

**ACTION ITEM
BOARD OF SUPERVISORS**

DATE: August 18, 2009

TO: Board of Supervisors

FROM: Joseph L. Howard, Jr.,
County Attorney



ISSUE: Authorize a Public Hearing to Amend the County Code Regarding Chapter 15
"Motor Vehicles and Traffic"

STAFF RECOMMENDATION: No recommendation

BUDGET IMPACT: N/A

ATTACHMENTS: (5)

- [1] Background Report
- [2] Proposed Ordinance O09-42
(Countywide)
- [3] Proposed Ordinance O09-XX
(By District)
- [4] Map
- [5] Reso/Ord/Proc # R09-279
- [] Reso/Ord/Proc #
- [] Reso/Ord/Proc #

REVIEW: [X] County Administrator's Office



[X] Sheriff



- [] Consent Agenda
- [] Discussion Item
- [] New Business
- [] Other Business
- [] Presentation
- [] Public Hearing
- [X] Unfinished Business

PRESENTATION BY: N/A

ELECTION DISTRICTS: N/A

BACKGROUND REPORT

During the last session, the General Assembly amended Virginia Code Section 46.2-1222.1 authorizing the County to regulate the parking of watercraft, boat trailers, motor homes, semitrailers, camping trailers, and commercial vehicles. Several localities currently regulate or prohibit parking on public highways within their localities, including Arlington County, Fairfax County, and Prince William County. The other localities that have this authority are: Arlington, Fairfax County, Prince William, and the Towns of Clifton, Herndon, and Vienna.

The Board indicated their interest to staff in adopting such an ordinance and directed the County Attorney to prepare alternative ordinances for the Board's consideration. One alternative ordinance is modeled on the Arlington County ordinance, under which watercraft, boat trailers, motor homes, semitrailers, camping trailers, and commercial vehicles would be prohibited within or along any public street or highway in the County, where the land abutting the public street or highway is zoned for residential use under the County zoning ordinance then in effect (See Attachment 2).

The other alternative ordinance is modeled on the Prince William County ordinance. (Fairfax County has a similar ordinance.) Under this ordinance, the citizens of a particular area would petition the Board to establish a restricted parking area where parking watercraft, boat trailers, motor homes, semitrailers, and camping trailers would be prohibited. The Board would be required to hold a public hearing before creating a restricted parking area. Under this alternative ordinance, only commercial vehicles would be prohibited from parking in all residence districts (See Attachment 3).

The Sheriff was consulted on both alternative ordinances and his suggestions were incorporated.

The Sheriff and Treasurer need to determine the best process and procedures for enforcing any parking ordinance, including either of these alternative ordinances. These discussions may need to involve other governmental entities, including the General District Court and Virginia Department of Motor Vehicles. The Sheriff is also interested in a comprehensive parking ordinance, which would require the same or similar process and procedures.

Staff estimates it would take approximately six months to develop the ordinance and procedures. We recommend that an ordinance regarding parking of trailers and commercial vehicles be adopted as a comprehensive parking ordinance.

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 15th day of September, 2009:

MEMBERS:

George H. Schwartz, Chairman
Harry E. Crisp II, Vice Chairman
M. S. "Joe" Brito
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO ADOPT AND ORDAIN STAFFORD COUNTY CODE, CHAPTER 15, ARTICLE III, DIVISION 3, ENTITLED "PARKING OF WATERCRAFT, BOAT TRAILERS, MOTOR HOMES, SEMITRAILERS, CAMPING TRAILERS, AND COMMERCIAL VEHICLES ON PUBLIC HIGHWAYS."

