

Virginia Beach Councilman David Nygaard Policy Proposal for Council Consideration

Proposal: The creation of a Temporary Construction Parking Permit Program as an alternative to the proposed modifications to the RPP program to address resident parking issues in the Cavalier Shores Neighborhood.

Overview: The Temporary Construction Parking Permit Program (TCP3) will allow city council to designate by resolution neighborhoods for special parking regulation based on their undue burden from adjacent construction projects. The resolution is temporary in nature and must fix a start date no earlier than one month following the passage of the resolution and an end date no later than one year following the passage of the resolution.

In any area designated as a temporary construction parking permit area, it shall be unlawful for any person to park for longer than a three-hour period in a day unless there is a valid temporary parking permit or temporary guest pass on the vehicle. These restrictions will not apply on weekends or holidays as defined in section 2-83 of the city code.

The ordinance creates the Temporary Construction Permit Program as a new division in Chapter 21, Article 3 of the City Code (Stopping, Standing, and Parking). Language unique to the TCP3 program is underlined in the ordinance, the remainder is existing language incorporated from the Residential Parking Permit program (Sec. 21-350 through Sec. 21-360)

1 **DIVISION 4. - Temporary Construction Parking Permit Program**

2 **Sec. 21-361. - Objectives.**

3 This Division is adopted in order to mitigate traffic congestion and parking scarcity on
4 public streets within residential neighborhoods adjacent to ongoing construction
5 projects; to protect such residents from unreasonable burdens in gaining access to their
6 residences; and to protect and preserve the peace, good order, convenience and
7 character of residential neighborhoods located adjacent to ongoing construction
8 projects.

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9 **Sec. 21-362. - Definitions.**

10 As used in this Division:

11 (a) *Motor vehicle* shall have the meaning set forth in § 46.2-100 of the State Code,
12 and shall also include mopeds and motorcycles, as defined therein.

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14 (b) *Residence* shall mean a single-family dwelling or a dwelling unit, as defined in
15 Section 111 of the City Zoning Ordinance [Appendix A].

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17 (c) *Temporary construction parking permit area shall mean a specific geographic*
18 *area designated by resolution of city council as specified in 21-363*

19 **Sec. 21-363. - Designation of Temporary Construction Parking Permit Area.**

20 The city council may by resolution designate a specific geographic area adjacent to a
21 specified ongoing construction project as a temporary construction parking permit area.

22 The resolution shall specify a fixed period of time during which it shall be in effect
23 beginning no earlier than one month following the passage of the resolution and ending
24 no later than one year following the passage of the resolution.

25 **Sec. 21-364. - Parking restrictions.**

26 (a) In any area designated as a temporary construction parking permit area, it shall
27 be unlawful for any person to park or otherwise leave unattended any all-terrain
28 vehicle, bicycle, electric personal assistive mobility device, electric power-
29 assisted bicycle, electric-powered wheeled device, gas-powered wheeled
30 device, low-speed vehicle, moped or similar wheeled device on the street.

31

32 (b) In any area designated as a temporary construction parking permit area, it shall
33 be unlawful for any person to park any motor vehicle on a street anywhere
34 within for longer than a three-hour period in a day unless there is a valid
35 temporary parking permit or temporary guest pass plainly visible from the
36 exterior of the vehicle.

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38 (c) The provisions of (b) shall not apply on weekends or holidays as enumerated in
39 (1) through (10) in Section 2-83

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40 Sec. 21-365. - Permits generally.

