

STOPPING, STANDING AND PARKING

Chapter 89**STOPPING, STANDING AND PARKING**

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[HISTORY: Adopted by the Township Council of the Town of Middleburg 3-8-1990.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Vehicles, traffic and driving while intoxicated - See Ch. 107.

ARTICLE I
General Regulations

§ 89-1. Parking prohibited in specified places

A. No person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk or in front of a sidewalk apron. [3-11-10]
- (2) In front of a public or private driveway.
- (3) Within an intersection.
- (4) Within fifteen (15) feet of an intersection with no curbing or within twenty (20) feet of an intersection with curbing [3-11-10]
- (5) Within fifteen (15) feet of a fire hydrant.
- (6) Parked in any manner which obstructs traffic.
- (7) Parked in the wrong direction facing traffic. [3-11-10]
- (8) On a pedestrian crosswalk or within twenty (20) feet of a pedestrian crosswalk at an intersection. [3-11-10]
- (9) Within thirty (30) feet of any flashing beacon, stop sign or traffic control signal located at the side of a roadway.
- (10) Within fifteen (15) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station. [3-11-10]
- (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.

¹ Editor's Note: This ordinance was originally adopted as Ch. 109, but was redesignated as Ch. 89 to maintain the alphabetical sequence of the Code.

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- (12) On the roadway side of any vehicle parked at the edge or curb of a street (double-parking).
 - (13) In a designated fire lane.
 - (14) In a space marked for handicap parking.
 - (15) At any place where official signs prohibit or otherwise restrict parking [5-12-1994]
- B. No person other than a police officer shall move a vehicle into any such prohibited area or away from a curb such distance as is unlawful or start or cause to be started the motor of any motor vehicle or shift, change or move the levers, brakes, starting device, gears or other mechanism of a parked motor vehicle to a position other than that in which it was left by the owner or driver thereof or attempt to do so. [3-11-10]

§ 89-2. Parking on private property.

No person shall stand or park a vehicle on any private lot or lot area without the express or implied consent of the owner thereof. Whenever signs or markings have been erected on any lot or lot area, contiguous or adjacent to a street, thoroughfare or alley, indicating that no vehicles are permitted to stand or park thereon, it shall be unlawful for any person to drive a vehicle across a curb or lot line or over any driveway from a street or alley into such lot or area for the purpose of standing or parking such vehicle or for any person to stop, stand or park any vehicle in such lot or lot area. Any such vehicle may be towed by the request of the owner or guardian of the private property or lot. The owner of the vehicle towed will be responsible for any expenses incurred.

§ 89-3. Parking for certain purposes prohibited

- A. It shall be unlawful for any person to park or place any automobile truck, trailer or other vehicle upon or in any street, alley or parkway for the purpose of selling or offering the same for sale or rent. No sign or lettering shall be attached or placed upon any automobile, truck, trailer or other vehicle parked in or upon any public street, alley or parkway of the town indicating that such vehicle is offered for sale or for rent. It shall also be unlawful to park any vehicle from which any merchandise is being sold upon any street in a business district.
- B. It shall be unlawful to stop a vehicle at any time upon town streets for the purpose of advertising any article of any kind or to display thereupon advertisements of any article or advertisement for the sale of the vehicle itself.
- C. It shall be unlawful to park or place any trailer that is not attached to a vehicle upon or in any street, alley or parkway, unless otherwise directed by the Chief of Police. [3-11-10]

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§ 89-4. Stopping on roadways

- A. No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the roadway by others, except in the case of an emergency as a result of an accident or mechanical breakdown, in which case a report shall be made to the nearest police officer as soon as practicable and the vehicle shall be removed from the roadway to the shoulder as soon as practicable and the vehicle shall be removed from the shoulder without unnecessary delay; and, if such vehicle is not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard. [3-11-10]
- B. No person shall leave any vehicle, attended or unattended, upon the paved traffic lane of any street when it is practicable to leave such vehicle standing off the paved traffic lane of such street.
- C. Except when actually loading or unloading merchandise as provided in § 89-6, no vehicle shall be stopped except close to and parallel with the right-hand curb. In no instance shall such vehicle be parked with the rear wheels farther than six (6) inches from the curb.
- D. The provisions of this section shall not apply to any vehicle owned or controlled by the State Department of Transportation or the town, including State and/or Town contractors, while actually engaged in the construction, reconstruction or maintenance of streets. [3-11-10]

§ 89-5. Backing up to curbs

No vehicle shall be backed up to a curb except during the time actually engaged in loading or unloading merchandise therefrom.