WHEREAS, Section 46.2-1222.1 of the Virginia Code, authorizes the County to regulate or prohibit the parking on any public highway in the County of any or all of the following: watercraft, boat trailers, motor homes, semitrailers, camping trailers, and commercial vehicles; and

WHEREAS, several localities regulate or prohibit parking on public highways within their localities; and

WHEREAS, the Board desires to amend the Stafford County Code to regulate or prohibit parking on public highways in the County; and

WHEREAS, the Board has carefully considered the recommendations of the staff and the testimony at the public hearing;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 15th day of September, 2009, that the Stafford County Code, Chapter 15, Article III, Division 3, be and it is hereby adopted and ordained as follows, all other portions remain unchanged:

DIVISION 3. PARKING OF WATERCRAFT, BOAT TRAILERS, MOTOR HOMES, SEMITRAILERS, CAMPING TRAILERS, AND COMMERCIAL VEHICLES ON PUBLIC HIGHWAYS.

Sec. 15-70. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Boat trailer means any trailer designed to carry or transport one or more watercraft. A trailer shall be considered a boat trailer regardless of whether it is actually transporting or carrying watercraft at the time.

Camping trailer means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle..

Motor home means every private motor vehicle with a normal seating capacity of not more than ten (10) persons, including the driver, designed primarily for use as living quarters for human beings.

Motor vehicle means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

Semitrailer means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

Trailer means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

Vehicle means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

Watercraft means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. Watercraft does not include any vessel that is licensed to operate as a motor vehicle on any public highway.

State law references: Similar provisions, Virginia Code §§ 46.2-100, 46.2-1222.1, 46.1-100, and 29.1-700.

Sec. 15-71. Limitation on parking of watercraft, boat trailers, motor homes, semitrailers, camping trailers, and commercial vehicles.

(a) Limitation on parking of commercial vehicles.

- (1) It shall be unlawful for any person to park any commercial vehicle within or along any public street or highway of the county where the land abutting the public street or highway is zoned for residential use under the county zoning ordinance then in effect.**

- (2) Commercial vehicles defined. For the purposes of this section, a commercial vehicle is defined as any of the following:**
 - a. Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer.**
 - b. Any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold.**
 - c. Any vehicle licensed by the Commonwealth for use as a common or contract carrier or as a limousine, except one resident of each single-family dwelling unit zoned for residential use may park one vehicle licensed as a taxicab or limousine on such highways, provided other vehicles are permitted to park thereon.**
 - d. Any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle.**
 - e. Any vehicle with three or more axles.**
 - f. Any vehicle that has a gross vehicle weight rating of 12,000 or more pounds.**
 - g. Any vehicle designed to transport 16 or more passengers including the driver.**
 - h. Any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4.**

- (3) Exceptions. The provisions of subsection (a)(1) shall not apply to:**
 - a. Any commercial vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location;**

- b. Utility generators located on trailers and being used to power network facilities during a loss of commercial power; or
- c. Any federal, state, or local government vehicle that is temporarily parked while on government business.
- d. Any federal, state, or local law enforcement or emergency vehicle.
- e. Any school bus.

(b) Limitation on parking of vehicles for commercial purposes. It shall be unlawful for any person to park any motor vehicle, trailer, or semitrailer for commercial purposes within any or along any public street or highway of the county where the land abutting the public street or highway is zoned for residential use under the county zoning ordinance then in effect, except for (i) utility generators located on trailers and being used to power network facilities during a loss of commercial power, (ii) when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location; (iii) any federal, state, or local government vehicle that is temporarily parked while on government business; (iv) any federal, state, or local law enforcement or emergency vehicle; or (v) any school bus.

(c) Limitation on parking of watercraft, boat trailers, motor homes, semitrailers, and camping trailers. It shall be unlawful for any person to park any watercraft, boat trailers, motor homes, semitrailers, and camping trailers within or along any public street or highway in the county, where the land abutting the public street or highway is zoned for residential use under the county zoning ordinance then in effect.

(d) For purposes of this section, where a public street or highway serves as the boundary between an area zoned for residential use and an area zoned for non-residential use, the centerline of the public street or highway shall be considered the boundary between the areas. In that instance, this section shall apply to both sides of the public street or highway.

(e) Enforcement. The sheriff or his designee shall enforce this chapter.

State law references: Similar provisions, Virginia Code §§ 46.2-1222.1 and 46.2-1224.

