

**BOARD OF SUPERVISORS
PUBLIC HEARING
STAFF REPORT**

SUBJECT: Amendments to Chapter 482 of the Codified Ordinances of Loudoun County – Parking Garages and Surface Lots

ELECTION DISTRICT(S): Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACT(S): Zachary Kuchta, General Services
Ernest Brown, General Services
Theresa Fontana, County Attorney’s Office

PURPOSE: The purpose of this item is to hold a Public Hearing on September 14, 2022, on the Proposed Amendments to Chapter 482 of the Codified Ordinances of Loudoun County, *Parking Garages and Surface Lots*, to include On-Street Parking (Attachment 1).

RECOMMENDATION(S): Staff recommends approval of the Proposed Amendments to Chapter 482 Codified Ordinances of Loudoun County, *Parking Garages, and Surface Lots* to include On-Street Parking.

BACKGROUND: At the Board Public Hearing on December 11, 2019, the Board adopted (8-0-1: Higgins absent) Chapter 484 of the Loudoun County Codified Ordinances, *Parking Meters*, which permits the installation and enforcement of parking meter technologies to manage on-street parking spaces on publicly maintained roadways.

At the Finance/Government Operations and Economic Development Committee (FGOEDC) Meeting on December 14, 2021, the FGOEDC recommended (3-0-2: Kershner and Saines absent) that the Board direct staff to advertise a public hearing for the Board to consider an ordinance with proposed parking meter rates for the Loudoun County Moorefield Station area of \$1.25 per hour (off-peak hours) and \$1.75 per hour (peak hours) and with an annual residential parking permit fee of \$62 per vehicle¹.

¹ [December 14, 2021, Finance/Government Operations and Economic Development Committee Item 8, Meter Placement and Meter Cost](#)

At the Board Business Meeting on January 18, 2022, the Board authorized (9-0) staff to advertise for March 9, 2022, a Board Public Hearing on the proposed amendments to Chapter 484 of the Codified Ordinances of Loudoun County, Parking Meters².

At the Board Public Hearing on March 9, 2022, the Board forwarded (7-0-2: Supervisors Buffington and Saines absent) amendments to the county’s parking meter ordinance to April 5, 2022, Board Business Meeting with a recommendation for adoption. The Ordinance proposes establishing parking rates for metered parking and establishing an annual rate for residential parking permits in the Moorefield Station Parking Management Area, which is adjacent to the Ashburn Metro³.

At the Board Business Meeting on April 5, 2022, the Board approved (7-0-2: Buffington and Saines absent) the Proposed Amendments to Chapter 484 of the Codified Ordinances of Loudoun County, Parking Meters with proposed parking meter fee rates of \$1.25 per hour (off-peak hours) and \$1.75 per hour (peak hours) and with a residential parking permit fee of \$10 per year per vehicle. The Board further approved that staff brings back a proposed ordinance to define the criteria for the Residential Parking Zone within the Moorefield On-Street Parking Management Area⁴.

At the Board of Supervisor Business Meeting on July 19, 2022, the Board authorized (8-0-1: Saines absent) staff to advertise and schedule a Public Hearing for September 14, 2022, on the amendments proposed to Chapter 482 of the Codified Ordinances of Loudoun County, Parking Garages and Surface Lots, to include On-Street Parking⁵.

ISSUES: Chapter 482 references the County-operated parking garages and surface lots. While “On-Street Parking” can be inferred as a “surface lot,” it is recommended that clarity be provided. Current and future Parking Management Areas (PMA) may include both On-Street Residential Parking and On-Street Meter Parking. These changes presented will provide the County with the ability to monitor parking within a PMA to a greater extent, specifically, on-street designated accessible parking spaces (ADA) and parking in restricted zones within the PMA.

