

EXHIBIT NO. 1

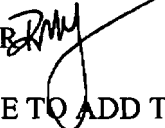
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6-16-12 ~~8~~
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City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 6, 2012

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: RASHAD M. YOUNG, CITY MANAGER 

SUBJECT: CONSIDERATION OF AN ORDINANCE TO ADD TO AND AMEND THE CITY CODE IN REGARD TO THE USE OF PARKING PAY STATIONS AND INCREASE THE PENALTIES FOR UNCONTESTED PARKING METER AND PAY STATION VIOLATIONS

ISSUE: Consider an ordinance to adopt and ordain a new City Code section 5-8-97 and amends and reordains sections 10-4-22, 10-4-23, 10-4-24, 10-4-25, 10-4-26, 10-4-27, 10-4-29, and 3-2-354 of the City Code to make the regulation of the use of parking pay stations and penalties for uncontested citations related to parking meter and pay station violations consistent with practice and prior Council actions.

RECOMMENDATION: That City Council approve the proposed ordinance adopting and ordaining a new City Code section and amending and reordaining sections of the City Code to clarify the regulation of the use of parking pay stations; to codify the penalties for uncontested citations related to parking meter and pay station violations at \$40; and to schedule the ordinance for first reading on June 13, 2012, and public hearing, second reading and final passage on June 16, 2012.

BACKGROUND: Parking pay stations have been or will be installed in some areas of the City. In some locations, the parking pay stations have replaced existing parking meters. The parking pay stations allow for the installation of one to two pay stations per block, instead of one meter per parking space. Since the parking pay stations are or will be installed, there are provisions of the City Code that need to have language updated to reflect the use of this newer technology.

The proposed ordinance would create a new Section 5-8-97 of the City Code to address how parking pay stations are to be installed and about their operation generally. Section 5-8-96 already addresses the installation and operation of parking meters.

The proposed ordinance also contains amendments to Title 10 (Motor Vehicles and Traffic), Chapter 4 (Stopping, Standing and Parking), specifically to Sections 10-4-22, 10-4-23, 10-4-24, 10-4-25, 10-4-26, 10-4-27 and 10-4-29 of the City Code. The proposed amendments will specifically relate the aforementioned Code provisions to parking spaces with pay stations as well as those with parking meters. The amendments to Section 10-4-22 direct drivers to deposit

payment into parking pay stations and display their receipts in the front window of their motor vehicles. The update to Section 10-4-23 codifies that a vehicle cannot be parked over-time at parking meters or pay station spaces. The updates to Section 10-4-24 codifies that a person cannot deposit payment in a parking meter or pay station in order to extend the user's parking time beyond the maximum time limit. The amendments to Section 10-4-25 codifies that a driver cannot park in the same block when his parking pay station receipt has expired. The updates to Section 10-4-26 codifies that it is illegal to deposit slugs into parking meters or pay stations. The updates to Section 10-4-27 codifies that to damage parking meters or pay stations is illegal. The updates to Section 10-4-29 codifies the definition that levies the money deposited in parking pay stations, in addition to money deposited in parking meters, are considered police regulation and inspection fees.

Finally, Section 3-2-354 ("Penalties for uncontested citations") will be amended to reflect the new titles for City Code Sections 10-4-22, 10-4-24, 10-4-25, and 10-4-29. Additionally, Section 3-2-354(a)(20) through (23), will be amended to codify the penalties for uncontested citations at \$40 for violations related to parking meters and pay stations as this has already been approved by City Council on June 8, 2010, via Resolution 2404.

All of these proposed changes codify and clarify existing City policy, regulations and practices, as well as update the existing parking ordinance language to reflect new parking technology. These proposed changes are aimed at making the ordinance clearer and easier to interpret. Citations issued prior to these proposed ordinance changes were valid when issued and will remain so regardless of whether or not these proposed ordinances are adopted.

FISCAL IMPACT: None.

ATTACHMENT: Ordinance

STAFF:

Bruce Johnson, Chief of Staff
Mark Jinks, Deputy City Manager
Richard J. Baier, P.E., LEED AP, Director, T&ES
Abi Lerner, P.E., Deputy Director, T&ES
Christina Zechman Brown, City Attorney's Office
Antonio Baxter, Division Chief, Administration, T&ES
Bob Garbacz, Transportation, T&ES

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Introduction and first reading: 6/13/12
Public hearing: 6/16/12
Second reading and enactment: 6/16/12

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 3-2-354 of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT); to add and ordain Section 5-8-97 of Article G (PARKING METERS) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES); and to amend and reordain Sections 10-4-22, 10-4-23, 10-4-24, 10-4-25, 10-4-26, 10-4-27, 10-4-29 all of Article C (RESERVED) of Chapter 4 (STOPPING, STANDING AND PARKING) of Title 10 (MOTOR VEHICLES AND TRAFFIC); of the Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

This ordinance adopts and ordains a new City Code section 5-8-97 and amends and reordains sections 10-4-22, 10-4-23, 10-4-24, 10-4-25, 10-4-26, 10-4-27, 10-4-29, and 3-2-354 of the City Code to regulate the use of parking pay stations and increase the penalties for uncontested citations related to parking meter and pay station violations from \$35 to \$40.