JLHjr:AFS:ce

O09-XX

PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

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MEMBERS:

George H. Schwartz, Chairman
Harry E. Crisp II, Vice Chairman
M. S. "Joe" Brito
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

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WHEREAS, Section 46.2-1222.1 of the Virginia Code, authorizes the County to regulate or prohibit the parking on any public highway in the County of any or all of the following: watercraft, boat trailers, motor homes, semitrailers, camping trailers, and commercial vehicles; and

WHEREAS, several localities regulate or prohibit parking on public highways within their localities; and

WHEREAS, the Board desires to amend the Stafford County Code to regulate or prohibit parking on public highways in the County; and

WHEREAS, the Board has carefully considered the recommendations of the staff and the testimony at the public hearing;

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Camping trailer means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle..

Motor home means every private motor vehicle with a normal seating capacity of not more than ten (10) persons, including the driver, designed primarily for use as living quarters for human beings.

Motor vehicle means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. For the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

Residence district means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

Semitrailer means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

Trailer means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

Vehicle means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.) of this title, bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

Watercraft means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. Watercraft does not include any vessel that is licensed to operate as a motor vehicle on any public highway.

State law references: Similar provisions, Virginia Code §§ 46.2-100, 46.2-1222.1, 46.1-100, and 29.1-700.

Sec. 15-71. Designation of watercraft, boat trailer, motor home, and camping trailer "restricted parking" areas.

(a) Restricted parking. No watercraft, boat trailer, motor home, or camping trailer, shall be parked on any part of the secondary road system within any restricted area set forth in subsection (c) herein, ten (10) days or later after notice is given pursuant to subsection (b) herein. The notice under subsection (b) shall be provided one time within a reasonable period of time after a new restricted area is created. No additional notice is required for the sheriff or his designee to enforce any part of this chapter.

(b) Notice of restricted parking. After a new restricted area is created under this section, the sheriff or his designee shall place a notice upon every watercraft, boat trailer, motor home, or camping trailer, parked upon any part of the secondary road system within the newly created restricted area at that time. The notice shall state that the watercraft, boat trailer, motor home, or camping trailer is parked on a secondary road within a restricted area; the watercraft, boat trailer, motor home, semitrailer, or camping trailer is prohibited from parking on any part of the secondary road system within any restricted area; that maps of the restricted areas are available for inspection at the department of planning and zoning and on the County website; and that the watercraft, boat trailer, motor home, semitrailer, or camping trailer must be removed from all parts of the secondary road system in all restricted areas within ten (10) days.

(c) Restricted areas described.

(1) The following areas constitute restricted areas subject to the provisions of this section:

a. _____ (named area)

b. _____ (named area)

(2) The entirety of the aforementioned roads and highways are within the restricted area.

(3) All of Quantico Marine Corps Base is expressly excluded from any restricted area.

(4) The director of the department of planning and zoning or his designee, shall maintain maps of all restricted areas set forth herein, and shall make the maps available for public inspection upon request. The maps shall also be made available and maintained on the County website.

(d) Petition to create restricted area.

(1) The board of supervisors may designate areas for restricted parking for watercraft, boat trailers, motor homes, semitrailers, and camping trailers upon any part of the secondary road system within the county if it deems appropriate, upon

a. Receipt of a petition addressed to the supervisor representing that election district and signed by a majority of the residents and/or owners of affected property; and

b. After a public hearing.

(2) For the purposes of subsection (d) "a majority of the residents and/or owners of affected property" shall mean:

a. The owners or residents of least fifty-one (51) percent of properties with frontage on, immediately adjacent to, or within five hundred (500) feet of a road or any portion thereof proposed as a restricted parking area. The owners or residents of properties which do not have frontage, or are not immediately adjacent to such a road cannot be included in the computation unless their primary motor vehicle egress from that property is over a road or portion of a road proposed as a restricted parking area; or

b. A property owners' association having the power to enforce covenants on properties meeting the description set forth in subsection (d)(2)(a) above. A written request from such a property owners' association shall be construed as the petition of the owners of all properties under the control of the association meeting the description set forth in subsection (d)(2)(a) above, provided the request is accompanied by an approved resolution of the association authorizing the association's board of directors to request establishment of a restricted parking area; reciting the

terms and conditions of the parking restriction to be sought; stating that the resolution was adopted at a general meeting of the association of which all members received notice in accordance with the association's bylaws, that a quorum of the membership as defined in the bylaws was present and voting on the resolution, that the notice of the meeting included notice that the association would consider requesting the establishment of a restricted parking zone and the terms of the requested restrictions, and that the meeting was held in conformance with any and all other requirements of the association's bylaws. The resolution must be certified by the secretary of the property owners' association.

