

EXHIBIT NO. 1 22
6-13-09

~~14~~
~~6-9-09~~

City of Alexandria, Virginia

MEMORANDUM

DATE: MAY 29, 2009
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: JAMES K. HARTMANN, CITY MANAGER *J*
SUBJECT: CONSIDERATION OF AN ORDINANCE TO INCREASE FINES FOR
HANDICAPPED AND HOV PARKING VIOLATIONS AND HOV MOVING
VIOLATIONS FOR FY 2010

ISSUE: Consideration of an increase in the fine for Handicapped Parking violations, High Occupancy Vehicle (HOV) parking violations, and HOV moving violations for FY 2010.

RECOMMENDATIONS: That City Council pass the ordinance on first reading and schedule it for public hearing, second reading and final passage on Saturday, June 13. The ordinance would increase:

- (1) the fine for Handicapped Parking violations from \$201 to \$500;
- (2) the fine for HOV parking violations from \$50 to \$200;
- (3) the fine schedule for an HOV moving violation from \$50 to \$125 for the first offense, \$100 to \$250 for the second offense within five years, \$250 to \$500 for the third offense within five years and \$500 to \$1,000 for subsequent offenses within five years; and

DISCUSSION: Throughout the FY 2010 budget process, the Police Department researched the feasibility of increasing various fines. The FY 2010 Approved Budget includes increases to the following fines: (1) Handicapped Parking Violation; (2) HOV Parking Violation; and (3) HOV Moving Violation. The table below shows a comparison of the current and proposed City fines with those of other jurisdictions.

Fine Comparison					
	Alexandria (Current)	Alexandria (Proposed)	Fairfax County	Arlington County	Virginia
Handicapped Parking fine	\$201	\$500	\$500	\$500	NA
HOV Parking Fine	\$50	\$200	NA	NA	NA
HOV Moving Violation Fee (First Offense)	\$50	\$125	NA	NA	\$125

The Handicapped parking fine is proposed to increase from \$201 to \$500, representing an increase of \$299. These violations are issued for unauthorized parking in a parking space designated for disabled persons. As shown in the table above, the increased fine will match both Fairfax County and Arlington County's charge of \$500.

The HOV parking fine is proposed to increase from \$50 to \$200, representing an increase of \$50. This fine is issued to vehicles parked in local HOV lanes during restricted hours. Neither Fairfax County nor Arlington County have local HOV lanes. As a result, they have not implemented this fine.

The HOV moving violation fines are proposed to increase to match the schedule of fines set by the Commonwealth of Virginia. Currently, City code provides that the fine is \$50 for the first offense, increasing to \$100, \$250 and then \$500 for subsequent offenses in 3 years. The fines will be increased to match the State fine rates, which are \$125 for the first offense, and \$250, \$500 and \$1,000 for subsequent offenses in 5 years.

FISCAL IMPACT: It is expected that approval of all recommendations will result in a total \$234,625 in additional revenue.

The increase in the handicapped parking fine (from \$201 to \$500) is estimated to result in \$100,000 in additional revenue. This figure is based on 400 annual citations and a 10% decrease in citations expected as a result of the increased penalty.

The increase in the fine for parking in an HOV lane during specified hours (from \$50 to \$200) is estimated to result in a revenue increase of \$114,000. This figure is based on 800 annual citations and assumes a 5% decrease in citations expected as a result of the increased penalty.

Increasing the HOV moving violation (from \$50 to \$125 for the first offense, higher rates for subsequent offenses) to match the State Code fine structure is estimated to result in a \$20,625 increase.