Sponsor

None

Staff

Christina Zechman Brown, Assistant City Attorney

Authority

§§ 2.03(x), 2.04(g) Alexandria City Charter, § 1-1-7 Alexandria City Code, § 46.2-1220 Code of Virginia, City Council Resolution 2404

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

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ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 3-2-354 of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT); to add and ordain Section 5-8-97 of Article G (PARKING METERS) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES); and to amend and reordain Sections 10-4-22, 10-4-23, 10-4-24, 10-4-25, 10-4-26, 10-4-27, 10-4-29 all of Article C (RESERVED) of Chapter 4 (STOPPING, STANDING AND PARKING) of Title 10 (MOTOR VEHICLES AND TRAFFIC); of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-354 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 3-2-354 - Penalties for uncontested citations.

Any other provisions of this code to the contrary notwithstanding, the penalty for any of the following violations of this code shall, when the citation which was issued for the violation is uncontested, be as follows:

(a) If a payment is tendered to the director of finance within 30 calendar days from the date the citation was issued:

(1) \$40 for a violation of section 10-4-1, "Stopping contrary to directions of police officers;"

(2) \$40 for a violation of section 10-4-2, "Permitting vehicle to remain parked contrary to the directions of an official sign;"

(3) \$40 for a violation of section 10-4-3, "Right to parking space;"

(4) \$40 for a violation of section 10-4-4, "Stopping so as to obstruct traffic or on crossing;"

(5) \$40 for a violation of section 10-4-5, "Double parking;"

(6) \$40 for a violation of section 10-4-6, "Parking trucks or commercial vehicles in residential districts;"

(7) \$40 for a violation of section 10-4-7, "Parking of vehicles by businesses on streets;"

(8) \$25 for a violation of section 10-4-8, "Parking for more than 72 continuous hours;"

1 (9) \$40 for a violation of section 10-4-9, "Parking trailers or recreational vehicles in
2 residential districts;"

3
4 (10) \$40 for a violation of section 10-4-10, "Parking on sidewalk;"

5
6 (11) \$40 for a violation of section 10-4-11, "Parking in alleys or courts;"

7
8 (12) \$40 for a violation of section 10-4-12, "Parking of vehicles on private property;"

9
10 (13) \$40 for a violation of section 10-4-13, "Stopping for purpose of sale, repairs, etc.;"

11
12 (14) \$40 for a violation of section 10-4-14, "Use of bus stops;"

13
14 (15) \$40 for a violation of section 10-4-15, "Stopping for loading or unloading
15 passengers or cargo generally;"

16
17 (16) \$40 for a violation for section 10-4-16, "Permit for parking truck beside railroad car
18 on public right-of-way;"

19
20 (17) \$40 for a violation of section 10-4-17, "Angle parking for loading and unloading;"

21
22 (18) \$40 for a violation of section 10-4-18, "Use of loading zones;"

23
24 (19) The amount set by order of the Supreme Court of Virginia, pursuant to Section 16.1-
25 69.40:1 of the Code of Virginia, as amended, for a violation of subsection (a) of section 10-3-
26 1242, "Parking in spaces reserved for persons with a disability;"

27
28 (20) ~~\$3540~~ for a violation of section 10-4-22, "How meter and space to be used; how pay
29 station and space to be used;"

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31 (21) ~~\$3540~~ for a violation of section 10-4-23, "Overtime parking;"

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33 (22) ~~\$3540~~ for a violation of section 10-4-24, "Depositing coin or payment in meter or
34 station for purpose of extending time;"

35
36 (23) ~~\$3540~~ for a violation of section 10-4-25, "Permitting vehicle to remain parked at
37 meter after expiration of time limit; permitting vehicle to remain parked in block with pay station
38 after expiration of time limit"

39
40 (24) \$40 for a violation of section 10-4-28, "Parking across lines designated parking
41 space;"