(3) Each designation shall include the reason for the restriction, a description of the area in which parking is restricted, and the terms of the restriction.

(e) Enforcement.

(1) It shall be unlawful to park any watercraft, boat trailer, motor home, semitrailer, camping trailer, or commercial vehicle in violation of this section.

(2) The sheriff or his designee shall enforce this section.

State law references: Similar provisions, Virginia Code § 46.2-1222.1.

Sec. 15-72. Limitation on parking commercial vehicles in residence districts.

(a) Restricted parking. No person shall park or leave unattended any commercial vehicle on any public highway in any residence district.

(b) Commercial vehicles defined. For the purposes of this section, a commercial vehicle is defined as any of the following:

(1) Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer.

(2) Any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold.

(3) Any vehicle licensed by the Commonwealth for use as a common or contract carrier or as a limousine, except one resident of each single-family dwelling unit zoned for residential use may park one vehicle licensed as a taxicab or limousine on such highways, provided other vehicles are permitted to park thereon.

(4) Any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle.

(5) Any vehicle with three or more axles.

(6) Any vehicle that has a gross vehicle weight rating of 12,000 or more pounds.

(7) Any vehicle designed to transport 16 or more passengers including the driver.

(8) Any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4.

(c) Exceptions. The provisions of this section shall not apply to:

(1) Any commercial vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location;

(2) Utility generators located on trailers and being used to power network facilities during a loss of commercial power;

(3) Any federal, state, or local government vehicle that is temporarily parked while on government business;

(4) Any federal, state, or local law enforcement or emergency vehicle; or

(5) Any school bus.

