



TOWN COUNCIL
Work Session
Town Hall
September 27, 2012
6:00 PM

1. Call to Order: Roll Call

2. Order of Business
 - A. Town Code Review – Boat Trailer Parking

3. Motion to Adjourn



TOWN OF
CAPE CHARLES

AGENDA TITLE: Town Code Review – Boat Trailer Parking

AGENDA DATE:
September 27, 2012

SUBJECT/PROPOSAL/REQUEST: The next step in boat trailer management

ITEM NUMBER:
2A

ATTACHMENTS: Town Code Sections 42-85 and 42-90, Herndon and Vienna Boat Parking Codes, VA Code 46.2-1222.1

FOR COUNCIL:
Action ()
Information (x)

STAFF CONTACT (s):
Tom Bonadeo - Heather

REVIEWED BY:
Heather Arcos, Town Manager

BACKGROUND:

The disposition of boat trailer parking was discussed at the August Town Council Meeting. Only three Towns in Virginia are allowed by code to regulate boat trailer parking. Cape Charles is not one of the Towns allowed to regulate this vehicle parking.

Staff identified several issues in the Town 42 Code that need to be corrected. Staff also identified issues with some forms of boat trailer parking on the streets and empty lots. If there is any interest in having the ability to regulate boat trailer parking then the Town must work with the General Assembly to be included in the list of Towns allowed to regulate this vehicle parking. This does not mean that we will regulate boat parking but that we will be allowed to regulate it.

This cycle requires the submitting a bill to the legislature to modify the code section 46.2-1222.1 that includes the Town of Cape Charles. This would go through the General Assembly and, if successful, would be effective July 1, 2013. During the time between the end of the general assembly and July of 2013 the Town would modify the “42” code to meet the needs of the Town.

DISCUSSION:

Numerous sections were deleted and other changed. The following points should be noted:

1. 42-90 was not repealed and is specific to recreational equipment and does not allow boat trailers to be parked on the street for more than 48 hours. This code section was missed in the 2008 review and is not in compliance with the State Code.
2. 42-90 also only allows boat trailer parking on lots in the R-1 zone as an accessory use to a residence. This means empty lots cannot be used to park/store boats.
3. The Town of Onancock does not allow any boat parking on streets. They have designated spots at the harbor to park a boat trailer.
4. The Town of Cape Charles has started street cleaning and plans to develop a regular schedule. This would conflict with boats “stored” on the street by other than full time residents.
5. Short term boat parking on the streets is beneficial to the town.
6. Muni-Code is undertaking a code compliance study for the Town. This study is not yet completed.

RECOMMENDATION:

Recommend discussion of boat parking on the street. If the regulation of boat trailer parking is a function that we would like to be able to regulate in any manner, direct staff to precede with working with Delegate Lewis on the requirements.

Cape Charles, Virginia, Code of Ordinances >> - CODE >> Chapter 42 - MOTOR VEHICLES AND TRAFFIC >> ARTICLE V. - IMPOUNDMENT OF VEHICLES CONSTITUTING TRAFFIC HAZARD OR ILLEGALLY PARKED OR ABANDONED, ETC. >>

ARTICLE V. - IMPOUNDMENT OF VEHICLES CONSTITUTING TRAFFIC HAZARD OR ILLEGALLY PARKED OR ABANDONED, ETC. ^[19]

Sec. 42-85. - Authorized.

Sec. 42-86. - Reserved.

Sec. 42-87. - Report to town manager and notice to vehicle owner.

Sec. 42-88. - Reserved.

Sec. 42-89. - Reserved.

Sec. 42-90. - Parking, storage or use of major recreational or mobile living equipment.

Secs. 42-91—42-99. - Reserved.

Sec. 42-85. - Authorized.

- (a) Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or is immobilized on a public roadway by weather conditions or other emergency situation, or whenever any motor vehicle, trailer or semitrailer is left unattended for more than ten days upon any public property or privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, within the town, or is abandoned upon such public property or privately owned property, without the permission of the owner, lessee or occupant thereof, such motor vehicle, trailer or semitrailer may be removed for safekeeping, by or under the direction of a police officer, to a storage garage or area.
- (b) For the purposes of this section, it shall be presumed that a motor vehicle, trailer or semitrailer is abandoned if:
- (1) It is inoperable and is left unattended on public property for more than 48 hours; or
 - (2) It has remained illegally on public property for more than 48 hours; or
 - (3) It has remained for more than 48 hours on private property without the consent of the property's owner, regardless of whether it was brought onto the private property with the consent of the owner or the person in control of the private property; or
 - (4) It lacks either current license plate or a current town decal or a valid state inspection certificate or sticker, and it has been in a specific location for four days without being moved.

(Ord. No. 11, § 1.6; Ord. of 12-12-95)

Sec. 42-86. - Reserved.

