

# Article III – Parking Regulations

## CHAPTER 62 – TRAFFIC AND VEHICLES

### Sec. 62-76. – General prohibitions.

- (a) It shall be unlawful for any person to park a motor vehicle:
- (1) On a sidewalk;
  - (2) In front of a public or private driveway;
  - (3) Within an intersection;
  - (4) Within 15 feet of a fire hydrant or fire department connection or in any manner so as to obstruct a fire hydrant or fire department connection;
  - (5) On a crosswalk;
  - (6) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic;
  - (7) On the roadway side of any vehicle parked at the edge or curb of a street; or
  - (8) At any place where official signs prohibit parking.
- (b) This section shall apply to the parking of motor vehicles in or along highways, streets and roads and also on parking lots and travel lanes open to the public, as well as any privately owned road or street serving as access to the actual parking area and connecting thereto, provided the road or street is also open to the public.

*(Ord. of 10-11-2005)*

**Sec. 62-77. – Prohibited within travel and fire lanes of certain parking lots.**

No person shall stand or park a motor vehicle within any fire lane established and designated in a parking lot or travel lane open to the public.

*(Ord. of 10-11-2005)*

**Sec. 62-78. – Unauthorized parking in space reserved for handicapped.**

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

(1) A person possessing a special handicapped vehicle parking permit issued by the commissioner of motor vehicles pursuant to Code of Virginia, § 46.2-1238, or a person transporting by passenger car, van or pickup truck the holder of any such permit, which permit shall be displayed in the window of the vehicle transporting the holder of the permit in order to permit the vehicle to park lawfully in a parking space reserved for the handicapped;

(2) A handicapped person driving a motor vehicle displaying state license plates designated for handicapped persons or state decal issued to handicapped persons and issued pursuant to Code of Virginia, § 46.2-731, or a person transporting a handicapped person in a motor vehicle displaying such license plates or decals; or

(3) A disabled veteran driving a motor vehicle displaying special license plates issued pursuant to Code of Virginia, § 46.2-739(B), or a person transporting a disabled veteran in a motor vehicle displaying such special license plates.

(b) Any law enforcement officer may issue a summons or parking ticket charging a person parking in violation of subsection (a) of this section, or if such person is not known, then the registered owner of the motor vehicle parked in violation of subsection (a).

(c) Violation of the provisions of subsection (a) of this section shall be a traffic infraction punishable by a fine of not less than \$100.00 or more than \$500.00.

(d) 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 subsection (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 Code of Virginia, § 46.2-1238.

*(Ord. of 10-11-2005)*

**Sec. 62-79. – Issuance of parking citations.**

These regulations shall be enforced by the sheriff's office, which may issue a parking citation for any violation of this article.

*(Ord. of 10-11-2005)*

**Sec. 62-80. – Penalty for violations of article; contest of parking citations.**

(a) The violation of any provision of this article, unless otherwise set forth, shall be a traffic infraction punishable by a fine as follows:

(1) If the fine is paid to the treasurer prior to the issuance of the notice set forth in section 62-81 the fine shall be \$10.00, except the fine for the violation of subsection 62-76(a)(4), and a violation of section 62-77, shall be \$50.00, and for the first offense of violating section 62-78 the fine shall be \$100.00.

(2) If the fine is paid after the issuance of the citation by the local administrative official, but prior to the issuance of a court summons, the fine shall be the amount set forth above in subsection (a)(1), plus \$3.00. The local administrative officer for purposes of this article is the Orange County Sheriff or his designee.

(3) If a court summons is issued, but the summons is not contested, in addition to the fines set forth in subsection (a)(1), the fines shall be increased by \$24.00, plus court costs.

(4) If a court summons is issued and the summons is contested, upon conviction the fine shall be an amount not to exceed \$100.00, plus court costs, except for the first violation of section 62-78, for which the fine shall be an amount not less than \$100.00, and not more than \$500.00, plus court costs.

(b) The uncontested payment of parking citation penalties shall be collected and accounted for by the treasurer.

(c) Any person, who desires to contest any parking citation, shall so certify in writing to the general district court, with a copy to the sheriff's office.

*(Ord. of 10-11-2005; Ord. of 2-10-2009)*

**Sec. 62-81. – Procedure in case of delinquent parking citation.**

(a) Where any parking citation remains unpaid for more than five

days after its issuance, the local administrative official shall, on a form to be provided by the county, notify the violator by certified mail at his last known address or at the address shown for such violator on the records of the state department of motor vehicles, that the violator may pay the fine provided by law for such violation within seven days of the mailing of such notice and if such fine is not paid within the time so prescribed, that the officer issuing the summons shall be notified that the violator has failed to pay such fine within the time so prescribed, and a summons will be issued by the general district court. Such notice 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.

(b) After notice has been mailed as required by subsection (a) of this section, and payment has not been received by the local administrative official within the time prescribed, the local administrative official shall certify by affidavit to the clerk of the general district court, that she mailed the required notice to the violator and that the fine remains unpaid.

(c) The local administrative official shall cause complaints, summons or warrants to be issued for delinquent parking citations in accordance with the sections 62-79 and 62-81

*(Ord. of 10-11-2005)*

**Sec. 62-82. – Presumption in prosecutions for parking violations.**

In any prosecution charging a violation of any parking provision 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 Code of Virginia, Title 46.2, Chapter 6, shall constitute in evidence a prima facie 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.

*(Ord. of 10-11-2005)*