§ 89-6. Discharging of cargo or passengers; school buses

No truck or bus or part thereof, except a school bus, shall be stopped on the traveled portion of any street for the purpose of taking on or discharging cargo or passengers unless the operator cannot leave the traveled portion of the street with safety. A school bus may be stopped on the traveled portion of the street when taking on or discharging school children, but these stops shall be made only at points where it can be clearly seen for a safe distance from both directions.

§ 89-7. [Repealed 3-11-10] Reserved**§ 89-8. [Repealed 3-11-10] Reserved**

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§ 89-9. Inoperative and Unlicensed vehicles

It shall be unlawful to park, or permit to stand, any vehicle having no current state license, current Virginia state inspection or current locality vehicle sticker, if required, on any street or highway. [3-11-10]

§ 89-10. Use of loading zones

Where a loading and unloading zone has been set apart by the Mayor in accordance with applicable provisions of this chapter, the following regulations shall apply with respect to the use of such areas: [Amended 2-9-06]

- A. No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zone are in effect.
- B. The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of and while actually engaged in loading or unloading passengers or bundles when such stopping does not interfere with any vehicle used for the transportation of materials which is waiting to enter or is about to enter such loading space.

§ 89-11. [Repealed 2-9-06] Reserved**§ 89-12. Removal and disposition of unattended vehicles**

- 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, any 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. Each removal shall be reported immediately to the Chief of Police, who shall give notice to the owner of the motor vehicle, trailer or semitrailer as promptly as possible. The owner, before obtaining possession of the motor vehicle, trailer or semitrailer, shall pay to the town all reasonable costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer. Should the owner fail or refuse to pay the costs or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search has been made and after notice to the owner at his last known address and to the holder of any lien of record in the office of the Division of Motor Vehicles against the motor vehicle, trailer or semitrailer, the Chief of Police may, after holding the motor vehicle, trailer or semitrailer ninety (90) days and after due notice of sale, dispose of the same at public sale, and the proceeds from the sale shall be forwarded by the Chief of Police to the Treasurer of the town.

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- B. The Treasurer shall pay from the proceeds of the sale the cost of renewal, storage, investigation as to ownership and liens and notice of sale, and the balance of such funds shall be held by him for the owner and paid to the owner upon satisfactory proof of ownership.

§ 89-13. Enforcement; violations and penalties

- A. Each police officer charged with the duty of enforcing this Article shall take the tag number of the vehicle in violation, and note the time and specific offense. [3-11-10]
- B. The officer shall attach to such vehicle a notice to the owner thereof that such vehicle has been parked in violation of a provision of the parking ordinance and instructing such owner when and where to report with reference to such violation. [3-11-10]
- C. Except as otherwise provided in this Article, each owner may, within seventy-two (72) hours of the time when such notice was attached to such vehicle, pay to the Town Clerk a penalty for and in full satisfaction of the reported violation(s) in the amount(s) set forth in the Schedule of Stopping, Standing and Parking Fees attached hereto. The failure of such owner to make such payment to the Town Clerk within seventy-two (72) hours shall increase the amount payable to the amount as set forth in the Schedule of Stopping, Standing and Parking Fees attached hereto and shall render such owner subject to the issuance of a warrant or summons as provided in § 89-14. [**Amended 6-14-1990; 1-10-1991; 5-12-1994; 4-11-02, 2-9-06; 3-11-10; 10-25-12**]

§ 89-14. Accounting for payment of fines; issuance of warrants

Voluntary payments made under § 89-13 shall be collected and accounted for by the Town Clerk. When payment is not voluntarily made, the parking violation citation shall be certified on an appropriate form to the General District Court of Loudoun County by the reporting police officer, and the police officer shall cause complaints, summons or warrants to be issued on the delinquent citations.

ARTICLE II
Parking Meters/Zones

§ 89-15. Parking meter zones

- A. The following described parts of streets in the Town are hereby established as two-hour parking zones, as identified by a parking meter or signage: [**Amended 5-8-97; 3-11-10; 10-25-12; 09-26-13**]

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Madison Street between Federal Street and Marshall Street.