ATTACHMENTS: Proposed Ordinance

STAFF:

David P. Baker, Police Chief

David Ray, Captain, Police, Traffic Division Commander

Amy Flenniken, Division Chief, Police, Fiscal Management

Eric Eisinger, OMB, Analyst

Introduction and first reading: 06/09/09
Public hearing: 06/13/09
Second reading and enactment: 06/13/09

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 10-3-2 (COMMUTER BUS AND HIGH OCCUPANCY VEHICLES LANES) of Article A (GENERAL PROVISIONS) and Section 10-3-1242 (PARKING IN SPACES RESERVED FOR PERSONS WITH A DISABILITY) of Article B (RECKLESS DRIVING, SPEEDING, ETC.), both of Chapter 3 (OPERATION OF VEHICLES), Title 10 (MOTOR VEHICLES AND TRAFFIC); and Section 10-4-44 (PARKING PROHIBITED IN HOV LANE) of Chapter 4 (STOPPING, STANDING AND PARKING), Title 10 (MOTOR VEHICLES AND TRAFFIC), of the Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The ordinance seeks to enhance compliance with disabled parking restrictions and high-occupancy vehicle (“HOV”) lane restrictions by increasing the penalties for violations of the City Code provisions that govern the use of HOV lanes and of parking spaces that are reserved for use by disabled individuals. It increases the fines for HOV lane moving violations, making them equal to the fines imposed by the Commonwealth of Virginia on state-maintained roads. The new fines will be \$125 for the first offense, \$250 for a second offense that occurs within five years of the first violation, \$500 for a third offense that occurs within five years of the first violation, and \$1,000 for the fourth or subsequent offense that occurs within five years of the first violation. The ordinance also increases from \$50 to \$200 the fine for parking in a HOV lane during the hours when the lane is designated for HOV use, and increases to \$500 the fine for unauthorized parking in a parking space that is marked as reserved for individuals with disabilities.

Sponsor

None

Staff

Bruce Johnson, Director, Office of Management and Budget
George McAndrews, Assistant City Attorney

Authority

Va. Code § 33.1-46.2
Va. Code § 46.2-1220
Va. Code § 46.2-1242

1 Estimated Costs of Implementation

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3 None

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

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ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 10-3-2 (COMMUTER BUS AND HIGH OCCUPANCY VEHICLES LANES) of Article A (GENERAL PROVISIONS) and Section 10-3-1242 (PARKING IN SPACES RESERVED FOR PERSONS WITH A DISABILITY) of Article B (RECKLESS DRIVING, SPEEDING, ETC.), both of Chapter 3 (OPERATION OF VEHICLES), Title 10 (MOTOR VEHICLES AND TRAFFIC); and Section 10-4-44 (PARKING PROHIBITED IN HOV LANE) of Chapter 4 (STOPPING, STANDING AND PARKING), 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 10-3-2 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. 10-3-2 Commuter bus and high occupancy vehicles lanes.

(a) The city council, by resolution, may designate commuter lanes on the streets of the city under its exclusive jurisdiction for the exclusive use of buses and high occupancy vehicles during specified days and hours. No vehicles other than buses and high occupancy vehicles shall, for any purpose, enter or travel in a commuter lane designated by council during the days and hours specified by council, except that any vehicle may enter and travel in a commuter lane if it turns at the first intersection or at any point before such intersection, following the point it enters the lane.

(b) Unless otherwise stated in the council resolution designating a commuter lane, commuter lane restrictions shall be in effect from 7:00 a.m. to 9:00 a.m. for lanes in which traffic moves in a northerly direction, and from 4:00 p.m. to 6:00 p.m., for lanes in which traffic moves in a southerly direction, Monday through Friday, excluding legal holidays. Unless otherwise stated in the council resolution describing a commuter lane, at least two persons must occupy a vehicle in order for it to constitute a high occupancy vehicle and thus be entitled to travel in the commuter lane when the lane's restrictions are in effect.

(c) Signs designating a commuter lane shall state the minimum number of persons who must occupy a vehicle in order for it to be entitled to use the commuter lane, and shall state the days and hours during which this occupancy requirement is in effect. Such signs shall be plainly posted along the entire route of a commuter lane, at least one per block. In addition, one such sign shall be posted in the block preceding the first block of the commuter lane.

(d) Any person operating a vehicle in a commuter lane in violation of this section shall be guilty of a traffic infraction that is not a moving violation. Upon conviction, such infractions shall be punishable as follows:

- (1) for a first offense, by a fine of ~~\$50~~ \$125;

1 (2) for a second offense within a period of five years from the first offense, by a fine
2 of ~~\$100~~ \$250;

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4 (3) for a third offense within a period of ~~two~~ five years of the ~~second~~ first offense, by
5 a fine of ~~\$250~~ \$500; and

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7 (4) for a fourth or subsequent offense within a period of ~~three~~ five years of the ~~second~~
8 first offense, by a fine of ~~\$500~~ \$1,000.