Editor's note—

Ord. No. 2008-06-12A, adopted June 12, 2008, repealed § 42-86, which pertained to prerequisites for removal from private property and derived from Ord. No. 11, § 1.6.

Sec. 42-87. - Report to town manager and notice to vehicle owner.

Each removal under this article shall be reported immediately to the police department and notice of such removal shall be given to the owner of the motor vehicle, trailer or semitrailer as promptly as possible.

(Ord. No. 11, § 1.6)

Sec. 42-88. - Reserved.

Editor's note—

Ord. No. 2008-06-12A, adopted June 12, 2008, repealed § 42-88, which pertained to requirements for redemption and derived from Ord. No. 11, § 1.6.

Sec. 42-89. - Reserved.

Editor's note—

Ord. No. 2008-06-12A, adopted June 12, 2008, repealed § 42-89, which pertained to failure to redeem and derived from Ord. No. 11, § 1.6.

Sec. 42-90. - Parking, storage or use of major recreational or mobile living equipment.

- (a) For the purpose of this section, major recreational or mobile living equipment includes travel trailers, coaches, motorized dwellings, tent trailers, boat trailers, amphibious houseboats and the like and case or boxes used for transporting recreational equipment, whether occupied by such equipment or not.
- (b) No major recreational or mobile living equipment shall be parked, stored or used except in approved locations and under the following restrictions and limitations.
 - (1) No such equipment shall be parked in any public street or public right-of-way for more than 48 hours.
 - (2) No such equipment shall be used for living, sleeping or housekeeping purpose except in locations lawfully established for such use; and
 - (3) In districts zoned single-family, two family, or multi-family, major recreational equipment shall be stored only as a use accessory to a permitted principal use.
- (c) Where there are conflicts between this section and other regulations, the provisions of this section shall govern.

(Ord. of 2-8-00; Ord. No. 2008-06-12A, 6-12-08)

Secs. 42-91—42-99. - Reserved.

FOOTNOTE(S):

⁽¹⁹⁾ *State Law reference— Authority for and provisions similar to this article, Code of Virginia, § 46.2-1213. [\(Back\)](#)*

Sec. 42-160. - Parking of trailers, semitrailers or boats in residential zones.

- (a) No person shall park a trailer, semitrailer or boat on or alongside the roads, highways and streets in any area of the town zoned residential use; provided, however, that a trailer, semitrailer or a boat while on a trailer may be parked on such street for the purpose of loading or unloading; provided further, that such trailer, semitrailer or boat while on a trailer may be temporarily parked for necessary repairs for a period not to exceed 72 hours.
- (b) For the purposes of this section, the terms of this section shall be defined as in Code of Virginia, title 46.2.

(Code 1992, § 13-16.7)

State law reference— Authority to prohibit parking in residential areas, Code of Virginia, § 46.2-1220.

HEENDON

Parked more than forty-eight (48) hours	\$25.00
Parked within twenty (20) feet of a corner	\$25.00
Parked within thirty (30) feet of a stop sign or signal	\$25.00
Parked within fifteen (15) feet of fire hydrant	\$25.00
Parked within fifteen (15) feet of fire station entrance	\$25.00
Parked in fire lane	\$25.00
Fail to display valid State license plates	\$25.00
Parked in handicapped parking zone	\$100.00
Other	\$25.00

Failure to pay or make notification to contest parking citation within fourteen (14) days will result in additional penalty of ten dollars (\$10.00).

Sec. 9-13 Parking in Public Place in Excess of Forty-eight (48) Hours Prohibited.

No person shall park or permit to be parked or left standing in any public street, alley or other public place, any vehicle, wagon, automobile or any part thereof, unattended, for a longer continuous period of time than forty-eight (48) hours. (Code 1962, §8-3; 4-3-67)

Sec. 9-13.1 Parking of Commercial Vehicles in Residential Zones Prohibited. (New 7-6-98)

It shall be unlawful to park or, to permit to be parked, or to be left standing on any street or highway in areas zoned for residential use, any commercial vehicle as defined herein except when such commercial vehicle is being used to pick up or discharge passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

For the purposes of this ordinance, the term "commercial vehicle" shall include the following:

1. Any solid waste collection vehicle, tractor truck or tractor truck/semi-trailer, or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle 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 semi-trailer.
2. Any trailer, semi-trailer or other vehicle in which food or beverages are stored or sold;
3. Any trailer, semi-trailer or other vehicle used for transporting landscaping or lawn-care equipment whether or not such trailer or semi-trailer is attached to another vehicle;

4. Any vehicle licensed by the Commonwealth for use as a common or contract carrier or as a limousine.

Notwithstanding the foregoing, one resident of each single family dwelling unit zoned residential may be permitted to park one vehicle licensed as a taxi cab or limousine on such street or highway provided other vehicles are permitted to park thereon.