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- 1 (25) \$40 for a violation of section 10-4-30, "Interfering with enforcement of chapter;"
2
3 (26) \$40 for a violation of section 10-4-33, "Use of metered parking lots by vehicles
4 other than private passenger automobiles;"
5
6 (27) \$40 for a violation of section 10-4-34, "Parking illegally in permit parking districts;"
7
8 (28) \$40 for a violation of section 5-8-114, "Designation of parking spaces; parking
9 across lines;"
10
11 (29) \$40 for a violation of section 10-4-40, "Location of parked vehicles;"
12
13 (30) \$40 for a violation of section 10-4-37, "Failure to procure and display city license
14 plate, windshield tag or decal;"
15
16 (30A) \$40 for a violation of section 10-4-37.1, "Enforcement of the Northern Virginia
17 Local Motor Vehicle License Compact;"
18
19 (31) \$40 for a violation of section 10-4-38, "Parking without display of current state
20 inspection sticker or current state license plate;"
21
22 (32) \$40 for a violation of section 10-4-39, "Temporary parking prohibited;"
23
24 (33) \$40 for a violation of section 9-12-162, "Use of locations other than designated
25 parking spaces by sight-seeing buses;"
26
27 (34) \$40 for a violation of section 9-12-163, "Use of parking spaces designated for use by
28 sight-seeing buses by other vehicles;"
29
30 (35) \$40 for a violation of section 9-12-164, "Use of designated spaces by sight-seeing
31 buses;"
32
33 (36) The amount set by order of the Supreme Court of Virginia, pursuant to Section 16.1-
34 69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-41, "Parking
35 prohibited at certain locations;"
36
37 (37) The amount set by order of the Supreme Court of Virginia, pursuant to Section 16.1-
38 69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-42, "Parking
39 prohibited near fire hydrant, etc.;"
40
41 (38) \$40 for a violation of section 10-4-35, "Parking in two-hour parking zones in the
42 central business district;"

1
2 (39) \$40 for a violation of section 10-4-36, "Removal of chalk marks placed for
3 enforcement purposes;"
4

5 (40) \$40 for a violation of section 3-2-336, "Offenses relating to city license plate,
6 windshield and decal."
7

8 (b) If payment is not tendered to the director of finance with 30 calendar days of the date
9 the citation is issued, a penalty of \$25 in addition to the penalty imposed by subsection (a) for the
10 violation for which the citation was issued; provided, that, in the event the 30th calendar day
11 from the date the citation is issued is a Saturday, Sunday or legal holiday, such additional penalty
12 shall not be imposed if payment is tendered in the amount required by subsection (a) on the next
13 succeeding business day; provided further, that if payment is remitted to the director of finance
14 in a sealed envelope bearing a postmark on or before midnight of the 30th calendar day from the
15 date the citation is issued, no such additional penalty shall be imposed; and provided further, that
16 the director of finance may waive such additional penalty, even though payment has not been
17 tendered or mailed within 30 calendar days of the date the citation was issued, whenever the
18 owner of the vehicle identified in the citation establishes any of the following to the satisfaction
19 of the director:
20

21 (i) that the owner did not find the citation at the time of its issuance on the owner's
22 vehicle and only learned of the citation after the day on which it was issued, and has tendered the
23 required payment with 30 days of first learning of the citation;
24

25 (ii) that, within 30 days after the issuance of the citation or, if later, after first learning of
26 the citation, the owner has made a written request to the director for information concerning the
27 citation, and has tendered the required payment within 30 days of the director's response; or
28

29 (iii) that the owner was medically incapable of making the required payment within 30
30 calendar days of the date the citation was issued.
31

32 (c) In addition to the fees and charges imposed pursuant to subsections (a) and (b) hereof,
33 upon collection the director of finance shall impose on each person chargeable with a delinquent
34 parking citation fees to cover the administrative costs and reasonable attorney's or collection
35 agency fees actually contracted for. The attorney's or collection agency's fees shall not exceed 20
36 percent of charges collected. The administrative costs shall not exceed \$30 for any amount
37 collected subsequent to 30 days or more after notice of a delinquent parking citation is provided
38 by the director of finance but prior to taking judgment and shall not exceed \$35 for any amount
39 collected subsequent to judgment
40

41 Section 2. That Section 5-8-97 of the Code of the City of Alexandria, Virginia,
42 1981, as amended, be, and the same hereby is, added by inserting new language as follows:

1
2 Sec. 5-8-97 - How parking pay stations to be installed; operation generally.
3

4 (a) The parking pay stations shall be placed upon the curb alongside of or next to
5 individual parking places within a block, which parking places shall be either parallel to or
6 diagonal with the curb.
7

8 (b) Each parking pay station shall print a receipt that indicates legal parking in a parking
9 space within the block, upon the deposit of a coin or coins of the United States or other
10 authorized payment, for a period of time conforming to the parking limits specified in this
11 article.
12

13 (d) The printed parking pay station receipt will indicate when the parking period expires.
14

15 Section 3. That Section 10-4-22 of the Code of the City of Alexandria, Virginia,
16 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:
17

