

AN ORDINANCE TO PROHIBIT THE PARKING OF MOTOR VEHICLES IN CERTAIN LOCATIONS AND CIRCUMSTANCES; TO ESTABLISH FINES FOR PARKING VIOLATIONS AND PROVIDE FOR THE COLLECTION OF SUCH FINES AND ESTABLISH PROCEDURES FOR CONTESTING CITATION FOR UNLAWFUL PARKING, AND TO AUTHORIZE TOWING OF ILLEGALLY PARKED VEHICLES

Be it ordained by the Board of Supervisors of Amelia County:

Sec. 1. Unlawful parking.

(a) It shall be unlawful for a vehicle not displaying a license plate, decal or special parking permit, issued under Code of Virginia, § 46.2-731, 46.2-739 or 46.2-1238 to stop, stand or park in a parking space reserved for the handicapped on public property or on privately owned parking areas open to the public. Parking spaces reserved for the handicapped shall be identified by above-grade signs and other markings as may be required by state law. The prepayable civil fine for violation of this subsection shall be \$250.

(b) It shall be unlawful for any person to park a vehicle in any shopping center parking lot or other parking area open to the public except in those locations designated by signs or by painted lines, and in no case shall any person park a vehicle so as to interfere with designated fire lanes. Stopping for less than five minutes to pick up or discharge passengers shall not be deemed to interfere with a designated fire lane, as long as the driver does not leave the vehicle unattended, however the driver of any vehicle stopped in a fire lane for such purpose shall move the vehicle immediately if requested to do so by any law enforcement officer or firefighter. This subsection (b) shall apply to any property designed to accommodate more than fifty (50) vehicles which is open to the public for parking including, but not limited to property owned by Amelia County or its County School Board. The prepayable civil fine for violation of this subsection (b) shall be \$35.

(c) It shall be unlawful for any person to park a vehicle, except at the direction of a law enforcement officer, in any of the following places:

- (1) within 15 feet of a fire hydrant;
- (2) within 15 feet of the entrance to a fire station or building plainly designated as housing an ambulance or other emergency rescue vehicle;
- (3) within an intersection of two streets or roads, or in a location that obstructs the view of a driver of a vehicle entering an intersection; or
- (4) in any location on a public street or road or on other public property where parking is prohibited or restricted by an official sign installed by direction of the County Administrator or the Virginia Department of Transportation

The prepayable civil fine for violation of any of the prohibitions in this subsection (c) shall be \$25.

(d) The initial amount of any civil fine for a parking offense under this section shall be doubled if it is not voluntarily prepaid to the Treasurer or formally contested within 15 days, as provided in Section 3(d) of this ordinance.

Sec. 2. Towing and emergency barricades.

(a) In addition to issuing citations for parking violations, any law enforcement officer may authorize the towing of an illegally parked vehicle that constitutes a hazard to public safety or the orderly movement of traffic, or that remains parked in violation more than one hour after the issuance of a citation for such violation, or where an official sign posted by the County of Amelia or the Virginia Department of Transportation states that towing will be enforced.

(b) The Sheriff's Office shall call towing operators, in rotation, from a list of such operators within Amelia County. The vehicle owner shall be responsible for paying all charges for towing and storage of the vehicle before it is released by the towing operator.

(c) Whenever fires, accidents, wrecks, explosions, crimes, riots, or other emergency situations where life, limb or property may be endangered, may cause persons to collect in any public area, the sheriff or his authorized representative may establish such areas, zones, or perimeters by the placement of law enforcement line or barricades as are reasonably necessary to (i) preserve the integrity of evidence at such scenes, (ii) notwithstanding the provisions of Virginia Code, §§ 46.2-888 through 46.2-891, facilitate the movement of vehicular and pedestrian traffic into, and out of and around the scene, (iii) permit firefighters, law enforcement officers, and emergency services personnel to perform necessary operations unimpeded, and (iv) protect persons and property.

Sec. 3. Administration and Enforcement.

(a) Summonses or citations for parking offenses may be issued by law enforcement officers who have personally observed the violation, without the necessity of a warrant being obtained by the owner of a private parking area in which the violation has occurred.

(b) In the collection of fines and the prosecution of violations of this section, testimony of the issuing officer that the vehicle described in the citation or summons was parked in violation of the ordinance, together with proof that the defendant was at the time the registered owner of the vehicle on the date of the violation, shall create a prima facie presumption that the owner was the person who committed the violation. Notices sent to such registered owner shall be deemed to comply with the notice requirements of this section.

(c) The Treasurer of Amelia County is designated as the local administrative official to administer the collection of civil fines and costs under this ordinance. The issuance of parking violation citations by enforcement personnel shall be reported to the Treasurer as soon as possible. Officers issuing citations shall use a form approved by the Sheriff and the Treasurer that indicates the amounts of prepayable civil fines for the cited offenses and the allowable time for such payment and includes an envelope for mailing a voluntary payment to the office of the

Treasurer, and a place on the form to be checked if the recipient of the citation wishes to contest the charge in court.

(d) If the Treasurer does not receive either the voluntary payment or the notice of intent to contest the charge within fifteen days after issuance of the citation, the initial amount of the civil fine due shall be doubled, as provided in Section 1(d) of this ordinance.

(e) If there has been no response within the first fifteen days, the Treasurer will notify the vehicle owner, by first class mail sent to the address at which the vehicle is registered, that the violation is deemed to be admitted and the doubled civil fine is due. After receiving the written notice from the Treasurer, the vehicle owner may file a written response with the Treasurer stating the reasons for contesting the violation. If no payment or notice of contest is received within thirty (30) days after mailing such notification, the Treasurer shall proceed to collect the unpaid fine by any lawful means, including but not limited to submitting the unpaid fine and penalty amount to the registration stop program of the Virginia Department of Motor Vehicles, pursuant to Va. Code Sec. 46.2-752(J), and to the Virginia Setoff Debt Collections program, pursuant to Va. Code Sec. 58.1-520 *et seq.*, or by obtaining a civil warrant returnable to the Amelia County General District Court. If the Treasurer has received written notice from the vehicle owner contesting a citation, that notice shall be forwarded to the Amelia County attorney, who shall be responsible for reviewing the owner's reasons for contesting the citation and, if appropriate, obtaining such a civil warrant and informing the issuing Sheriff's officer of the return date upon which the General District Court will hear the matter.

Sec. 5. Effective date; repeal of prior ordinances.

This ordinance shall be effective January 1, 2014, and as of that date shall repeal all prior county ordinances dealing with the subjects addressed, including but not limited to the ordinance adopted October 15, 1997.