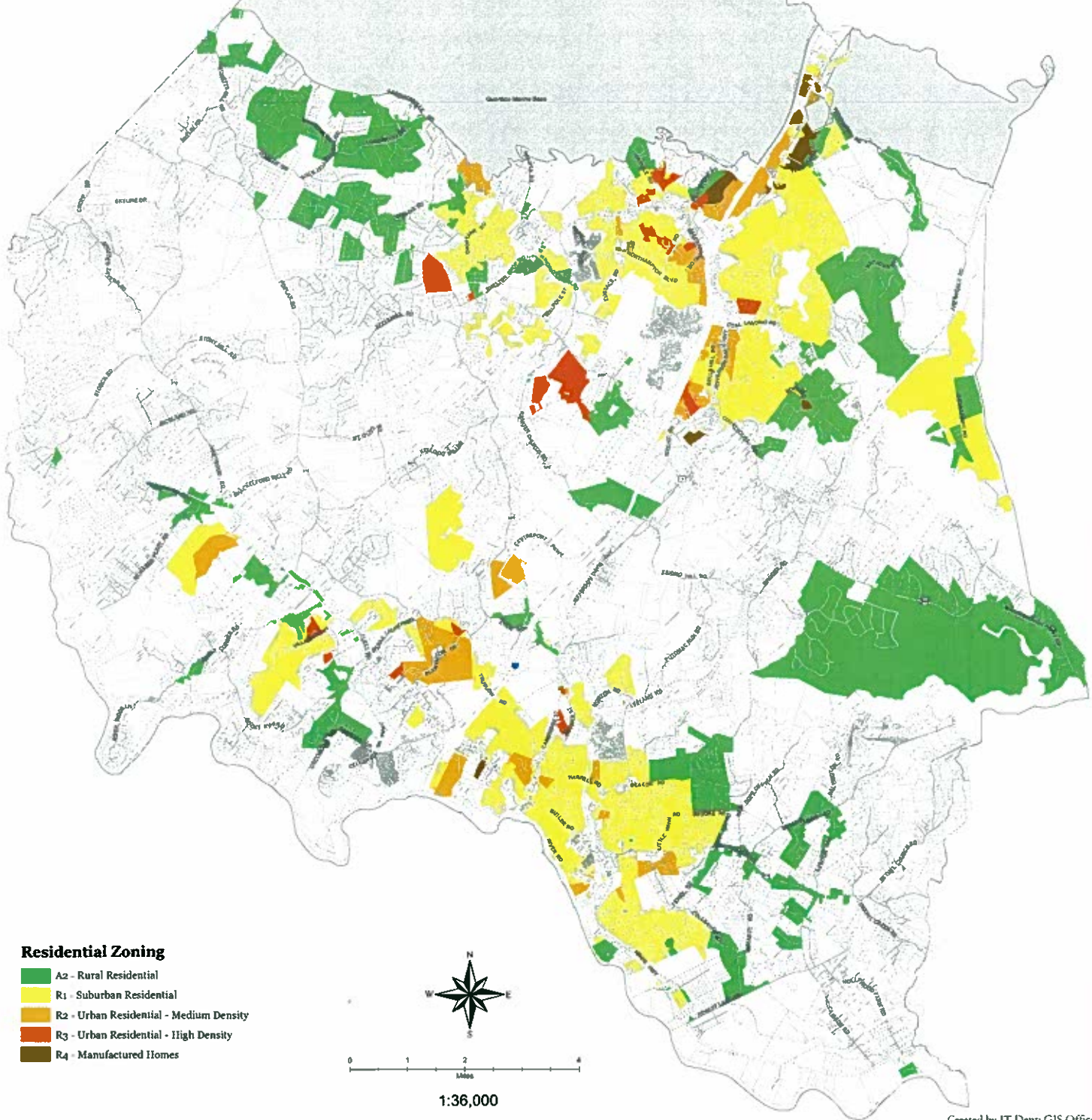
(d) Enforcement.

(1) It shall be unlawful to park any commercial vehicle in violation of this section.

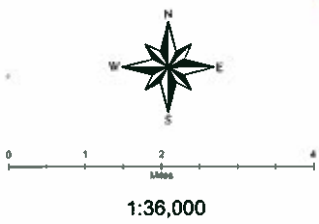
(2) The sheriff or his designee shall enforce this section.

State law references: Similar provisions, Virginia Code §§ 46.2-1222.1 and 46.2-1224.

Stafford County Residential Zoned Land



- Residential Zoning**
- A2 - Rural Residential
 - R1 - Suburban Residential
 - R2 - Urban Residential - Medium Density
 - R3 - Urban Residential - High Density
 - R4 - Manufactured Homes



PROPOSED

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 18th day of August, 2009:

MEMBERS:

George H. Schwartz, Chairman
Harry E. Crisp II, Vice Chairman
M. S. "Joe" Brito
Mark Dudenhefer
Paul V. Milde III
Cord A. Sterling
Robert "Bob" Woodson

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO ADVERTISE A PUBLIC HEARING TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 15, ENTITLED "MOTOR VEHICLES AND TRAFFIC"

WHEREAS, Section 46.2-1222.1 of the Code of Virginia (1950), as amended, authorizes Stafford County to regulate or prohibit the parking on any public highway in the County of any or all of the following: watercraft, boat trailers, motor homes, semitrailers, camping trailers, and commercial vehicles; and

WHEREAS, several localities regulate or prohibit parking on public highways within their localities; and

WHEREAS, the Board desires to amend the Stafford County Code to regulate or prohibit parking on public highways in the County; and

WHEREAS, the Board desires to consider public comments concerning the proposed changes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 18th day of August, 2009, that the County Administrator be and he hereby is authorized to advertise for a public hearing to allow for presentation and public comment for the purpose of (1) adopting and reordaining Stafford County Code, Chapter 15, entitled "Motor Vehicles and Traffic" and (2) establishing a comprehensive parking ordinance.

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