41 (a) Following the designation of a temporary construction parking permit area, the
42 City Treasurer or city's parking management office shall issue temporary
43 parking permits for the area so designated. One (1) permit shall be issued, upon
44 application and payment of the prescribed fee, if applicable, for each motor
45 vehicle owned by a person residing on a street within the temporary construction
46 parking permit area, or on a street within a residential area that is contiguous to
47 the temporary construction parking permit area as specified in subsection (b)

48
49 (b) An applicant for a permit shall present his motor vehicle registration and
50 operator's license with the application. No permit shall be issued in the event
51 either the registration or operator's license shows an address not within a
52 designated temporary construction parking permit area, unless the applicant
53 demonstrates to the satisfaction of the City Treasurer or city's parking
54 management office that he is, in fact, a resident of such area, or that he is a
55 resident of a residential area which is contiguous to a designated temporary
56 construction parking permit area and in which neither off-street nor nonmeter-
57 regulated on-street parking is available. Any applicant who is a resident of such
58 a contiguous temporary construction parking permit area shall, upon receipt of a
59 permit issued hereunder, be permitted to park in the designated temporary
60 construction parking permit area. Registered temporary construction parking
61 permit holders may obtain temporary guest passes by applying to either the city
62 treasurer's office or the city's parking systems management office. Temporary
63 guest passes shall be issued and validated for up to seventy-two (72) hours.

64
65 (c) Permits issued pursuant to subsection (a) shall not be transferable, and may be
66 revoked in the event the City Treasurer determines that the owner of the vehicle
67 for which a permit has been issued no longer resides in the temporary
68 construction parking permit area. Upon written notification of such revocation,
69 the holder of the permit shall surrender such permit to the City Treasurer. The
70 willful failure to surrender such permit shall be punishable by a fine in the
71 amount of twenty-five dollars (\$25.00).

72
73 (d) A replacement permit shall be issued upon proof of loss, theft or damage of the
74 original permit, and payment of the replacement fee prescribed in Section 21-
75 370.

76 Sec. 21-366. - Signs.

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77 Following the designation of a residential permit parking area, the traffic engineer shall
78 cause to be posted in appropriate locations within such area signs indicating the
79 restrictions set forth in Section 21-364.

80 **Sec. 21-367. - Unauthorized use or display of permit.**

81 It shall be unlawful for any person to use or display, or to allow to be used or displayed,
82 a permit issued under this Division upon any vehicle other than the vehicle for which the
83 permit was issued.

84 **Sec. 21-368. - Obtaining permit by false pretenses.**

85 It shall be unlawful for any person falsely to represent himself as eligible for a permit
86 under this division or to furnish any false information in, or in conjunction with, an
87 application for a temporary construction parking permit.

88 **Sec. 21-369. - Penalties for violation of restrictions.**

- 89 (a) When a notice or citation is attached to a vehicle parked in violation of Section
90 21-364, the owner may within fourteen (14) calendar days thereafter, pay to the
91 City Treasurer, in satisfaction of such violation, a penalty of seventy dollars
92 (\$70.00). If such payment is not postmarked or received by the City Treasurer
93 within fourteen (14) calendar days after receipt of such notice or citation, the
94 penalty therefore shall be one hundred forty dollars (\$140.00). Additionally, any
95 vehicle parked in violation of Section 21-364 may be towed at the direction of a
96 law enforcement officer.
97
- 98 (b) The failure of any owner to make payment in accordance with subsection (a)
99 above or to present the notice or citation for a violation of Section 21-364 at an
100 office of the City Treasurer for certification to the General District Court within
101 thirty (30) days shall render such owner subject to a fine of not more than fifty
102 dollars (\$50.00) in addition to the penalty set forth in subsection (a) above.
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- 104 (c) A violation of Section 21-367 or 21-368 shall be punishable by a fine in an
105 amount not to exceed one hundred dollars (\$100.00).

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106 Sec. 21-370. - Fees.

107 Fees required under this division shall be set in an amount to be determined by the City
108 Manager or his designee. For a temporary guest permit, no fee. No more than two (2)
109 temporary guest permits shall be issued per week per residence. The city's parking
110 systems management office may consider requests for more than two (2) temporary
111 guest permits per week per residence on a case-by-case basis.

112 Sec. 21-371. - Appointees to enforce parking regulations.

113 The City Manager shall be authorized to appoint city personnel and/or personnel
114 serving under contract with the City, in addition to regular police officers of the city, to
115 enforce the provisions of this Division. Such personnel shall, while performing their
116 duties pursuant to this Division, wear a uniform prescribed by the City Manager.