



HANOVER COUNTY

COMMUNITY DEVELOPMENT COMMITTEE

AGENDA

Hanover County Administration
Building

Board Room

**Monday, October 4, 2021
2:00 p.m.**

COMMUNITY DEVELOPMENT COMMITTEE

Sean Davis
Board of Supervisors
Faye Prichard
Board of Supervisors
Sue Dibble
Board of Supervisors

- I. Call to Order
- II. Consideration of Amendments to the Agenda
- III. Approval of Minutes – May 19, 2021
- IV. Citizens' Time
- V. Presentations and Agenda Items
 - A. Regulation of Parking Large Trucks on Subdivision Streets
- VI. Other Business
- VII. Announcements
- VIII. Adjournment

BOARD OF SUPERVISORS

Sean M. Davis, Chairman
Henry District

Angela Kelly-Wiecek, Vice Chairman
Chickahominy District

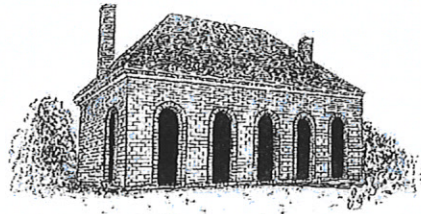
Susan P. Dibble
South Anna District

F. Michael Herzberg IV
Cold Harbor District

W. Canova Peterson
Mechanicsville District

Faye O. Prichard
Ashland District

Aubrey M. Stanley
Beaverdam District



Historic Hanover Courthouse

Office of the County Attorney
COUNTY OF HANOVER
7516 County Complex Road
P. O. Box 470
Hanover, Virginia 23069-0470
(804) 365-6035
(804) 365-6302 (Facsimile)

Dennis A. Walter
County Attorney

Lisa A. Seward
Deputy County Attorney

Rebecca B. Randolph
Deputy County Attorney

Ellen Bowyer
Senior Assistant County Attorney

Elena J. Callwood Hernandez
Assistant County Attorney

Leah D. Han
Assistant County Attorney

MEMORANDUM

TO: Members of Community Development Committee

FROM: Dennis A. Walter, Hanover County Attorney *DAN*

SUBJECT: Proposed ordinance: Parking of commercial vehicles in residential districts

DATE: October 1, 2021

At its March 22, 2021 and May 13, 2021 meetings, the Community Development Committee discussed the possible adoption of parking regulations related to large trucks and other commercial vehicles in residential subdivisions. During those meetings, Committee members discussed the possible parameters of an ordinance, including considerations of sight distance, vehicle size, and the widths of streets in older subdivisions. At the May 2021 meeting, the Committee directed the County Attorney to meet with representative of the Hanover County Sheriff's Office to discuss the draft ordinance that would regulate the parking of these vehicles on residential streets.

Draft Ordinance

Attached to this memo is the draft ordinance that was presented at the May 13, 2021 meeting. The provisions in this ordinance are derived from Sections 46.2-1222.1 and 46.2-1224 of the Code of Virginia (copies of which are attached).

The draft ordinance includes all categories of commercial vehicles that the County is authorized to regulate. The Committee may wish to remove certain categories of vehicles from the draft ordinance that it feels are not parked throughout the County in a way that currently creates a hazard to the traveling public or that would present enforcement issues.

Parking in residential districts
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Representatives of the Sheriff's Office have indicated that they could enforce the draft ordinance, either as proposed (with all categories and classifications included) or with modifications to reduce the applicability of the regulations.

Staff Recommendation

Staff recommends that the Committee forward the Ordinance to the Board, after making necessary amendments to reflect the intent behind the regulation and the enforcement challenges that might be created, with the recommendation that it authorize the advertisement of a public hearing on the Ordinance.

ORDINANCE 21-

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, AS FOLLOWS:

1. BY THE ADDITION OF A NEW SECTION 15-43.2 PROHIBITING THE PARKING OF COMMERCIAL VEHICLES, AS DEFINED IN THE ORDINANCE, ON PUBLIC HIGHWAYS IN THE COUNTY THAT ARE ADJACENT TO PROPERTIES ZONED RS SINGLE-FAMILY RESIDENTIAL DISTRICT, RM MULTI-FAMILY RESIDENTIAL DISTRICT, R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT, R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT, R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT, R-4 RESIDENTIAL CLUSTER DEVELOPMENT DISTRICT, R-5 MULTIPLE-FAMILY RESIDENTIAL DISTRICTS, AND R-6 RESIDENTIAL MOBILE HOMES DISTRICTS, AND THAT VIOLATIONS SHALL BE SUBJECT OF A FINE OF ONE HUNDRED FIFTY DOLLARS (\$150.00); AND
2. BY AMENDING SECTION 15-44, RELATING TO THE WAIVER AND VOLUNTARY PAYMENT OF FINES ASSESSED FOR THE VIOLATIONS OF COUNTY PARKING REGULATIONS.

