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DIVISION 4. PERMIT PARKING ZONES ⁽⁶⁾

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Sec. 32-238. Intent and purpose.

The town council finds and declares that the provisions of this division are enacted for the following reasons:

- (1) To reduce hazardous traffic conditions resulting from the use of streets within residential districts for vehicles parked by persons not residing within the residential districts;
- (2) To protect these residential districts from polluted air, excessive noise, and refuse caused by the entry of such vehicles;
- (3) To protect the residents of these residential districts from unreasonable burdens in gaining access to their residences;
- (4) To preserve the character of these districts as residential districts;
- (5) To promote efficiency in the maintenance of streets in these residential districts in a clean and safe condition;
- (6) To preserve the value of the property in these residential districts;
- (7) To promote traffic safety and the safety of children and other pedestrians in these residential districts;
- (8) To forestall dangers arising from the blocking of emergency vehicles, both in reaching victims and in transporting them to hospitals;
- (9) To facilitate the movement of traffic in the event of accidents and other disasters; and
- (10) To promote the peace, comfort, convenience and welfare of all inhabitants of the town.

(Code 1976, § 10-190.7; Ord. No. 99-0-19, § 1, 7-13-1999; Ord. No. 2007-0-19, § 1(exh. 1, § 10-190.7), 10-10-2007)

Sec. 32-239. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Curbside parking space means 20 linear feet of curb, exclusive of those portions of the curb where parking.

Permit parking zone means a residential zone where curbside parking on public highways or streets is prohibited, unless the vehicle properly displays a parking permit authorized pursuant to this division.

Residence means a place of abode meeting town zoning regulations located within a zone established pursuant to this division.

Resident means a person who customarily resides or maintains a place of abode within a zone established pursuant to this division, or who owns realty abutting a street or highway in such a zone and upon which a place of human habitation is located.

Residential zone means a contiguous or nearly contiguous area containing public highways or streets or parts thereof primarily abutted by residential property or residential and non-business property (such as schools, parks and churches).

(Code 1976, § 10-190.8; Ord. No. 99-0-19, § 1, 7-13-1999; Ord. No. 2004-0-7, § 1, 6-22-2004; Ord. No. 2007-0-19, § 1(exh. 1, § 10-190.8), 10-10-2007)

Sec. 32-240. Designation of residential permit parking zone.

- (a) Upon his own initiative or upon a petition signed by a majority of the residents in an area proposed to be designated as a residential permit parking zone, the town manager may designate a residential zone or portion thereof as a residential permit parking zone pursuant to the procedures established herein, provided that such area meets the standards of this section.
- (b) Prior to designating any residential zone as a residential permit parking zone, the town manager shall have a study conducted and shall hold a public hearing after due notice of such hearing has been published in a newspaper of general circulation in the town. Such notice shall be published at least 12 days prior to such public hearing and shall clearly state the purpose, time and location of the public hearing, and the location and boundaries of the proposed residential permit parking zone. During such public hearing, any interested person shall be entitled to appear, to be heard and to submit a written statement for the record. A record of all oral and written statements by all interested persons shall be made by the town clerk and maintained in the town clerk's office.
- (c) Within 20 days of the public hearing, the town manager shall cause to be conducted, a block-by-block survey of the proposed residential permit parking zone. The survey shall be conducted for a 12-hour period on a day of the week and time of the day representative of the general parking conditions of the study area.
- (d) After completion of the public hearing and survey as set forth herein, the town manager may designate a residential zone or portion thereof provided that:
 - (1) As a result of such survey it is found that:

- a. The total number of curbside parking spaces occupied by vehicles equals or exceeds 75 percent of the number of curbside parking spaces on the public highways and streets of the proposed, or existing, residential permit parking zone; or equals or exceeds 50 percent of the number of curbside parking spaces on the public highways and streets of the proposed residential permit zone if within the zone the average width of pavement between curbs or pavement edges is 25 feet or less; and
 - b. The total number of curbside parking spaces occupied by vehicles whose operators do not reside within the proposed, or existing, residential permit parking zone equals or exceeds 25 percent of the total number of curbside parking spaces occupied by vehicles.
- (2) The residents of the proposed residential permit parking zone or portion thereof have experienced difficulty or inability to obtain adequate curbside parking adjacent to or near their residences because of widespread use of available curbside parking spaces by nonresident motorists.
 - (3) There is a likelihood of alleviating, by use of the residential permit parking system established by this division, the problem of unavailability of parking spaces for the resident motorists of the proposed residential permit parking zone.

(Code 1976, § 10-190.9; Ord. No. 99-0-19, § I, 7-13-1999; Ord. No. 2004-0-7, § II, 6-22-2004; Ord. No. 2007-0-19, § I(exh. 1, § 10-190.9), 10-10-2007)

Sec. 32-241. Authorized continuance of previously established zones.

Notwithstanding the provisions of section 32-240, the town manager is hereby authorized and empowered, but not required, to continue in effect those residential permit parking zones established by the town council prior to the adoption of this division.

