


EXHIBIT NO. 1.0

31
6-26-12

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 22, 2012
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: CHRISTOPHER P. SPERA, DEPUTY CITY ATTORNEY 

SUBJECT: UPDATE REQUESTED BY COUNCILMAN KRUPICKA REGARDING PROPOSED ORDINANCE TO ADD AND AMEND THE CITY CODE IN REGARD TO THE USE OF PARKING PAY STATIONS AND INCREASE THE PENALTIES FOR UNCONTESTED PARKING METER AND PAY STATIONS VIOLATIONS.

ISSUE: At the June 16, 2012 Public Hearing, a decision on Docket Item 24 was deferred by Council after Councilman Krupicka requested an update from staff regarding the intent of the proposed City Code changes.

RECOMMENDATION: That the City Council adopt the proposed changes to City Code for enforcement of pay station violations and standardization of uncontested meter and pay station violations.

DISCUSSION: Staff brought the proposed code changes for two purposes:

- 1) To update City Code so that all expired meter and pay station violations carried the \$40 penalty approved by Council in Resolution 2404; and
- 2) To update City Code to ensure that violations on block faces served by pay stations could be enforced in a manner consistent with block faces served by meters.

At the June 16, 2012, Councilman Krupicka expressed concern that something in the proposed Code changes related to enforcement against other types of violations. The proposed changes are related exclusively to violations at spaces governed by meters and parking stations. There is

no intent, and in my opinion, no language in the proposed changes, that changes anything related to on street parking with other types of restrictions or controls.

To address the two specific scenarios raised by Council, nothing in the proposed Code changes would:

- 1) prevent a person, for parking spaces with either parking meters or pay stations, upon expiration of the parking time originally purchased, from paying again for additional time and parking again somewhere in the same block.
- 2) Prevent a person with a pay station permit displayed in their car, from moving the car within that block during the time originally purchased without having to purchase a new permit display from a pay station.

Please let me know if you have any questions.

STAFF:

Bruce Johnson, Chief of Staff

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Richard J. Baier, P.E., LEED AP, Director, T&ES

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Bob Garbacz, Transportation, T&ES

Lt. John Zook, APD

ORDINANCE NO. 4772

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;"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. That Section 10-4-22 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. 10-4-22 - How meter and space to be used; how pay station and space to be used.

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

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

Section 4. That Section 10-4-23 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. 10-4-23 - Overtime parking.

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 any such vehicle to be parked overtime in any parking meter or pay station space.

Section 5. That Section 10-4-24 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. 10-4-24 - Depositing coin or payment in meter or pay station for purpose of extending time.

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

Section 6. That Section 10-4-25 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. 10-4-25 - Permitting vehicle to remain parked at meter after expiration of time limit; permitting vehicle to remain parked in block with pay station after expiration of time limit.

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

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

Section 7. That Section 10-4-26 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. 10-4-26 - Use of slugs, etc., in meters or pay station.

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

Section 8. That Section 10-4-27 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. 10-4-27 - Injuring or tampering with meters or pay stations.

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

Section 9. That Section 10-4-29 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. 10-4-29 - Deposit in meters and pay stations levied as police regulation and inspection fee.

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

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

WILLIAM D. EUILLE
Mayor

Final Passage: June 26, 2012