WHEREAS the Hanover County Code regulates the parking of motor vehicles in certain locations throughout the County; and

WHEREAS the General Assembly amended the enabling legislation contained in the Code of Virginia so that the County is authorized to regulate the parking of commercial vehicles on public highways; and

WHEREAS the Board of Supervisors finds that an amendment to the parking regulations prohibiting the parking of such vehicles on public highways adjacent to properties that are residentially zoned is in the public interest;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Chapter 15, Motor Vehicles and Traffic, be amended by the addition of a Section 15-43.2, Parking of commercial vehicles in residential areas prohibited, which shall read in its entirety as follows

Section 15-43.2. Parking of commercial vehicles in residential areas prohibited.

(a) It shall be unlawful for a person to park, on a public highway adjacent to a residentially zoned property, any commercial vehicle as defined in subsection (e).

(b) A violation of this section shall be punishable by a fine of one hundred fifty dollars (\$150.00).

(c) Every person receiving a citation for violation of this section may waive the right to appear and be tried upon voluntary payment of the amount of one hundred dollars (\$100.00) in accordance with section 15-44 of this article.

(d) A summons or citation for violation of this section may be issued by authorized personnel of the County sheriff's office.

(e) For the purposes of this section:

(1) "Commercial vehicle" means any

- a. solid waste collection vehicle;
- b. tractor truck or tractor truck/semitrailer or tractor truck/trailer combination;
- c. dump truck;
- d. concrete mixer truck;
- e. tow truck with a registered gross weight of 12,000 pounds or more,
- f. heavy construction equipment;
- g. trailer, semitrailer, or other vehicle in which food or beverages are stored or sold;
- h. trailer or semitrailer used for transporting landscaping or lawn-care equipment, whether or not such trailer or semitrailer is attached to another vehicle;
- i. any truck more than 20 feet in length, other than commercial vehicles used by a public service company, those used in the provision of cable television service, or vehicles used in the provision of propane gas service; or
- j. any vehicle that has a gross vehicle weight rating of 12,000 or more pounds.

(2) "Residentially zoned property" means a property zoned RS Single-Family Residential District, RM Multi-Family Residential District, R-1 Single-Family Residential District, R-2 Single-Family Residential District, R-3 Single-Family Residential District, R-4 Residential Cluster Development District, R-5 Multiple-Family Residential Districts, or R-6 Residential Mobile Homes District.

(f) 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; or
 - (2) utility generators located on trailers and being used to power network facilities during a loss of commercial power.
2. That the Hanover County Code, Section 15-44, regarding the waiver and voluntary payment of fines related to the parking of vehicles, be amended to read in its entirety as follows:

Section 15-44. - Waiver and voluntary payment of fine; contest of citation.

- (a) Any person receiving a citation that he has violated section 15-41, 15-42, 15-43, ~~or 15-43.1~~, or 15-48 may waive his right to appear and be tried for the offense set forth in the citation. Such waiver shall be effective upon voluntary payment of the amount specified in the citation to the county treasurer's office, within thirty (30) days from the date written on the citation, or upon voluntarily placing the amount specified in the citation in the reply mail envelope on which the citation is printed and mailing it to the county treasurer's office, so that it is postmarked within thirty (30) days from the date written on the citation. Such person shall not thereafter be required to appear before the general district court for trial upon the charge set forth in the citation. Uncontested payment of parking citation penalties shall be collected and accounted for by the county treasurer's office.
 - (b) Any person who wishes to contest the charged violation must appear in person before the Clerk of the Hanover County General District Court within thirty (30) days from the date written on the citation to have his case placed on the court docket for a hearing. The contest by any person of any parking citation shall be certified on an appropriate form to the Hanover County General District Court.
3. That this ordinance shall be effective on the date of adoption.

