motor vehicle parked in violation of paragraph (a).~~

~~(c) Violation of the provisions of paragraph (a) of this section shall be a traffic infraction punishable by a fine of not more than \$250.00.~~

~~(b)~~ (b) The owner or duly authorized agent of a private parking space, or an agent of a public authority having control of a public space, which space is properly designated and marked for handicapped parking, shall have authority to have any vehicle not displaying handicapped parking permits or plates as described in paragraph (a) removed and stored. Possession may be regained by payment to the person who removed the vehicle of all reasonable costs for the removal and storage. The vehicle owner may contest the removal in the manner provided by section 46.2-1237 1246(B) of the Code of Virginia.

~~(c) No violation of this section shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in section 36-99.11 of the Code of Virginia, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.~~

~~State law reference—Authority of county to regulate parking in spaces reserved for persons with disabilities, Code of Va., § 46.2-1242.~~

Sec. 13-40.2. Parking in the state secondary system of highways.

(a) ~~No person shall~~ *It shall be unlawful for any person to* park a vehicle on any highway which is part of the state secondary system of highways within James City County which has been designated and marked a no parking zone. ~~Any violation of this section shall constitute a traffic infraction punishable by a fine of not more than \$100.00.~~

(b) The prohibition set forth in this section shall have no application when a vehicle is parked or stopped in compliance with the order of a law enforcement officer or a traffic-control device, or in case of vehicular breakdown, or in an emergency which renders it necessary.

Sec. 13-40.3. Parking in fire lanes ~~or near fire hydrants.~~

~~It shall be unlawful for any person to park a vehicle in a designated fire lane. Any violation of this section shall constitute a traffic infraction punishable by a fine of not more than \$100.00.~~

~~*No person shall park a vehicle or permit it to stand, whether attended or unattended, in a designated fire lane, on a highway in front of a private driveway, within fifteen feet of a fire hydrant or the entrance to a fire station, within fifteen feet of the entrance to a plainly designated building housing rescue squad equipment or ambulances, or within twenty feet from the intersection of curb lines or, if none, then within fifteen feet of the intersection of property lines at any highway intersection.*~~

~~*State law reference—Code of Va., § 46.2-1239.*~~

Sec. 13-40.4. Parking without a valid license *plate* decal.

It shall be unlawful for any owner of a vehicle required to have a *license plate* decal to park his or her vehicle (including motorcycles, motor-bikes and minibikes), trailer or semitrailer on any highway which is part of the state secondary system of highways within James City County without having obtained a valid license *plate* decal which is displayed on such vehicle (including motorcycles, motorbikes and minibikes), trailer or semitrailer. ~~Any violation of this section shall constitute a traffic infraction punishable by a fine of not more than \$100.00.~~

**Sec. 13-40.5. ~~Uncontested payment of parking citation penalties; certification of contest of citation~~
*Issuance of citation; amount and pre-payment of fines; protest.***

~~(a) — Every person receiving a citation from a law enforcement officer that he has violated a provision of the County Code regulating parking may waive his right to appear and be tried for the offense set forth in the citation. Such waiver shall be effective upon voluntary payment of \$10.00 to the county treasurer's office, within five days after receipt of the citation, or upon voluntarily placing \$10.00 in a reply mail envelope and mailing it to the county treasurer's office, so that it is postmarked within 48 hours after receipt of the citation; provided, however, that any citation for a violation of section 13-40.1 shall require a voluntary payment of \$50.00 to effectuate the aforesaid waiver. Such person shall not thereafter be required to appear before the general district court for trial upon the charge set forth in the citation.~~

(a) Any law enforcement officer of James City County may issue a citation charging a person parking in violation of this article, or if such person is not known, then the registered owner

of the motor vehicle parked in violation of this article. Such citations may be posted on the windshield or other conspicuous place of each vehicle found illegally parked.

~~(b) All uncontested parking citations paid under this section shall be accounted for by the county treasurer. All contested parking citations shall be certified in writing, upon an appropriate form, to the general district court by the county treasurer.~~

(b) Except as otherwise noted in this article, violation of any provision of this article shall be a traffic infraction punishable by a fine according to the following schedule:

<i>Type of violation:</i>	<i>Fine paid within 5 days of violation:</i>	<i>Fine paid more than 5 days after violation:</i>
<i>Sec. 13-40.1 (handicapped parking)</i>	<i>\$100</i>	<i>\$200</i>
<i>Sec. 13-40.3 (fire lanes/near fire hydrants)</i>	<i>\$50</i>	<i>\$100</i>
<i>Other violations of this Article</i>	<i>\$10</i>	<i>\$20</i>

(c) *Fines assessed pursuant to this article that are paid before the issuance of a summons pursuant to section 13-40.6 shall be collected and accounted for by the county treasurer.*