Violation hereof shall be a traffic infraction.

Sec. 9-13.2. Parking of Watercraft, Boat Trailers, Motor Homes and Camping Trailers and other Devices Prohibited on Public Streets. (New 10-18-11)

A. Definitions

The following words and phrases when used in this Section shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Boat Trailer means any trailer that is designed to be drawn by a motor vehicle on a public highway and to carry one or more watercraft.

Camping Trailer has the meaning set forth in Virginia Code § 46.2-100.

Motor Homes has the meaning set forth in Virginia Code § 46.2-100.

Restricted Vehicle means watercraft, boat trailer, motor home, camping trailer, or any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2.341.4.

Watercraft means any vessel used or capable of being used for navigation or floatation on or through the water, but the term "watercraft" does not include any vessel that has been licensed to operate on public highways as a motor vehicle.

- B. It shall be unlawful for any person to park a restricted vehicle on any public street or highway in the Town of Vienna, provided that a restricted vehicle may be parked on such street for the purpose of actively loading or unloading or for performing emergency repairs. Any person convicted of violating any provision of this Section

shall be subject to the penalties set forth in Section 9-12.3.5 of the Code of the Town of Vienna. Vehicles parked in violation of these provisions may be towed at the owner's expense.

- C. The Director of the Department of Finance shall collect and account for all uncontested payments of parking citation penalties under this Section and any contest by any person of any parking citation shall be certified by said Director in writing, on an appropriate form, to the Town of Vienna General District Court. The Director of the Department of Finance shall cause complaints, summons, or warrants to be issued for delinquent parking citations.

Sec. 9-14 Display of Current State Inspection Sticker Required; Exception.⁷

(a) It shall be unlawful for any person to operate any motor vehicle on the streets of the Town or for any person to knowingly permit a motor vehicle owned by him to be operated by another on the streets of the Town unless there is displayed on such vehicle in a location approved by the Department of State Police a current and valid approval inspection sticker furnished by the Department of State Police to the owner of the vehicle for that particular vehicle as provided in Article 10, Chapter 4, Title 46.2 of the Code of Virginia.

(b) The provisions of this section shall not apply to any vehicle used for transporting well drilling machinery licensed under §46.2-700 of the Code of Virginia (Code 1962, §8-135; 4-3-67).

Sec. 9-15 Arrest for Violations of Chapter; Release on Summons and Promise to Appear; Admitting to Bail; Violations.⁸

(a) Whenever any person is arrested for a violation of any provision of this Chapter, the arresting officer shall, except as otherwise provided in §9-16, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest, unless the person arrested shall demand an earlier hearing, and such person shall, if he so desires, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour, and before a court having jurisdiction within the Town. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place forthwith release him from custody.

⁷ For State law as to inspection of vehicles, see Code of Va. §§46.2-1157 to 46.2-1187.

⁸ For similar State law, see Code of Va. §46.2-936.

(b) Any person refusing to give such written promise to appear shall be taken immediately by the arresting or other police officer before the nearest or most accessible judicial officer or other person qualified to admit to bail having jurisdiction under this chapter.

(c) Any person who willfully violates his written promise to appear, given in accordance with this section, shall be guilty of a misdemeanor, regardless of the disposition of, and in addition to, the charge upon which he was originally arrested.

(d) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and subject to removal therefrom upon complaint filed by any person in a court of competent jurisdiction. This section shall not be construed to limit the removal of a police officer for other misconduct in office.

Sec. 9-16 When Arresting Officer Shall Take Person Before Judicial Officer in Lieu of Issuing Summons.⁹

If any person is:

- (1) Arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person;
- (2) Believed by the arresting officer to have committed a felony;
- (3) Believed by the arresting officer to be likely to disregard a summons issued under §9-15;
- (4) Charged with reckless driving;

the arresting officer, unless he issues a summons, shall take such person forthwith before the nearest or most accessible judicial officer or other person qualified to admit to bail in lieu of issuing the summons required by §9-15 who shall determine whether or not probable cause exists that such person is likely to disregard a summons, and may issue either a summons or warrant as he shall determine proper.

Sec. 9-17 Conditions Precedent to Issuance of Warrant for Violation of Parking Regulations.¹⁰
(Amend. 11-74; 12-74; 4-80; 9-83; 10-87)

If any person fails to comply with any written notice of violation of any provisions of this chapter or any regulation regulating parking, such person shall be notified in writing by certified

⁹ For similar state law, see Code of Va., §46.2-940.

¹⁰ For similar state law, see Code of Va., §46.2-941.

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

A. The Counties of Arlington, Fairfax, Hanover, Stafford, and Prince William and the Towns of Clifton, Herndon, and Vienna 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.