FISCAL IMPACT: The \$15,600 annual cost of enforcement and \$6,100 cost of permit administration will be offset by the meter rates of \$1.25 (off-peak), \$1.75 (peak), permit fees of \$10 per vehicle, and citation collection established in Chapter 484. Additionally, the costs associated with enforcement will also be offset by the revenues collected from parking permits, meter fees, and citation collection. In the early stages of Metro operation, until sufficient revenue

² [January 18, 2022, Board of Supervisors Business Meeting Item 20f FGOEDC Proposed Amendments to Chapter 484 – Parking Meters](#)

³ [March 9, 2022, Board of Supervisor Public Hearing Item 4, Proposed Amendments to Chapter 484-Parking Meters](#)

⁴ [April 5, 2022, Board of Supervisors Business Meeting Item 8, Amendments to Chapter 484-Parking Meters](#)

⁵ [July 19, 2022, Board of Supervisors Business Meeting Item 11, Authorization to Advertise-Proposed Amendments to Chapter 482-Parking Garages and Surface Lots](#)

is available for the program to be self-sustaining, permit and meter revenue may be supplemented by local gasoline tax revenue.

ALTERNATIVES:

1. The Board may adopt the proposed amendments to Chapter 482 of the Loudoun County Codified Ordinances, *Parking Garages and Surface Lots* to include On-Street Parking.
2. The Board may take no action.

DRAFT MOTIONS:

1. I move the Board of Supervisors forward Proposed Amendments to Chapter 482 of the Codified Ordinances of Loudoun County – Parking Garages and Surface Lots, to October 18, 2022, Board of Supervisors Business Meeting for action.

OR

- 2a. I move that the Board of Supervisors suspend the rules.

AND

- 2b. I move that the Board of Supervisors approve the Amendments to Chapter 482 of the Codified Ordinances of Loudoun County – Parking Garages and Surface Lots provided as Attachment 1 to September 14, 2022, Board of Supervisors Public Hearing Staff Report.

OR

3. I move an alternate motion.

ATTACHMENT(S):

1. Proposed Amendments to Chapter 482 of the Loudoun County Codified Ordinances, *Parking garages, Surface Lots, and On-Street Parking*.

CHAPTER 482

Parking Garages, ~~and~~ Surface Lots, and On-Street Parking

482.01 Application of chapter.

482.01.1 Definitions.

482.02 General rules, regulations, and restrictions.

482.03 Specific parking garages and surface lots.

482.04 Enforcement.

482.05 Violations; procedure.

482.99 Penalty.

482.01 APPLICATION OF CHAPTER.

The provisions of this chapter, unless specifically indicated, shall apply to all County-owned or leased parking garages, ~~and~~ surface lots, on-street parking, and to all parking areas on property owned by the School Board and used for public school purposes. Regulations pertaining to parking at County parks and community centers are codified in Chapter 1092 of these Codified Ordinances.

482.01.1 DEFINITIONS.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

(a) "Abandoned vehicle" means a vehicle that is left unattended on public property for more than 48 hours in violation of a state law or local ordinance.

(b) "Electronic device" means any device capable of creating, transmitting, or receiving text or data.

(c) "Official parking regulation sign or marker." Any sign or marker erected, constructed, or created at the direction of the County Administrator and installed for the express purpose of regulation of vehicular parking within County owned or leased garages, surface lots, on-street parking, and property owned by the School Board and used for public school purposes.

(d) "Park, parking" means the standing of a vehicle, whether occupied or not, in a parking space, within a parking garage, ~~or on a surface lot~~, or on- the street parking.

(e) "Parking meter" means and includes but is not limited to any single-space or multi-space mechanical or electronic device or ~~other meter~~ other meters not inconsistent with this section, used, placed, or erected for the regulation of parking by authority of this chapter. Each parking meter installed shall indicate by proper legend or through an official parking regulation sign or marker the legal parking times established by the County and when operated shall at all times either indicate the balance of legal parking time and the expiration of such period shall indicate illegal or overtime parking, or produce a receipt which provides the same information.

