

ORDINANCE NO. 5423

AN ORDINANCE to amend and reordain Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS) of Chapter 2 (TAXATION) of Title 3 (FINANCE, TAXATION AND PROCUREMENT); Article C (DISPOSITION OF ABANDONED, UNATTENDED AND IMMOBILE MOTOR VEHICLES) of Chapter 8 (PARKING AND TRAFFIC REGULATIONS) of Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES); and Chapter 4 (STOPPING, STANDING AND PARKING) of Title 10 (MOTOR VEHICLES AND TRAFFIC) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-2-355 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 3-2-355 Removal or immobilization of motor vehicles against which there are outstanding parking citations.

- (a) Whenever there is found a motor vehicle parked anywhere within the city, other than on property owned or occupied as a single-family residence, which has three or more outstanding or otherwise unsettled parking citations issued for a violation of any provision of title 10, chapter 4, or title 5, chapter 8, article C through G, of this code, such vehicle may, by towing or otherwise, be removed to another place for temporary storage and safekeeping by an officer or employee of the police department, or by another person acting under the direction of such an officer or employee, or such vehicle may be immobilized by an officer or employee of the police department, or by another person acting under the direction of such an officer or employee, or by an employee or agent of the director of finance, in such manner as to prevent its removal or operation; provided, that no such vehicle when parked on private property shall be removed or immobilized unless written authorization to enforce this section has been given by the property owner or, when the property is held in common by an association of owners ~~established pursuant to sections 55-79.1 through 55-79.38 or sections 55-79.39 through 55-79.103~~ formed pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.) or the Horizontal Property Act (§ 55.1-2000 et seq.) of the Code of Virginia, by such association, and the city has agreed in writing that it will hold the property owner harmless from all loss, damage or expense, including costs and attorney's fees, that the owner may incur as a result of actions taken by the city pursuant to this section.
- (b) It shall be the duty of any police officer removing or immobilizing a motor vehicle or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices for which or on account of which such vehicle was removed or immobilized. Any employee or agent of the department of finance who immobilizes a vehicle pursuant to this section shall have the same owner notification requirement. In any case involving immobilization of a vehicle pursuant to this section,

there shall be placed on such vehicle, in a conspicuous manner, a notice warning that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage thereto.

- (c) The owner of an immobilized vehicle, or other duly authorized person, shall be allowed not less than 24 hours from the time of immobilization to repossess or secure the release of the vehicle, following which such vehicle may be removed to a storage area for safekeeping under the direction of a police officer.
- (d) The owner of such removed or immobilized motor vehicle, or other duly authorized person, may repossess or secure the release of the vehicle by payment of outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all reasonable costs incidental to the immobilization, removal and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of such owner be unknown and unascertainable, such vehicle may be sold as provided by section 5-8-4621 et seq. of this code.

Editorial Note: The above section is authorized pursuant to Code of Virginia Section 46.2-1216.

Section 2. That Section 5-8-22 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 5-8-22 - Abandoned, unattended and immobile vehicles to be removed.

Whenever a motor vehicle:

- (a) becomes an abandoned motor vehicle;
- (b) is left unattended on a public street or public property and constitutes a hazard to traffic;
- (c) is left unattended for more than 10 days upon public property without the permission of the city;
- (d) is left unattended for more than 72 consecutive hours on private property without the permission of the property owner (provided, that in the case of private property normally open to the public for parking, signs are posted on the property which provide reasonable notice that vehicles left on the property for more than 72 consecutive hours without permission will be removed at the vehicle owner's expense);
- (e) is left unattended on a public street or public property, or on private property, including a private street and road, but not including property which is owned or occupied as a single family residence, and there are three or more unpaid or otherwise unsettled parking violation notices pending against the vehicle;
- (f) is left unattended in a fire lane or within 15 feet of a fire hydrant or an entrance to a fire station; ~~or~~

(g) is immobilized while in a travel lane of a public street by weather conditions or other emergency situation; or

(h) is illegally parked

the vehicle may, at the direction of an authorized city official, be removed for safekeeping by city personnel, vehicles and equipment, or by a towing service under contract to the city, to the city impoundment yard or another impoundment facility; provided, that a vehicle may be removed from privately-owned property only pursuant to the written authorization of the property owner or, where applicable, an association of owners formed pursuant to ~~chapter 4.1 of title 55~~ the Virginia Condominium Act (§ 55.1-1900 et seq.) or the Horizontal Property Act (§ 55.1-2000 et seq.) of the Code of Virginia (1950), as amended.

Editorial Note: The above subsections are authorized pursuant to the following sections of the Code of Virginia: (a) Section 46.2-1201; (b), (c), (f), (g), and (h) Section 46.2-1213; (d) Section 46.2-1215; and (e) Section 46.2-1216.

Section 3. That Section 10-4-47 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended by deleting the text shown in strikethrough and adding the text shown in underline as follows:

Sec. 10-4-47 - Penalties for violations of this chapter.

The penalty for violation of provisions regarding parking, standing, or stopping of vehicle in this chapter that are not contested and tendered to the director of finance within 30 days from the date the citation was issued shall be \$40 unless otherwise provided by this section, the city code, state law, or other provisions of law.

The penalties for the below violations that are not contested and tendered to the director of finance within 30 days from the date the citation was issued shall be as follows:

(1) For violations of section 10-4-46, "Parking heavy vehicles in commercial business areas":

(a) \$100 for the first violation,

(b) \$250 for the second violation, and

(c) \$350 for the third and any subsequent violation, upon the fourth and any subsequent violation the vehicle may be immobilized, in accordance with the process set forth in section 3-2-355, or be removed for safekeeping, in accordance with the process set forth in Article C, Chapter 8, Title 5; Notwithstanding any other section of the City Code, referenced or otherwise, penalties of this section may escalate and ultimately may include immobilization or removal whether or not the previous penalty fines have been paid.

(42) The amount set by order of the Supreme Court of Virginia, pursuant to section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-41, "Parking prohibited at certain locations";

(23) The amount set by order of the Supreme Court of Virginia, pursuant to section 16.1-69.40:1 of the Code of Virginia, as amended, for a violation of section 10-4-42, "Parking prohibited near fire hydrant, etc.";

(34) \$200 for violations of section 10-4-44, "Parking prohibited in HOV lane".

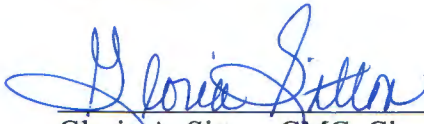
Section 4. That Sections 3-2-355, 5-8-22, and 10-4-47 as amended pursuant to Sections 1 through 3 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria City Code.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.



JUSTIN M. WILSON
Mayor

ATTEST:



Gloria A. Sitton, CMC City Clerk
Final Passage: March 12, 2022