

**BOARD OF SUPERVISORS  
PUBLIC HEARING  
STAFF REPORT**

**SUBJECT:** Amendments to Chapter 484 of the Codified Ordinances of Loudoun County – On-Street Meters and Permit Parking

**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 484 of the Codified Ordinances of Loudoun County, *On-Street Meters and Permit Parking*, which changes the title of the current ordinance to include permit parking, provides for the issuance of virtual permits, and amends certain language to be consistent with the civil rather than criminal nature of the penalties provided for parking violations (Attachment 1).

**RECOMMENDATION(S):** Staff recommends that the Board of Supervisors (Board) approve the Proposed Amendments to Chapter 484 Codified Ordinances of Loudoun County, *On-Street Meters and Permit Parking*.

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**BACKGROUND:** At the Board Business Meeting on March 1, 2022, the Board adopted (8-0-1: Supervisor Buffington absent) the Moorefield Station On-Street Parking Management Area and kiosk placement (Alternative 4), to ensure that on-street parking is available to the mixed-use retail and residential properties and to redirect the Metrorail patrons to the metro parking garage.

At the Board Business Meeting on April 5, 2022, the Board adopted (7-0-2: Buffington and Saines absent) the amendments to Chapter 484 of the Loudoun County Codified Ordinances, Parking Meters, which established a meter rate of \$1.25 (off-peak), \$1.75 (peak), and established a Permit Rate of \$10.00 within the Parking Management Area. Both the parking meters and parking permit areas are designed to encourage Metrorail riders to use the County-owned Metro garage and not the on-street parking, which is needed to meet the present and future needs of the Moorefield residential and mixed-use developments. The on-street parking program will reduce the risk of Metrorail riders monopolizing the on-street parking spaces intended for the residents and retail establishment patrons.

At the Board 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 484 of the Codified Ordinances of Loudoun County, *On-Street Meters and Permit Parking*.

**ISSUES:** Currently, Chapter 484 does not clearly include permit parking and does not reference the new technology of virtual permits. The ordinance allows for permits to be provided, however, a printed sticker or a card must be issued. Getting away from physical permits and using virtual permitting technology is currently an industry standard.

With this ordinance amendment, current and future PMAs that include Residential Parking Permit zones will present the resident with an option of no longer needing a physical permit within their vehicle. The option of virtual permits will work with the County's license plate recognition (LPR) system to allow the resident to add their vehicle's license plate to the online app immediately. The LPR system will then be mounted on a vehicle which will allow contracted staff to monitor these residential parking permit zones by vehicle LPR.

The other proposed changes to the ordinance are intended to clearly indicate that the ordinance also applies to permitted parking, update certain enforcement language to be consistent with the civil penalties imposed for parking violations, and correct typographical or grammatical errors.

**FISCAL IMPACT:** The proposed amendments to the ordinance are anticipated to reduce some of the costs associated with administering Residential Parking Permit zones within a Parking Management Area (PMA). These savings would include eliminating the need to purchase physical permits, reducing overhead related to staffing, and eliminating mailing fees associated with providing a physical permit. Implementation of the Moorefield Station On-Street Parking Program was approved by the Board on March 1, 2022. The permit fee of \$10 will offset some of the costs associated with administering a Residential Parking Permit program within the Moorefield Station PMA. Additionally, kiosk revenue and citation collection will also help offset costs. Revenues and expenditures associated with administering the Moorefield Station PMA will be managed in the Metro Garages Fund, with no impact on the General Fund.

**ALTERNATIVES:**

1. The Board may adopt the proposed amendments to Chapter 484 of the Loudoun County Codified Ordinances, *On-Street Meters and Permit Parking*.
2. The Board may take no action.

**DRAFT MOTIONS:**

1. I move the Board of Supervisors forward Amendments to Chapter 484 of the Codified Ordinances of Loudoun County – *On-Street Meters and Permit Parking*, 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 484 of the Codified Ordinances of Loudoun County – *On-Street Meters and Permit Parking* 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 484 of the Loudoun County Codified Ordinances, *On-Street Meters and Permit Parking*.