(f) "Parking meter zone" means and includes any restricted parking with a meter in a county garage, ~~or~~ surface lot, or on-street parking that requires payment of parking fees

collected either via an electronic device, single space meter, multi-space parking meter station, or alternate method as indicated in the official parking regulation sign or marker.

(g) "Parking permit" means a printed sticker, ~~hang tag~~~~hangtag~~, ~~or~~ dash card, or virtual permit issued by the County Administrator or his or her designee to allow parking at a designated permitted parking space.

(h) "Parking space" means an area marked to indicate the location for the parking of a singular vehicle.

(i) "Restricted parking areas" or "Restricted parking spaces" means areas or spaces reserved for certain types of vehicles or individuals, ~~to include~~including but not be limited to hybrid vehicles, charging stations, handicapped spaces, and employees, as identified in the official parking regulation sign or marker.

(j) "Single-space parking meter" means and includes any mechanical or electronic device or ~~other meter~~other meters not inconsistent with this section used, placed, or erected for the regulation of parking at a single parking space immediately adjacent to the meter by authority of this chapter.

(k) "Surface lots" means a ~~ground level~~ground-level paved area leased or owned by the County and used for the purpose of providing parking to county employees and/or the public.

(l) "Vehicle" means every device in, ~~upon~~on, or by which any person or property is or may be transported ~~or drawn~~ upon a highway, except devices moved by human power.

482.02 GENERAL RULES, REGULATIONS, AND RESTRICTIONS.

(a) The County Administrator is hereby authorized and directed to erect, or to have erected and installed an official parking regulation signs or markers restricting the use of County parking garages, ~~and~~ surface lots, and on-street parking areas, specifying, among other factors, the maximum allowable length of time during which a vehicle may be parked at various locations in said lots and designating restricted parking areas or spaces. Such official parking regulation signs or markers shall be erected at locations which will notify a reasonably observant person of the applicable parking garage or surface lot restrictions.

(b) The School Board or its designee is hereby authorized to erect, or to have erected and installed, official parking regulation signs or markers restricting the use of school parking lots, specifying the maximum allowable period of time during which a vehicle may be parked at various locations in said lots and designating restricted parking areas. Such official parking regulation signs or markers shall be erected at locations which will notify a reasonably observant person of the applicable parking lot restrictions. No person shall park a ~~meter~~ vehicle at any location on school property unless parking at that location is authorized by the School Board or its designee and unless such authorization is clearly designated by posted signs or markers.

(c) No person shall park any ~~meter~~ vehicle on County or school property in such a manner as to impede or restrict the parking, entrance, or exit of other ~~meter~~ vehicles.

(d) No person shall park any ~~meter~~ vehicle in violation of the restrictions designated on the official parking regulation signs or markers erected on County or school property pursuant to this chapter.

(e) Commercial activity in County parking garages or surface lots is prohibited. Nothing shall be offered for sale or sold, rented, or traded in or on said parking garages, ~~and~~ surface lots, or on-street parking areas except as otherwise permitted by the County Administrator.

(f) No skateboarding, in-line skating, or any other form of recreational activity is permitted in County and school parking garages or surface lots.

(g) Abandoned vehicles ~~at the~~ in County parking garages, ~~or~~ surface lots, or on-street parking spaces may be removed by the Sheriff or his or her designee at the direction of the County Administrator or his or her designee.

(h) Overnight parking in the County owned or leased parking garages and surface lots is prohibited, except by County employees and officials engaged in County business, and only upon display of a parking permit issued by the County Administrator or his or her designee.

(i) Vehicles shall not occupy more than one space.

482.03 SPECIFIC PARKING GARAGES AND SURFACE LOTS.

(a) Ashburn (South) Parking Garage.

(1) The Ashburn South parking garage site is located within the Moorefield Station Development, south of the Dulles Greenway and north-westnorthwest of the Ashburn South Metrorail Station kiss-n-ride and bus bay elements. The six-level parking garage provides pedestrian access to Silver Train Street (to the west, street level), and Croson Lane (to the east, street level).