(Code 1976, § 10-190.10; Ord. No. 99-0-19, § I, 7-13-1999; Ord. No. 2007-0-19, § I(exh. 1, § 10-190.10), 10-10-2007)

Sec. 32-242. Posting of residential permit parking signs.

Parking signs shall be erected in each designated residential permit parking zone so as to inform an ordinarily observant person that curbside parking on public highways and streets in such zone is prohibited, unless the vehicle properly displays a current parking permit issued pursuant to this division.

(Code 1976, § 10-190.11; Ord. No. 99-0-19, § I, 7-13-1999; Ord. No. 2007-0-19, § I(exh. 1, § 10-190.11), 10-10-2007)

Sec. 32-243. Notice to residents of designation of residential permit parking zone.

Upon the town manager's designation of a residential zone, or portion thereof, as a residential permit parking zone, the town manager shall cause to be mailed to every residence within such designated residential permit parking zone, the following documents:

- (1) Notice of designation which shall inform the residents in the designated zone of the following:
 - a. The existence, exact location and designation of the residential permit parking zone;
 - b.

The parking restrictions applicable to all vehicles in curbside parking spaces along the public highways and streets in such zone; and

- c. The procedures to obtain a residential, visitor, business or guest parking permit.
- (2) Application for residential parking permit on which the applicant is to provide the following information for each vehicle to receive a residential parking permit:
- a. The name and residential address of the owner of the vehicle;
 - b. The name, residential address, and driver's license number of the principal operator of the vehicle;
 - c. The make model, license plate number and registration number of the vehicle; and
 - d. The signature of the applicant for such residential parking permit.

(Code 1976, § 10-190.12; Ord. No. 99-0-19, § 1, 7-13-1999; Ord. No. 2007-0-19, § 1(exh. 1, § 10-190.12), 10-10-2007)

Sec. 32-244. Permit fee; issuance of permit.

- (a) There is a fee in the amount established by the town council for each parking permit, payable at the time of issuance of such permit.
- (b) Upon the submission of a completed and validated residential parking permit application and fulfillment of all applicable provisions of this division the applicant shall receive one residential parking permit for the vehicle described in the application. Such permit shall be securely affixed to the vehicle pursuant to regulations promulgated by the town manager.
- (c) No residential parking permit shall be issued for a vehicle, the owner or principal operator of which is not a resident of the designated residential permit parking zone.
- (d) The applicant for, and holder of, the residential parking permit shall be the owner or principal operator of the vehicle for which the parking permit is issued.
- (e) A residential parking permit shall be issued only for a vehicle displaying valid state license plates and a valid town motor vehicle decal, unless such vehicle is exempted by law from obtaining such plates or decals.

(Code 1976, § 10-190.13; Ord. No. 99-0-19, § 1, 7-13-1999; Ord. No. 2007-0-19, § 1(exh. 1, § 10-190.13), 10-10-2007)

Sec. 32-245. Term and renewal of permit; revocation upon holder's termination of residence in area.

- (a) A permit issued under this division shall expire on June 15 of each year. Such permit shall be renewable upon the application and payment of fee as required for the original issuance of a permit.
- (b) Termination of residence within an area covered by permit issued under this division by the holder of such permit shall automatically revoke such permit.
- (c) No person shall use any permit issued under this division after it has expired or after it has been automatically revoked as provided in this section.

(Code 1976, § 10-190.14; Ord. No. 99-0-19, § 1, 7-13-1999; Ord. No. 2007-0-19, § 1(exh. 1, § 10-190.14), 10-10-2007)

Sec. 32-246. Permit personal to holder.

A parking permit issued pursuant to this division shall be personal to the holder thereof and shall be nonassignable and nontransferable. Such holder shall not permit the use of such permit by any other person.

(Code 1976, § 10-190.15; Ord. No. 99-0-19, § 1, 7-13-1999; Ord. No. 2007-0-19, § 1(exh. 1, § 10-190.15), 10-10-2007)

Sec. 32-247. Effect of permit.

A permit issued under this division shall be valid only in the residential permit parking zone specified therein and only for the specifically described vehicle listed on the application for said permit. Proper display of such permit will permit the parking of said vehicle in the specified residential permit parking zone in accordance with the regulations promulgated by the town manager. A permit issued under this division shall be valid only in the residential permit parking zone for which it is issued.

(Code 1976, § 10-190.16; Ord. No. 99-0-19, § 1, 7-13-1999; Ord. No. 2007-0-19, § 1(exh. 1, § 10-190.16), 10-10-2007)

Sec. 32-248. Permit required.

No vehicle shall be parked upon any public highway or street within any residential permit parking zone established pursuant to this division, unless there is displayed on such vehicle a current valid parking permit issued pursuant to this division.

(Code 1976, § 10-190.17; Ord. No. 99-0-19, § 1, 7-13-1999; Ord. No. 2007-0-19, § 1(exh. 1, § 10-190.17), 10-10-2007)

Sec. 32-249. Visitors' permits; guest permits; business permits.