## CHAPTER 484

### Parking MetersOn-street Meters and Permit Parking

484.01 Purpose.

484.02 Definitions.

484.03 Designations of zones.

484.04 Designation of parking spaces and areas; vehicles to be parked entirely within designated parking space.

484.05 Installation, display of legal parking, and enforcement.

484.06 Operation generally; overparking generally.

484.07 Parking time limits; when parking meters operative.

484.08 General rules, regulations, and restrictions.

484.09 Enforcement.

484.10 Collection of funds.

484.11 Reservation of powers.

484.12 Penalty for violation.

484.13 Evidence of violation.

484.14 Collection of civil penalties for parking violations and contest of citations.

#### 484.01 PURPOSE.

The purpose of this chapter is to provide a method for managing parking through the installation, operation, and enforcement of on-street permit parking and parking meters. This chapter shall apply to all County parking meters and permit parking installed and operated by the County pursuant to the provisions herein, except permit parking pursuant to Chapter. 490.

#### 484.02 DEFINITIONS.

For the purpose of this chapter, 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 stale state law or local ordinance.

(b) "Multi-space parking meter" means a pay station located within a parking meter zone, placed or erected for the regulation of parking by authority of this chapter that allows for a single location for the payment and control of parking thereon for multiple parking spaces placed at various locations along streets or on surface lots.

(c) "Off-peak parking hours" means hours in a day that the hourly meter parking rate is subject to a base rate to be paid through a parking meter.

(d) "Official parking regulation sign." Any sign erected, constructed, or created by either the Virginia Department of Transportation or the County of Loudoun which conforms to the physical requirements set forth in the Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD) and which is installed for the express purpose of regulation of vehicular parking within the County of Loudoun.

(e) "Park, parking" means the standing of a vehicle, whether occupied or not, upon a street, or in a parking garage, other~~wise~~ than while actually engaged in receiving or discharging passengers or loading merchandise in obedience to traffic regulations, signs, or signals, or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.

(f) "Parking meter" means and includes but is not limited to any single-space or multi-space mechanical or electronic device or other meter 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 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.

(g) "Parking meter space" means any space within a parking meter zone which is duly designated for the parking of a single vehicle, or two motorcycles, by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

(h) "Parking meter zone" means and includes any restricted street or surface lot upon which single space or multi-space parking meters are installed and in operation.

(i) "Parking permit zone" means and includes any restricted street or surface lot designated and posted as being restricted to holders of valid parking permits.

(j) "Parking permit" means a printed ~~sticker or sticker, a card issued, or a virtual permit issued~~ by the County Administrator or his designee to allow parking at a designated on-street location, as authorized by Code of Virginia § 46.2-1230. For the purposes of this chapter, parking permit does not include a permit issued pursuant to Chapter 490.

(k) "Peak parking hours" means the hours in a day that the hourly parking rate is greater than the base rate to encourage greater turnover of the parking space.

(l) "Single-space parking meter" means and includes any mechanical or electronic device or other meter 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.

(m) "Street" means any public street, avenue, road, alley, highway, lane, path, or other public place located in the County and established for the use of vehicles.

(n) "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. (Ord. 19-20. Passed 12-11-19; Ord. 22-06. Passed 4-5-22.)

#### 484.03 DESIGNATIONS OF ZONES.

(a) The County Administrator is hereby authorized to designate the specific portions or areas of highways, streets, parking lots, and roadways in Loudoun County, Virginia, to be known as parking meter zones, and upon which parking meters shall be installed and maintained by Loudoun County. Such parking meter zones are to be established ~~in~~ at the discretion of the County Administrator, with approval by the Board of Supervisors, based upon the results of an engineering study and traffic investigation.

(b) Parking meter zones now in existence as heretofore established shall continue to be maintained upon the specific portions or areas of highways, streets, parking lots, and roads heretofore designated by action of the Board of Supervisors of Loudoun County, Virginia, unless and until the County Administrator, in his discretion based upon an engineering study and traffic investigation, shall determine otherwise and eliminate the existing parking meter zones or any of them or any parking meter zones hereafter designated by him.

(c) The County Administrator is authorized to designate and post land owned or leased by the Board of Supervisors as a permit parking zone, to be restricted to holders of valid parking permits. Parking permits shall include, but not be limited to the following:

- (1) Employee permits.
- (2) Temporary permits.
- (3) Juror permits.

(4) on-street residential parking permits.

(d) It shall be unlawful to park any vehicle in permit parking zones without a valid current permit.

(e) Any person who shall violate this section shall be punished by a civil penalty as stated in this chapter.