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10 Section 2. That Section 10-3-1242 of the Code of the City of Alexandria, Virginia,
11 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

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13 **Sec. 10-3-1242 Parking in spaces reserved for persons with a disability.**

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15 (a) It shall be unlawful:

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17 (1) for any person to park a vehicle that does not display disabled parking license
18 plates, or an organizational, permanent or temporary removable windshield placard, issued by
19 the department of motor vehicles, or by another state or country, for the purpose of identifying
20 vehicles permitted to use parking spaces reserved for persons with a disability, in a parking space
21 reserved for persons with a disability; or

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23 (2) for any person who is not limited or impaired in his ability to walk to park a
24 vehicle that displays disabled parking license plates, or an organizational, permanent or
25 temporary removable windshield placard, issued by the department of motor vehicles, or by
26 another state or country, for the purpose of identifying vehicles permitted to use parking spaces
27 reserved for persons with a disability, in a parking space that is reserved for persons with a
28 disability, except when transporting a person with such a disability in the vehicle.

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30 (b) In any prosecution charging a violation of this section, proof that the vehicle
31 described in the parking ticket, citation or summons was parked in violation of the section,
32 together with proof of the registered owner of the vehicle at the time of the violation, shall
33 constitute prima facie evidence that the registered owner of the vehicle was the person who
34 committed the violation.

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36 (c) The penalty for the violation of this section shall be a fine of ~~not less than \$100~~
37 ~~nor more than~~ \$500.

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39 (d) Parking spaces reserved for persons with a disability shall be identified by above-
40 grade signs meeting the requirements of section 36-99.11 of the Code of Virginia (1950), as
41 amended; provided, that no violation of this section shall be dismissed because of a property
42 owner's failure to comply strictly with those requirements, so long as the parking space in
43 question is clearly distinguishable as a space reserved for persons with a disability.

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45 Section 3. That Section 10-4-44 of the Code of the City of Alexandria, Virginia,
46 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

1 **Sec. 10-4-44 Parking prohibited in HOV lane.**

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3 (a) It shall be unlawful for the operator of any vehicle, or for any person in whose
4 name a vehicle is registered, to cause, allow, permit or suffer a vehicle to park, stop or stand in a
5 commuter lane designated for the exclusive use of buses and high occupancy vehicles pursuant
6 to section 10-3-2 of this code, on the days and during the hours specified in section 10-3-2 or in
7 the resolution designating the commuter lane, as the case may be, for the exclusive use of such
8 lane by buses and high occupancy vehicles.

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10 (b) The provisions of article S of chapter 2, title 3 of this code shall be applicable to
11 the payment, contest and enforcement of parking citations issued for violation of this section;
12 provided, however, that the penalty for the violation of this section, when the citation which was
13 issued for the violation is uncontested, and payment is tendered to the director of finance within
14 30 calendar days from the date the citation was issued, shall be ~~\$50~~ \$200.

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16 Section 4. That this ordinance shall become effective upon the date and at the time of
17 its final passage.

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19 WILLIAM D. EUILLE
20 Mayor

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23 Introduction: 06/09/2009
24 First Reading:
25 Publication:
26 Public Hearing:
27 Second Reading:
28 Final Passage:

ORDINANCE NO. 4597

AN ORDINANCE to amend and reordain Section 10-3-2 (COMMUTER BUS AND HIGH OCCUPANCY VEHICLES LANES) of Article A (GENERAL PROVISIONS) and Section 10-3-1242 (PARKING IN SPACES RESERVED FOR PERSONS WITH A DISABILITY) of Article B (RECKLESS DRIVING, SPEEDING, ETC.), both of Chapter 3 (OPERATION OF VEHICLES), Title 10 (MOTOR VEHICLES AND TRAFFIC); and Section 10-4-44 (PARKING PROHIBITED IN HOV LANE) of Chapter 4 (STOPPING, STANDING AND PARKING), 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 10-3-2 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. 10-3-2 Commuter bus and high occupancy vehicles lanes.