- (a) Upon application of any resident, the town manager shall cause to be issued a visitor's parking permit to the resident for the visitor's vehicle. Such permit shall be limited to the particular permit parking zone for which issued and shall be valid for a period not to exceed one year. No more than two visitors' permits shall be issued to any one residence at any one time.
- (b) Upon application of any resident, the town manager shall cause to be issued a guest parking permit to the resident for the guest's vehicle. Such permit shall be limited to the particular permit parking zone for which issued and shall be valid for a period not to exceed one day. Use of guest parking permits may be restricted to designated streets or portions thereof within the residential permit parking zone. The number of guest permits issued shall not exceed 50 percent of the number of curbside parking spaces in the residential permit parking zone or portion thereof for which the guest permits are issued.
- (c) Upon the application of any resident and any person doing business with such resident, the town manager shall cause to be issued a business parking permit to the resident for the vehicle of the person doing business with the resident. Such permit shall be limited to the particular residential permit parking zone for which issued and shall be valid for a period not exceeding the estimated time, as shown on the application, required to complete the business transaction, or 30 days, whichever is less.
- (d) The parking restrictions imposed by this division shall not apply to any clearly marked delivery or service vehicle when used to make deliveries or provide service to residences within a residential permit parking zone, provided that the parking of such vehicle does not

exceed four hours in duration on any given day. The parking of such vehicle within such zone for more than four hours on any given day will require a business parking permit pursuant to subsection (c) of this section.

(Code 1976, § 10-190.18; Ord. No. 99-0-19, § 1, 7-13-1999; Ord. No. 2004-0-7, § III, 6-22-2004; Ord. No. 2007-0-19, § I(exh. 1, § 10-190.18), 10-10-2007)

Sec. 32-250. Withdrawal of designation of residential permit parking zone.

- (a) Upon his own initiative or upon a petition signed by a majority of the residents in a residential permit parking zone requesting the withdrawal of the designation of such areas as a residential permit parking zone, the town manager shall hold a public hearing on such matter after notice and hearing as set forth in section 32-240
- (b) Within 15 days following the completion of the public hearing, the town manager shall cause a block-by-block survey to be conducted of the existing residential permit parking zone in accord with the provisions of section 32-240(c).
- (c) After the public hearing and survey as set forth herein, the town manager may decide to withdraw the designation of residential permit parking zone from such residential zone or portion thereof, if such zone or portion thereof fails to meet the requirements of section 32-240(d).
- (d) Upon the town manager's decision to withdraw the designation of an existing residential permit parking zone or portion thereof, he shall cause to be mailed to every residence within the existing residential permit parking zone, a notice of the withdrawal of said designation. Said notice shall specify the effective date of the withdrawal of the designation which date shall be not less than 14 days after the date of mailing of such notice.

(Code 1976, § 10-190.19; Ord. No. 99-0-19, § 1, 7-13-1999; Ord. No. 2007-0-19, § I(exh. 1, § 10-190.19), 10-10-2007)

Sec. 32-251. Regulations.

- (a) The town manager is hereby authorized and directed to promulgate rules and regulations, not inconsistent with the provisions of this division for the efficient administration and control of parking within the residential permit parking zones established pursuant to this division, which rules and regulations may include, but need not be limited to, the following matters:
 - (1) The content and form of all applications for residential, visitor, guest and business parking permits.
 - (2) The format, display and method of issuance of permits to be issued pursuant to this division.
 - (3) The notification to be given to residents of the zones, before implementation of the permit requirements and the standards for posting of signs or notices to indicate to the public the areas and times for which permits are required.
 - (4) The procedures to be utilized during the public hearings set forth in sections 32-240(b) and 32-250(a).
 - (5) The format and procedures to be utilized in the block-by-block surveys to be conducted pursuant to sections 32-240(c) and 32-250(c).
 - (6) The hours during which parking in such residential permit parking zones shall be permitted only by vehicles displaying permits pursuant to this division.
- (b) All rules and regulations promulgated under subsection (a) of this section shall be filed in the office of the town clerk.

(Code 1976, § 10-190.20; Ord. No. 99-0-19, § 1, 7-13-1999; Ord. No. 2007-0-19, § 1(exh. 1, § 10-190.20), 10-10-2007)

Sec. 32-252. Violations; penalty.

It shall be unlawful for any person to violate sections 32-244 through 32-249. Any person violating the foregoing provisions of this division shall be subject to a fine of not more than \$50.00 for each such violation; provided, however, that any person who unlawfully parks in a residential permit parking zone shall be subject to the penalty as set forth in section 1-13.

(Code 1976, § 10-190.21; Ord. No. 99-0-19, § 1, 7-13-1999; Ord. No. 2007-0-19, § 1(exh. 1, § 10-190.21), 10-10-2007)

FOOTNOTE(S):

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State Law reference— Authority of town to issue parking permits, Code of Virginia, § 46.2-1230. [\(Back\)](#)