Washington Street (U.S. Route 50) between Pickering Street and Liberty Street

North Pendleton Street (two northern most parking spaces located on the northeast corner of the intersection of Pendleton/Marshall Street)

- B. The following described areas or parts of streets in the Town are hereby established as eight-hour parking zones, as identified by parking meters or signage: **[Amended 3-11-10; 10-25-12; 09-26-13]**

The Municipal Parking Lot at the Northeast corner of Pendleton Street and Federal Street.

The Municipal Parking Lot at Liberty Street.

The west side of Federal Street.

South Pendleton Streets.

North Liberty Street.

Washington Street located west of Pickering Street

Washington Street located east of Liberty Street

- C. The following described areas or parts of streets in the Town are hereby established as fifteen minute parking zones, as identified by signage: **[Added 09-26-13]**

North Pendleton Street (parking space located at the intersection of Pendleton/Washington Streets and two southern most parking spaces located on the northeast corner at the intersection of Pendleton/Marshall Streets)

§ 89-16. Applicability

The provisions of §§ 89-15 through 89-24 shall apply to parking only between the hours of 9:00 a.m. and 5:00 p.m. Monday through Saturday, except for Federal Holidays. **[Amended 5-12-1995; 5-8-1997; 4-11-02]**

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§ 89-17. Marking of spaces adjacent to meters

Designated officers and employees of the Town shall place lines or markings in the curb or on the street to designate the parking spaces for the parking zones identified in Section 89-15. It shall be unlawful for any person to park any vehicle in the spaces referred to except within the lines and markings so established. [Amended 3-11-10; 10-25-12]

§ 89-18. Use of meters [Amended 8-10-95; Amended 7-8-99.]

- A. Except as provided in Section 89-18.1, below, when any vehicle shall be parked in any space alongside of or next to which a parking meter is located, the operator of such vehicle shall, upon entering the parking space, immediately deposit or cause to be deposited one (1) or more coins of the United States of America in such parking meter, but not to exceed the time limits provided in § 89-15 and the parking space may then be lawfully occupied by such vehicle during the period prescribed as the parking time allowed in such zone or the portion thereof for which the necessary coin or coins have been deposited. If such vehicle shall remain in such parking space beyond the parking limit prescribed for such parking space, then upon the expiration of the parking limit or the portion thereof for which the necessary coin or coins have been deposited, the parking meter shall display a sign or signal showing illegal parking, in which even the vehicle parked in such parking space shall be considered as parked overtime and beyond the period, and the parking of a vehicle overtime in any such part of a street where any such meter is located shall be a violation of this section and punished as provided in § 89-21.
- B. In addition to the provisions noted in Section 89-18 A above, should a vehicle because of its size or attached trailer take up more than one meter space the operator of such vehicle shall deposit coins into each additional meter being occupied. [Amended by addition 2-9-06]

§ 89-18.1. Exemptions [Added 7-8-99]

Free parking in metered zones is granted to vehicles having license plates bearing Purple Heart and Former POW designations and handicapped tags. [Amended 1-9-06]

§ 89-18.2 Parking Meter Fees [Added 3-11-1993; Amended 3-11-2010]

The fees for parking meters shall be \$0.05 for six (6) minutes; \$0.10 for twelve (12) minutes; \$0.25 for thirty (30) minutes; and \$1.00 for every two (2) hours for the parking meters located in the two hours zoned as described in Section 89-15(A). The fees for parking meters shall be \$.05 for twelve (12) minutes; \$.10 for twenty-four (24) minutes; \$0.25 for each (1) hour; and \$1.00 for four (4) hours for the parking meters located in the eight-hour zones as described in Section 89-15(B) [Amended 4-11-02; 5-9-02; 02-09-06; 3-11-10]

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§ 89-19. Depositing of slugs

It shall be unlawful to deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for a coin of the United States.

§ 89-20. Tampering with meters

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter.

§ 89-20.1 Interference with Enforcement [Added 10-25-12]

It shall be unlawful to erase, remove or cover up chalk mark placed for identification purposes of any vehicle by any police officer enforcing the provisions of this Article without removing such vehicle from a parking space in such a manner that the space is completely vacated by that vehicle.