Code of Virginia

Title 46.2. Motor Vehicles

Chapter 12. Abandoned, Immobilized, Unattended and Trespassing Vehicles; Parking

§ 46.2-1222.1. Regulation or prohibition of parking of certain vehicles in certain counties and towns.

A. The Counties of Arlington, Fairfax, Frederick, Hanover, Stafford, and Prince William and the Towns of Blackstone, Cape Charles, Clifton, Herndon, Leesburg, Vienna, and West Point may by ordinance regulate or prohibit the parking on any public highway in such county or town of any or all of the following: (i) watercraft; (ii) boat trailers; (iii) motor homes, as defined in § 46.2-100; and (iv) camping trailers, as defined in § 46.2-100.

B. In addition to commercial vehicles defined in § 46.2-1224, any such county or town may also, by ordinance, regulate or prohibit the parking on any public highway in any residence district as defined in § 46.2-100 any or all of the following: (i) any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle; (ii) any vehicle with three or more axles; (iii) any vehicle that has a gross vehicle weight rating of 12,000 or more pounds; (iv) any vehicle designed to transport 16 or more passengers including the driver; and (v) any vehicle of any size that is being used in the transportation of hazardous materials as defined in § 46.2-341.4. The provisions of any such ordinance shall not apply to (i) 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 or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

2000, cc. 72, 270; 2001, c. 144; 2003, cc. 122, 470; 2004, cc. 108, 225, 702; 2009, c. 535; 2011, c. 201; 2014, cc. 49, 680; 2017, c. 556; 2019, cc. 116, 144; 2020, c. 997.

Code of Virginia

Title 46.2. Motor Vehicles

Chapter 12. Abandoned, Immobilized, Unattended and Trespassing Vehicles; Parking

§ 46.2-1224. County ordinances prohibiting certain parking in streets and highways.

A. The governing body of any county may, by ordinance, prohibit any person from parking any motor vehicle, trailer, or semitrailer on or adjacent to the highways in the county when such person parks any such motor vehicle, trailer, or semitrailer for commercial purposes. The provisions of any such ordinance shall not apply to motor vehicle carriers when picking up or discharging passengers.

B. The governing bodies of (i) counties with populations greater than 500,000 and of towns located therein and (ii) counties with populations of at least 210,000 but less than 217,000 may, by ordinance, prohibit any person from parking any commercial vehicle, as defined in this section, on the highways within their respective jurisdiction in areas zoned for residential use. For the purposes of this section, the term "commercial vehicle" may include: (i) any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, tow truck 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; (ii) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold; (iii) any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle; (iv) any vehicle licensed by the Commonwealth for use as a common or contract carrier or as a limousine; (v) any truck more than 20 feet in length, other than commercial vehicles used by a public service company as defined in § 56-1 or by others working on its behalf, or commercial vehicles used in the provision of cable television service as defined in § 15.2-2108.2, or commercial vehicles used in the provision of propane gas service; and (vi) any vehicle carrying commercial freight in plain view. Such ordinance shall permit, however, one resident of each single-family dwelling unit zoned for residential use to park one vehicle licensed as a taxicab or limousine on such highways, provided other vehicles are permitted to park thereon. The provisions of any such ordinance shall not apply to a commercial vehicle when picking up or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

C. The governing bodies of counties with populations greater than 500,000 and the governing bodies of towns within such counties' boundaries may by ordinance prohibit any person from parking any of the following vehicles on the highways within their respective jurisdictions in areas zoned for commercial or industrial use if such highways do not comply with the current geometric design standards of the Virginia Department of Transportation Road Design Manual or Subdivision Street Requirements that would apply had the highways been constructed at the time of adoption of such ordinance: (i) any solid waste collection vehicle, tractor truck, or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, tow truck 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; (ii) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold; or (iii) any trailer or semitrailer used for transporting landscaping or lawn care equipment whether or not such trailer or semitrailer is attached to another vehicle. The provisions of any such ordinance shall not apply to any commercial vehicle when picking up or discharging passengers or when temporarily parked pursuant to the delivery of goods or the performance of work or service at a particular location.

Any violation of the provisions of any such ordinance shall be a traffic infraction.

Code 1950, § 46-259.2; 1952, c. 602; 1958, cc. 10, 541, § 46.1-254; 1989, c. 727; 1996, c. 770; 1997, c. 19; 1998, cc. 391, 403, 424; 2005, c. 293; 2006, cc. 874, 891; 2009, c. 183.