18 Sec. 10-4-22 - How meter and space to be used; how pay station and space to be used.
19

20 (a) When any vehicle shall be parked in any metered space, in accordance with the
21 provisions of this chapter, the operator of such vehicle shall, upon entering such parking space,
22 immediately deposit or cause to be deposited the proper coin or coins of the United States in the
23 parking meter, and when required by directions on a meter, the operator shall also set or cause to
24 be set in operation the timing mechanism on the meter in accordance with directions, and the
25 parking space may then be used by a vehicle during the parking period purchased by the proper
26 coin or coins deposited in accordance with the provisions of this section and this chapter. Any
27 person placing a vehicle in a parking space adjacent to a meter which indicates that unused time
28 has been left in the meter by the previous occupant of the space shall not be required to deposit a
29 coin as long as his occupancy of such space does not exceed the indicated unused parking time.
30

31 (b) When any vehicle shall be parked in any pay station space, in accordance with the
32 provisions of this chapter, the operator of such vehicle shall, upon entering such parking space,
33 immediately deposit or cause to be deposited the proper coin or coins of the United States or
34 other authorized payment in the parking pay station, the operator shall place the parking pay
35 station receipt in the front window of the vehicle in an unobstructed location or in vehicles with
36 no front window in another conspicuous location, and the parking space may then be used by a
37 vehicle during the parking period purchased by the proper coin or coins or other authorized
38 payment deposited in accordance with the provisions of this section and this chapter.
39

40 Section 4. That Section 10-4-23 of the Code of the City of Alexandria, Virginia,
41 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:
42

1 Sec. 10-4-23 - Overtime parking.

2

3 It shall be unlawful for the operator of any vehicle or for any person in whose name a
4 vehicle is registered to cause, allow, permit or suffer any such vehicle to be parked overtime in
5 any parking meter or pay station space.

6 Section 5. That Section 10-4-24 of the Code of the City of Alexandria, Virginia,
7 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

8

9 Sec. 10-4-24 - Depositing coin or payment in meter or pay station for purpose of extending time.

10

11 It shall be unlawful for any person to deposit or cause to be deposited in a parking meter
12 or parking pay station a coin or coins or other authorized payment for the purpose of extending
13 the parking time beyond maximum limits specified in sections 5-8-93 and 5-8-116 of this code.

14

15 Section 6. That Section 10-4-25 of the Code of the City of Alexandria, Virginia,
16 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

17

18 Sec. 10-4-25 - Permitting vehicle to remain parked at meter after expiration of time limit;
19 permitting vehicle to remain parked in block with pay station after expiration of time limit.

20

21 (a) It shall be unlawful for any person to permit a vehicle to remain or be placed in any
22 parking space alongside of or next to which any parking meter is placed while the meter is
23 displaying a signal showing that the vehicle shall have been already parked beyond the time for
24 which a coin has been deposited.

25

26 (b) It shall be unlawful for any person to permit a vehicle to remain or be placed in any
27 parking space in the same block as any pay station while the pay station receipt indicates that the
28 vehicle shall have been already parked beyond the time for which a coin or other authorized
29 payment has been deposited.

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31 Section 7. That Section 10-4-26 of the Code of the City of Alexandria, Virginia,
32 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

33

34 Sec. 10-4-26 - Use of slugs, etc., in meters or pay station.

35

36 It shall be unlawful for any person to deposit or cause to be deposited in any parking
37 meter or pay station any slug, device or metallic substance, or any other substitute for a coin of
38 the United States. Any person violating this section shall, upon conviction, be punished as
39 provided in section 10-1-19 of this code.

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1 Section 8. That Section 10-4-27 of the Code of the City of Alexandria, Virginia,
2 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:
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4 Sec. 10-4-27 - Injuring or tampering with meters or pay stations.
5

6 It shall be unlawful for any person willfully to deface, injure, tamper with, open or
7 willfully break, destroy or impair the usefulness of any parking meter or pay station. Any person
8 violating this section shall, upon conviction, be punished as provided in section 10-1-19 of this
9 code.
10

11 Section 9. That Section 10-4-29 of the Code of the City of Alexandria, Virginia,
12 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:
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14 Sec. 10-4-29 - Deposit in meters and pay stations levied as police regulation and inspection fee.
15

16 The coins or other authorized payment required to be deposited as provided in this
17 chapter are hereby levied as police regulation and inspection fees to cover the cost of inspection
18 and regulation involved in the inspection, installation, operation, control and use of the parking
19 spaces and parking meters and pay stations described in this chapter and involved in regulating
20 the parking of vehicles in the parking meter zones and pay station zones and lots created by this
21 code.
22

23 Section 10. That this ordinance shall become effective upon the date and at the time
24 of its final passage.
25

26 WILLIAM D. EUILLE
27 Mayor
28

29 Introduction: 6/13/12
30 First Reading: 6/13/12
31 Publication:
32 Public Hearing: 6/16/12
33 Second Reading: 6/16/12
34 Final Passage: 6/16/12
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