(d) *Every person charged with a violation of any provision of this Article or of any parking provision of this chapter may, before the issuance of a summons pursuant to section 13-40.6, elect to contest the charge by filing a written protest and a copy of the relevant traffic citation with the county treasurer. Such protest shall identify the charge by traffic citation number and date of issue and shall be signed by the party charged. All parking citations contested pursuant to this section shall be certified in writing, upon an appropriate form, to the clerk of the general district court for the county by the county treasurer. The clerk shall thereupon establish a hearing date and give written notification of the date and time of the hearing to the protestor, the county treasurer, and the law enforcement officer who issued the citation. If the general district court finds the protestor guilty, the fine imposed shall be as specified herein as applicable to payment made more than five days after the date of the violation, and the protestor shall pay all court costs resulting from the proceeding.*

(e) Whenever a reply mail envelope is used for transmitting cash, check, draft or money order by mail to the county treasurer's office pursuant to the provisions of this section, the responsibility for receipt of the cash, check, draft or money order by the treasurer shall be that of the registered owner of the vehicle on which the citation was placed.

Sec. 13-40.6. Procedure for delinquent parking citations *Conditions precedent to issuance of summons for violation of parking ordinance.*

(a) ~~The treasurer shall cause a complaint, summons or warrant to be issued for delinquent parking citations.~~ *Before a summons shall issue for prosecution of a violation of any provisions in this chapter regulating parking, the treasurer shall first cause to be sent to the violator a notice, as required by section 46.2-941 of the Code of Virginia, which notice shall require the violator to pay the fine provided by section 13-40.5 for such violation within five days of receipt of such notice.*

(b) ~~Notwithstanding the provisions of subsection (a) above, before any complaint, summons or warrant shall be issued for the prosecution of a violation of this Code or other ordinance of the county regulating parking, the violator shall have been first notified, by registered mail at his last known address or at the address shown for such violator on the records of the state division of motor vehicles, that he may pay the fine provided by law for such violation within five days of receipt of such notice. The notice to the violator required by the provisions of this section shall be contained in an envelope bearing the words "Law Enforcement Notice" stamped or printed on the face thereof in type at least one-half inch in height. If the violator fails to pay such fine within the required time, the officer issuing such summons shall be notified.~~ *If the violator shall fail to pay such fine within such five-day period, the treasurer shall cause the appropriate law enforcement officer to issue a summons to the violator requiring such violator's appearance in the general district court for the county to be tried for the offense charged thereunder.*

Sec. 13-52. Presumption where vehicle illegally parked.

In any prosecution charging a violation of any parking regulation contained in this article, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such regulation, together with proof that the defendant was at the time of such parking 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 of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred~~ *give rise to a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.*

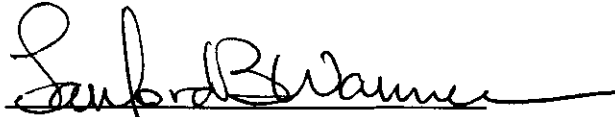
State law references-Similar state law, Code of Va. §§ 46.2-1220, 46.2-1221, ~~46.2-1222.~~

ARTICLE IV. VEHICLE DECALS.

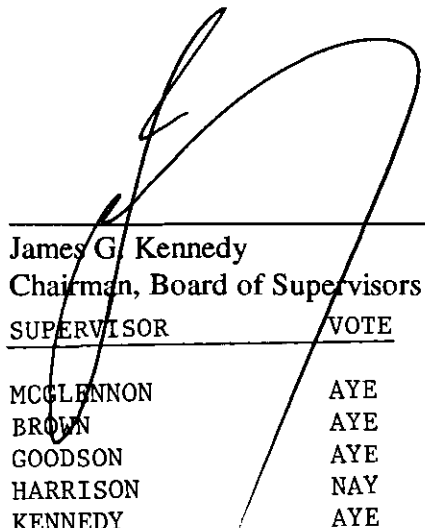
Sec. 13-62. Presumption arising from absence of county decal.

The finding of any motor vehicle, trailer or semitrailer registered in the county on any of the streets, alleys, lanes, ~~parking lots or~~ public places of the county, ~~or parking lots that are open to the public within the county,~~ without a proper county motor vehicle decal attached thereto, shall be a prima facie evidence that such motor vehicle, trailer or semitrailer is normally garaged, stored or parked in the county by the owner thereof.

ATTEST:



Sanford B. Wanner
Clerk to the Board



James G. Kennedy
Chairman, Board of Supervisors

SUPERVISOR	VOTE
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MCGLENNON	AYE
BROWN	AYE
GOODSON	AYE
HARRISON	NAY
KENNEDY	AYE

Adopted by the Board of Supervisors of James City County, Virginia, this 13th day of August, 2002.

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