(a) The city council, by resolution, may designate commuter lanes on the streets of the city under its exclusive jurisdiction for the exclusive use of buses and high occupancy vehicles during specified days and hours. No vehicles other than buses and high occupancy vehicles shall, for any purpose, enter or travel in a commuter lane designated by council during the days and hours specified by council, except that any vehicle may enter and travel in a commuter lane if it turns at the first intersection or at any point before such intersection, following the point it enters the lane.

(b) Unless otherwise stated in the council resolution designating a commuter lane, commuter lane restrictions shall be in effect from 7:00 a.m. to 9:00 a.m. for lanes in which traffic moves in a northerly direction, and from 4:00 p.m. to 6:00 p.m., for lanes in which traffic moves in a southerly direction, Monday through Friday, excluding legal holidays. Unless otherwise stated in the council resolution describing a commuter lane, at least two persons must occupy a vehicle in order for it to constitute a high occupancy vehicle and thus be entitled to travel in the commuter lane when the lane's restrictions are in effect.

(c) Signs designating a commuter lane shall state the minimum number of persons who must occupy a vehicle in order for it to be entitled to use the commuter lane, and shall state the days and hours during which this occupancy requirement is in effect. Such signs shall be plainly posted along the entire route of a commuter lane, at least one per block. In addition, one such sign shall be posted in the block preceding the first block of the commuter lane.

(d) Any person operating a vehicle in a commuter lane in violation of this section shall be guilty of a traffic infraction that is not a moving violation. Upon conviction, such infractions shall be punishable as follows:

- (1) for a first offense, by a fine of \$125;

(2) for a second offense within a period of five years from the first offense, by a fine of \$250;

(3) for a third offense within a period of five years of the first offense, by a fine of \$500; and

(4) for a fourth or subsequent offense within a period of five years of the first offense, by a fine of \$1,000.

Section 2. That Section 10-3-1242 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. 10-3-1242 Parking in spaces reserved for persons with a disability.

(a) It shall be unlawful:

(1) for any person to park a vehicle that does not display disabled parking license plates, or an organizational, permanent or temporary removable windshield placard, issued by the department of motor vehicles, or by another state or country, for the purpose of identifying vehicles permitted to use parking spaces reserved for persons with a disability, in a parking space reserved for persons with a disability; or

(2) for any person who is not limited or impaired in his ability to walk to park a vehicle that displays disabled parking license plates, or an organizational, permanent or temporary removable windshield placard, issued by the department of motor vehicles, or by another state or country, for the purpose of identifying vehicles permitted to use parking spaces reserved for persons with a disability, in a parking space that is reserved for persons with a disability, except when transporting a person with such a disability in the vehicle.

(b) In any prosecution charging a violation of this section, proof that the vehicle described in the parking ticket, citation or summons was parked in violation of the section, together with proof of the registered owner of the vehicle at the time of the violation, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

(c) The penalty for the violation of this section shall be a fine of \$500.

(d) Parking spaces reserved for persons with a disability shall be identified by above-grade signs meeting the requirements of section 36-99.11 of the Code of Virginia (1950), as amended; provided, that no violation of this section shall be dismissed because of a property owner's failure to comply strictly with those requirements, so long as the parking space in question is clearly distinguishable as a space reserved for persons with a disability.

Section 3. That Section 10-4-44 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. 10-4-44 Parking prohibited in HOV lane.

(a) It shall be unlawful for the operator of any vehicle, or for any person in whose name a vehicle is registered, to cause, allow, permit or suffer a vehicle to park, stop or stand in a commuter lane designated for the exclusive use of buses and high occupancy vehicles pursuant to section 10-3-2 of this code, on the days and during the hours specified in section 10-3-2 or in the resolution designating the commuter lane, as the case may be, for the exclusive use of such lane by buses and high occupancy vehicles.

(b) The provisions of article S of chapter 2, title 3 of this code shall be applicable to the payment, contest and enforcement of parking citations issued for violation of this section; provided, however, that the penalty for the violation of this section, when the citation which was issued for the violation is uncontested, and payment is tendered to the director of finance within 30 calendar days from the date the citation was issued, shall be \$200.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: June 13, 2009