#### 484.04 DESIGNATION OF PARKING SPACES AND AREAS; VEHICLES TO BE PARKED ENTIRELY WITHIN DESIGNATED PARKING SPACE.

The County Administrator or his designee is hereby authorized to mark off, or have marked off, individual parking spaces in parking zones designated and described in Section 484.03 of this chapter, and in such other zones as may hereafter be established, with such parking spaces to be designated by lines painted or durably marked on the curbing or surface of the street. At each space so marked off, it shall be unlawful to park any vehicle in such a way that the vehicle shall not be entirely within the limits or the space so designated. Parking areas without lines defining individual spaces may also be designated by the County Administrator or his designee in parking zones with such areas designated by signs. All signs and other markings designating the areas where parking is prohibited or restricted shall be installed by the County at its expense under a permit from the Virginia Department of Transportation.

#### 484.05 INSTALLATION, DISPLAY OF LEGAL PARKING, AND ENFORCEMENT.

(a) Single space parking meters. In parking meter zones provided in Section 484.03 of this chapter, the County Administrator or his designee may cause single-space parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces. Each device shall be so set as to display a signal showing legal parking upon the use of a credit card or other acceptable form of payment as determined by the County Administrator or his designee, for the period of time prescribed by this chapter. Each single-space parking meter shall be so arranged that upon the expiration of the lawful time limit it will indicate by a proper visible signal that the lawful parking period has expired and in such cases the right of such vehicle to occupy such space shall cease and the operator, owner, possessor, or manager thereof shall be subject to the penalties provided.

(b) Multi-space parking meters. The County Administrator or his designee may also cause to be installed multi-space parking meters to provide metering for more than one parking space at a time on the publicly-maintained street, in surface lots, or in garages within parking meter zones. Immediately after occupancy of a multi-space parking meter space, the operator of a vehicle shall use a credit card or other acceptable form of payment as determined by the County Administrator or his designee, in said multi-space meter and follow operational procedures in accordance with the instructions posted on the meter, or on a sign posted within the multi-space parking zone, whichever is applicable. Failure to follow the operational procedures, or remain in the parking space upon the expiration of the lawful time limit, shall cause the operator, owner, possessor, or manager of the vehicle thereof to be subject to the penalties provided.

#### 484.06 OPERATION GENERALLY; OVERPARKING GENERALLY.

(a) Operation. Except in a period of emergency determined by Loudoun County Sheriff's Office or Department of Fire and Rescue, when any vehicle shall be parked in any parking space or area within a parking meter zone, during the hours of meter operation the operator of such vehicle shall, upon entering such space or area, immediately use a credit card or other acceptable form of payment as determined by the County Administrator or his designee, and when appropriate display a receipt in or on the vehicle per the instructions on the parking meter, or on a sign posted within the multi-space parking zone, whichever is applicable. Failure to deposit such credit card or other acceptable form of payment and when appropriate to display a receipt in or on the vehicle per said instruction shall constitute a violation of this section. Upon the deposit of such credit card or other acceptable form of payment, or when appropriate the proper display of such receipt in or on the vehicle, the parking space or area may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which such parking space is located.

(b) Overparking. Any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a credit card, or other acceptable form of payment, so long as his occupancy of such space does not exceed the unused parking time indicated on the parking meter for such space. If such vehicle shall remain parked in any parking space beyond the parking time limit set for such parking, or if the meter shall indicate illegal parking, then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed a violation of this section.

#### 484.07 PARKING TIME LIMITS; WHEN PARKING METERS OPERATIVE.

(a) Parking time limits. The County Administrator or his designee may designate the approved parking meter zone as established under Section 484.03 of this Code as 30 minute, one hour, two hour, or over two hour parking meter zones.

(b) Disability accessible parking. Notwithstanding any provision of this chapter to the contrary, a vehicle displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards issued under § 46.2-1241 of the Code of Virginia, "DV" disabled

parking license plates issued under § 46.2-739 B of the Code of Virginia, disabled parking license plates issued under § 46.2-731 of the Code of Virginia, or a duly authorized handicapped license plate, decal or permit issued by the Department of Motor Vehicles or similar state agency of another state or the District of Columbia, may be parked for 60 minutes in a ~~30-minute~~30-minute parking meter zone, two hours in a one-hour parking meter zone, and four hours in a ~~two-hour~~two-hour parking meter zone.

(c) Parking rates. Parking or standing a vehicle during the hours of meter operation in a designated space or area in a parking meter zone shall be lawful upon the use of a credit card or other acceptable form of payment at the rates as determined at the discretion of the Board of Supervisors after considering, among other factors, volume, duration, and time of duty of metered parking space utilization.

