

ARTICLE 5B. Prohibition Against Parking Watercraft, Trailers, Motor Homes, and Other Devices in Certain Areas.

Section 82-5B-1. Definitions.

The following words and phrases when used in this Article shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Block shall mean that land abutting two sides of a street. Blocks shall start at an intersecting street and end at the next intersecting street; or the end of the street; or the boundary of any railroad right-of-way, park, school ground, or other significant division of a street as determined by the Fairfax County Department of Transportation.

Block face shall mean the land abutting one side of a block.

Boat trailer means any trailer that is designed to be drawn by a motor vehicle on a public highway and to carry one or more watercraft.

Camping trailers has the meaning set forth in *Virginia Code* § 46.2-100.

Community Parking District means any district established by the Board of Supervisors pursuant to this Article for the purpose of prohibiting the parking of restricted vehicles.

Director means the Director of the Fairfax County Department of Transportation or the designated agent of that Director.

Motor homes has the meaning set forth in *Virginia Code* § 46.2-100.

Petition Area means:

(1) Addresses along the blocks in the proposed Community Parking District; and

(2) Addresses which are on private streets within 100 feet of proposed Community Parking District roadways.

Petitioner means the current owner, lessee, or designated representative.

Residential area means that side of any street, road or highway adjacent to property: used exclusively as a residence; contained in any one of the residential (R) districts; or contained in the residential portion of any planned development (P) districts set forth in the Zoning Ordinance, Chapter 112 of this Code.

Restricted Vehicle means watercraft, boat trailer, motor home, camping trailer, or any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in *Virginia Code* § 46.2-341.4.

Watercraft means any vessel used or capable of being used for navigation or flotation on or through the water, but the term "watercraft" does not include any vessel that has been licensed to operate on public highways as a motor vehicle. (39-03-82; 1-04-82; 38-04-82; 6-06-82.)

Section 82-5B-2. Community parking district designation; exemption.

(a) Community Parking Districts (CPD) prohibiting restricted vehicles may be created by the Board of Supervisors in accordance with the provisions of this Article. Any such Districts shall be adopted by ordinance, and violations of such ordinances shall be punishable as provided in Section 82-5B-7. Any such Districts, including the particular prohibitions or restrictions within each particular District, shall be set forth in Appendix M of this Code, and any such districts shall be identified by appropriate signage as

described by Section 82-5B-6.

(b) No such Community Parking District prohibitions shall apply to restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

(c) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip. (39-03-82; 1-04-82; 38-04-82; 6-06-82.)

Section 82-5B-3. Criteria for the establishment or modification of community parking districts.

(a) All requests for the creation, expansion, modification, or abolition of a Community Parking District shall be made in the form of a petition to the Board of Supervisors. All petitions shall be submitted to the Director on forms provided by the County Department of Transportation. All such petitions shall meet the following criteria:

(1) Any such petition shall contain the legible, printed name of each petitioning resident, their address, and signature;

(2) Any such petition shall identify petitioners who represent at least 60 percent of the addresses in the petition area and represent more than 50 percent of the eligible addresses on each block of the proposed District; and

(3) Any such petition shall include an area in which 75 percent of each block within the proposed District is zoned, planned, or developed as a residential area; and

(4) The proposed District must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front on a minimum of 2,000 linear feet of street as measured by the centerline of each street within the proposed District.

(5) In cases where a block face in a proposed Community Parking District does not have residences with addresses on the block face, each property parcel will be treated as a single address represented by the property owner or representative. Such property parcels shall not be included if they have addresses on another public street.

(6) Multifamily rental within the petition area: In the case of addresses within the petition area that are designated as multifamily rental, the addresses will be considered one address represented by the owner or management company.

(b) An application fee shall accompany each request for the establishment, modification, or abolition of a Community Parking District. The application fee for any petition submitted in accordance with this Section shall be \$10.00 for each petitioning property address within the proposed District. Application fees shall be returned if the area fails to qualify for the establishment, expansion, modification, or abolition of a Community Parking District.

(c) The Board reserves the authority to approve, amend, or deny any petition for the creation, modification, or abolition of any Community Parking District, and the Board reserves the authority to waive the requirements set forth in the Section concerning the application fee and/or the size of a proposed District. (39-03-82; 1-04-82; 38-04-82; 6-06-82.)

Section 82-5B-4. Submission requirements and procedures for the establishment of community parking districts.

Upon receipt of any such petition, the Director shall determine whether the petition meets the criteria set forth in Section 82-5B-3. If the petition does not meet

those criteria, the Director shall return the petition to the petitioners. If any such petition meets the criteria, then the County Executive shall advise the Board of Supervisors of the petition. If the Board decides to consider the petition, then the petition will be considered as a proposed ordinance in accordance with the following procedure:

(1) A public notice of the proposed ordinance shall be published in a local newspaper having general circulation within the County in accordance with *Virginia Code* § 15.2-1427.

(2) In addition to the notice specified in Paragraph (1) above, the Director shall cause the posting of notice of the proposed ordinance. Any such notice should be removed no later than seven days after the conclusion of the last hearing to which they pertain. Any such notice shall be posted at reasonable intervals within the proposed District. Any such notice shall contain the date, location and time of the public hearing, a description of the application, and such other information as may be necessary to provide adequate identification of the application, and additionally, where further information on the application may be obtained. With the permission of the owner, said notice may be placed on private property.

(3) The County shall send written notice to all residences within the petition area. In the case of addresses within the petition area that are designated as multifamily rental, the addresses will be considered as one address and the owner or management company will be notified. Such written notices shall set the date, time, place, and subject matter of the hearing and shall be sent by first-class mail. (39-03-82; 1-04-82; 38-04-82; 6-06-82.)

Section 82-5B-5. Adoption and effective date.

Upon approval by the Board of Supervisors of a Community Parking District or of a modification to an existing District, the prohibitions or restrictions of the District or the modifications to the requirements of any such District shall become effective following the placement of signs designating the prohibitions or restrictions on the streets. (39-03-82; 1-04-82; 38-04-82; 6-06-82.)

Section 82-5B-6. Signs.

All signs to designate a Community Parking District shall be erected by the County, shall be in conformance with the applicable Virginia Department of Transportation regulations and shall describe the restriction or prohibition. (39-03-82; 1-04-82; 38-04-82; 6-06-82.)

Section 82-5B-7. Enforcement and penalties.

(a) It shall be unlawful for any person to park a restricted vehicle in violation of any ordinance that establishes a Community Parking District. Enforcement of Community Parking District requirements shall be under the jurisdiction of the Fairfax County Police Department, and law enforcement officers of that Department shall issue citations against those persons who violate the provisions of this Article or the provisions of Appendix M. Any person convicted of violating any provision of this Article or Appendix M shall be subject to a fine of \$40.00. Vehicles parked in violation of these provisions may be towed at the owner's expense.

(b) The Director of the Department of Finance shall collect and account for all uncontested payments of parking citation penalties under this Article; and any contest by any person of any parking citation shall be certified by said Director in writing, on an appropriate form, to the Fairfax County General District Court. The Director of the Department of Finance shall cause complaints, summons, or warrants to be issued for delinquent parking citations. (35-00-F; 5-03-82; 39-03-82; 1-04-82; 38-04-82; 6-06-82.)