It shall be unlawful for any person to remove or destroy any ticket or record of any violation of the sections of this Article.

§ 89-21. Violations and penalties

- A. Each officer charged with the duty of enforcing this Article shall attach to any vehicle parked in violation of the provisions of this Article a notice to the owner thereof that such vehicle has been parked in violation of a provision of the parking meter ordinance and instructing such owner when and where to report with reference to such violation.
- B. Each such owner may, within seventy-two (72) hours of the time when such notice was attached to such vehicle, pay to the Town Clerk a penalty for and in full satisfaction of such violations in the amount(s) as set forth in the Schedule of Stopping, Standing and Parking Fees attached hereto. The failure of such owner to make such payment to the Town Clerk within seventy-two (72) hours shall increase the amount payable to the amount(s) as set forth in the Schedule of Stopping, Standing and Parking Fees attached hereto and shall render such owner subject to the issuance of a warrant or summons as provided in Section 89-25 [Amended 4-11-02; 2-9-06; 3-11-10; 10-25-12]

§ 89-22. [Repealed 3-11-10] Reserved

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§ 89-23. Loading or unloading; receiving and discharging passengers

Operators of delivery vehicles may use without deposit any parking meter space during the actual loading and unloading of such delivery vehicles. Operators of passenger vehicles, commercial or private, may use without deposit a parking meter space for the purpose of promptly receiving or discharging any passenger while the operator remains in the vehicle.

§ 89-24. Presumption of guilt of owner

The owner of any vehicle parked in violation of the parking meter regulations shall be prima facie guilty of such violation.

§ 89-25. Accounting for payment of fines; issuance of warrants

Voluntary payments made under § 89-21 shall be collected and accounted for by the Town Clerk. Where payment is not voluntarily made, the parking citation shall be certified on an appropriate form to the General District Court of Loudoun County by the reporting police officer, and the police officer shall cause complaints, summons or warrants to be issued for delinquent parking citations.

§ 89-26. Effect on other regulations

Nothing in §§ 89-15 through 89-24 shall alter or affect any existing ordinance, rule or regulation or any ordinance, rule or regulation hereafter adopted relating to traffic or parking on any other street, alley, lane or highway within the town other than those included within the parking meter zones herein established.

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SCHEDULE OF STOPPING, STANDING AND PARKING PENALTIES
Adopted: 10/25/12

Description of Violation	Ordinance Section	Fine If Paid Within 72 Hours	Fine If Paid After 72 Hours
Expiration of Parking Meter	Chapter 89, Article II	\$20	\$45
Parked Blocking Driveway	Chapter 89, Article I	\$30	\$55
Parked in Wrong Direction Facing Traffic	Chapter 89, Article I	\$30	\$55
Parked within 15 feet of Fire Hydrant	Chapter 89, Article I	\$30	\$55
Parked in No Parking Zone	Chapter 89, Article I	\$30	\$55
Parked Obstructing Traffic	Chapter 89, Article I	\$30	\$55
Parked Obstructing Fire or Rescue Station	Chapter 89, Article I	\$30	\$55
Parked in Designated Fire Lane	Chapter 89, Article I	\$50	\$75
Parked in Handicapped Parking	Chapter 89, Article I	\$100	\$125
Other Parking Violations*	Chapter 89, Article I	\$30	\$55
Parked on Street with expired or no State license plates, State inspection sticker or Town sticker	Chapter 89, Section 89-9	\$30	\$55

*Items that would fall under “Other Parking Violations” would include: on a sidewalk or in front of a sidewalk apron; within an intersection; within fifteen feet of an intersection with no curbing or twenty feet of an intersection with curbing; on a pedestrian crosswalk or within 20 feet of a pedestrian crosswalk at an intersection; within thirty feet of a flashing beacon, stop sign or traffic control signal; along or opposite any street excavation or obstruction when such parking would obstruct traffic; parked for the purpose of selling the vehicle; parking any vehicle from which any merchandise is being sold upon the street; advertising any article of any kind; a trailer not attached to a vehicle; stopped on roadways; backed up to a curb; and unauthorized use of a loading zone or any other parking violation set forth in Section 89-1.