(d) Hours of operations. Said parking meters shall be operated in said parking meter zones every day between the hours of 8:00 a.m. and 8:00 p.m. except Sundays and holidays; provided, however, that the County Administrator or his designee may provide for different hours of meter operation at their discretion; in which case the County Administrator shall cause a tag, showing the hours of meter operation, to be affixed to each meter in the zone and official parking regulation signs erected showing the hours of legal parking in such zone. Upon the affixing of such ~~tag~~tags and erection of such signs, the hours of meter operation shall be as indicated on such tags and signs.

(e) Hourly meter parking rates. Hourly parking meter rates shall be at a base rate of \$1.25 per hour during off-peak parking hours and \$1.75 per hour during peak parking hours. Peak and off-peak parking hours will be determined by the County Administrator, or his designee, and shall be indicated in an official parking regulation sign and/or parking meter.

(f) Annual parking permit rates. Annual parking permit rates shall be \$10 per year/per permit.

#### 484.08 GENERAL RULES, REGULATIONS, AND RESTRICTIONS.

It shall be unlawful and a violation of the provisions of this chapter for any person to:

(a) Time restrictions. Cause, allow, or permit any vehicle registered in the name of or operated by such person to be parked beyond the time restrictions established for any parking meter zone or to deposit credit card, or ~~other form~~other forms of payment for the purpose of parking in excess of the time restriction lawfully permitted for the particular parking meter zone.

(b) Expired meter. Permit any vehicle during the hours of parking meter operations to remain or be placed in any parking space adjacent to any meter while the meter is indicating expiration.

(c) Payment exceeds time restriction. Permit any vehicle during the hours of parking meter operations to remain in a designated parking space when the receipt issued for the vehicle upon payment, or the payment record submitted to parking meter enforcement personnel, indicates that the vehicle occupying such parking space has parked beyond the time restriction for the designated parking meter zone.



(d) Designated parking space. Park any vehicle across any line or marking of a parking meter space or in such a position that the vehicle shall not be entirely within the area designated by such lines, markings, or signage.

(e) Destruction of meter equipment. Deface, injure, tamper with, open, or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this chapter.

(f) Unlawful currency. Deposit or cause to be deposited in any parking meter any slugs, device, ~~or~~ metal substance, or ~~other substitute~~ other substitutes for lawful currency.

#### 484.09 ENFORCEMENT.

The County Administrator is 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.

#### 484.10 COLLECTION OF FUNDS.

The collection of all funds deposited in the parking meters shall be the responsibility of the County Administrator, his designee, or personnel serving under contract with the County to provide revenue collection services. Such collection of funds shall be carried out under such rules, regulations, and procedures as the County Administrator may from time to time prescribe. The County Administrator or his designee shall account for all funds collected from parking meters in the same manner as that prescribed for other County monies.

#### 484.11 RESERVATION OR POWERS.

Nothing in this chapter shall be construed as prohibiting the County from providing for bus stops, taxicab stands, and other matters of similar nature at the discretion of the County Administrator, including the loading or unloading of trucks, vans, or other commercial vehicles.

#### 484.12 PENALTY FOR VIOLATION.

(a) Civil penalties. ~~Each County~~ or contractors 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 of violation in violation of one or more of these sections.~~

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 each violation~~ or of a Loudoun County parking ordinances regulation shall be the following:

(1) Fifty dollars (\$50.00) for parking in a restricted zone or for the destruction of meter equipment (Sections 484.03 and 484.08).

(2) Forty dollars (\$40.00) for all other violations of this chapter (Sections 484.04, 484.05, 484.06, 484.07, and 484.08).

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~~notice of violation.

(b) Immobilization and removal ~~for of~~ unpaid civil penalties. Any vehicle parked on a public highway or public grounds with three or more unpaid or otherwise unsettled parking civil penalties may be removed by or under the direction of the Sheriff or other uniformed employee of the Sheriff's Office specifically authorized to do so by the Sheriff or his designee or immobilized in a manner which will prevent its removal or operation except as authorized by the Sheriff or his designee.

As soon as practicable, the Sheriff or his 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 or 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 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.

(Ord. 19-20. Passed 12-11-19; Ord. 22-06. Passed 4-5-22.)

#### 484.13 EVIDENCE OF VIOLATION.

In any prosecution charging a violation of the ordinance or regulation, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrantnotice of violation was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

#### 484.14 COLLECTION OF CIVIL PENALTIES FOR PARKING VIOLATIONS AND CONTESTS OF CITATIONS.

(a) The County Administrator or his 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 issued a notice of violation for violating a parking regulation~~ 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~~notice of violation 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 designee within 30 days of the issuance.

Upon proper notification of a person's intention to contest ~~a parking citation~~the violation, 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 designee shall collect judgments and delinquent civil penalties by any lawful means.