(2) Parking is available to the public for a fee and any restrictions, ~~to include~~ including hours of operation, ~~a~~ form of payment, dedicated spaces, and restricted parking areas or spaces, will be posted at the garage on official parking regulation signs or markers.

(b) County Government Center Parking Garage.

(1) The County Government Center Parking Garage is restricted to parking for County government business only during regular business hours. During those hours, parking for the public transacting County business is provided on Level One. Levels Two, Three, and Four are reserved for parking by County employees and officials.

(2) At all other times, public parking is permitted until 12:00 midnight, at which time the Garage shall be considered closed. The Garage will reopen at 6:00 a.m. on the following day. At the discretion of the Board of Supervisors, and for a specific community purpose, the County Administrator or his or her designee shall be authorized to extend the time of closing of the Garage.

(c) Courthouse Surface Parking Lot.

(1) The County Parking Surface lot is located on the east side of Church Street in Leesburg, across from the Loudoun County Courts Complex, which shall be referred to as the Courthouse Lot. The Courthouse Lot shall be reserved for handicapped parking for the Loudoun County Courts Complex and parking by personnel of the Loudoun County Courts Complex. One space in the Courthouse Lot shall be reserved for the Commonwealth's Attorney and one space shall be reserved for the Clerk of the Circuit Court. The Courthouse Surface Parking Lot also includes the lot at the southwest intersection of North Street N.E. and Slack Lane N.E. commonly referred to as the "Semones Lot".

(d) Loudoun Gateway Parking Garage.

(1) The Loudoun Gateway Parking Garage is located on a portion of Dulles International Airport property, land leased by the County, and has vehicular access to Lockridge Road, Route 789 (to the east, to/from the second level), and the Station Access Road (to the north, at ground level).

(2) Parking is available to the public for a fee and any restrictions, ~~to include~~ including hours of operation, ~~a~~ form of payment, dedicated spaces, and restricted parking areas or spaces, will be posted at the garage on official parking regulation signs or markers.

(e) Loudoun Gateway Surface Parking Lot.

(1) The Loudoun Gateway Surface Lot is located adjacent to the Loudoun Gateway Parking Garage.

(2) Parking is available to the public for a fee and any restrictions, ~~to include~~ including hours of operation, ~~a~~ form of payment, dedicated spaces, and restricted parking areas or spaces, will be posted at the garage on official parking regulation signs or markers.

(f) Pennington Parking Garage. The Pennington Parking Garage is located at the terminus of the public access of Church Street, N.E., and one block north of the intersection of Church Street, N.E. and North Street, N.E., Leesburg, Virginia.

(g) Pennington Surface Parking Lot. The Pennington Surface Parking Lot is located adjacent to the Pennington Parking Garage.

The County Administrator is authorized to post official parking regulation signs or markers designating reserved and restricted parking in the County owned or leased parking garages and surface lots. The official parking regulation signs or markers shall be erected at locations which will notify any reasonably observant person of the parking restrictions. In addition, the County Administrator is authorized to issue parking passes to be displayed by personnel authorized to park in designated County parking garages or surface parking lots that are subject to parking rates.

482.04 ENFORCEMENT.

(a) The Sheriff is hereby authorized to enforce this chapter and all rules, regulations, and penalties relating to parking ~~on-in~~ County and school parking garages, ~~or~~ surface parking lots, ~~or on-street parking areas~~. The Sheriff or Deputy shall attach to any vehicle whose operator is in violation of any of ~~regulations posted pursuant to~~ the provisions of Sections 482.02 and 482.03 a Notice of Violation, indicating that such vehicle has been parked in violation of ~~one or more of the provisions of such sections~~ a parking regulation.

(b) The County Administrator is also authorized to appoint Loudoun County personnel and/or personnel serving under contract with the County to enforce the provisions of this chapter, in addition to the Sheriff's Office. Such personnel shall wear a uniform as prescribed by the County Administrator.

(c) The Sheriff may have offending vehicles removed by towing or otherwise, or immobilized by a boot or other device that prevents the vehicle from being moved. The owner of the vehicle shall be responsible for all charges for towing and storage or for charges for removal of the boot or other device.

As soon as practicable, the Sheriff or his or her designee shall notify the owner of the removed or immobilized vehicle and the circumstances of the prior unsettled parking citations for which the vehicle was removed or immobilized. In any case involving immobilization of a vehicle, there shall be placed on the vehicle, in a conspicuous manner, a notice warning that the vehicle has been immobilized and that any attempt to move the vehicle might damage it.

The owner of an immobilized vehicle, or other person acting on his behalf, shall be allowed at least 24 hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within that time period may result in the removal of the vehicle to a storage area for safekeeping under the direction of law enforcement personnel.

The owner of the removed or immobilized vehicle or other person acting on his behalf, shall be permitted to repossess or to secure the release of the vehicle by payment of the outstanding parking civil penalties for which the vehicle was removed or immobilized and by payment of all costs incidental to the immobilization, removal, and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should the owner fail to refuse to pay such fines and costs, or should the identity or whereabouts of the owner be unknown and unascertainable, the County Administrator or his or her designee may proceed with the sale of the vehicle in accordance with the procedures set forth in § 46.2-1213 of the Code of Virginia.

(d) In any prosecution charging a violation of this chapter or any rule or regulation promulgated hereunder, proof that the vehicle described in the complaint, summons, Notice of Violation, citation, or warrant was parked in violation of this chapter, together with proof that the defendant was, at the time of such violation, the registered owner of the vehicle, shall constitute in evidence a prima-facie presumption that such registered owner was the person who committed the violation.

482.05 VIOLATIONS; PROCEDURE.

(a) The County Administrator or his or her designee shall be responsible for the collection of parking civil penalties and the fees.

(b) The owner or operator of a vehicle charged with a parking offense contained in this chapter shall make payment of any uncontested parking citation, in accordance with the payment schedule set forth in this chapter. An owner or operator may elect to make such payment to the Treasurer's Office in person, by mail, or online.

(c) Any person desiring to contest a parking citation for which no date for the court appearance is specified on the citation shall register his intent to contest the violation to the County Administrator or his or her designee within 30 days of the issuance.

Upon proper notification of a person's intention to contest a parking citation, a notice shall be issued which shall summon the person to appear before the General District Court on an appointed date.

(d) The County Administrator or his or her designee shall collect judgments and delinquent civil penalties by any lawful means.

482.99 PENALTY.

(EDITOR'S NOTE: See Section 428.99 for general Traffic Code penalty if no specific penalty is provided.)

(a) Each personnel charged with the duty of enforcing violations of this Chapter shall attach to each vehicle whose operator is in violation of the provisions outlined in this chapter, a notice to the operator thereof that such vehicle has been parked in violation of one or more of these sections.

(b) Any person who shall violate or fail to comply with any of the provisions of this chapter shall be subject to civil penalties. The fines to be paid prior to issuance of a warrant for violation of Loudoun County parking ordinances shall be the following:

(1) Fifty dollars (\$50.00) for parking in a restricted zone (other than handicap restricted zones), destruction of meter equipment, failure to pay a fee, occupying more than one parking space, overnight parking, or abandoned vehicle.

(2) One hundred dollars (\$100.00) for violations of handicap parking restrictions.

(3) Forty dollars (\$40.00) for all other violations of this chapter.

(4) Ten dollar (\$10.00) late charge commencing 31 days after the issuance of the civil fine and thereafter at each ~~30-day~~30-day interval that the civil fine remains unpaid, not to exceed an accumulated charge of seventy-~~five~~ dollars (\$75.00) per each civil fine.

(c) The civil penalties assessed in accordance with this section shall be paid by the violator within 30 days of issuance of the citation. Nothing in this section shall affect any fines, forfeitures, or penalties set for violation of Loudoun County ordinances after the issuance of a parking summons or warrant.