

## STOPPING, STANDING AND PARKING

**Chapter 89****STOPPING, STANDING AND PARKING**

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## STOPPING, STANDING AND PARKING

**[HISTORY: Adopted by the Township Council of the Town of Middleburg 3-8-1990.<sup>1</sup> 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, unless in a marked, designated parking space. [12-08-16]
  - (9) Within thirty (30) feet of any flashing beacon, stop sign or traffic control signal located at the side of a roadway, unless in a marked, designated parking space [12-08-16].
  - (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]

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<sup>1</sup> 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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- (11) Alongside or opposite any street excavation or obstruction when such parking would obstruct traffic.
  - (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 without a handicapped parking permit as approved by a State Department of Motor Vehicles [12-08-16].
  - (15) At any place where official signs prohibit or otherwise restrict parking **[5-12-1994]**
  - (16) In such a manner that passenger vehicle straddles more than one parking space [12-08-16]
- 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 [Amended 6-8-17]**

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 person who requests removal of the vehicle from private property shall indemnify the Town for any loss or expenses incurred as a result of the removal.

**§ 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. This provision

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shall not apply to a vehicle that is registered with the Virginia Department of Motor Vehicles as a for-hire vehicle. [amended 6-8-17]

- 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]

**§ 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 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. [12-08-16]
- D. The provisions of this section shall not apply to any vehicle owned or controlled by the Virginia Department of Transportation or the Town, including State and/or Town contractors, while actually engaged in the construction, reconstruction or maintenance of streets. [12-08-16]

**§ 89-5 Backing up to curbs [Amended 6-8-17]**

No vehicle shall be backed up to a curb except during the time actually engaged in loading or unloading merchandise therefrom, in a manner that does not block the roadway, disrupt the flow of traffic, or create hazardous conditions.

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**§ 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****§ 89-9 Inoperative and Unlicensed vehicles**

It shall be unlawful to park, or permit to stand, any vehicle having no current state license, current state inspection or current locality vehicle sticker, if required, on any street or highway. [12-08-16]

**§ 89-10 Use of 15 Minute Parking & Loading Zones [12-08-16]**

Where a loading and unloading zone has been set apart by the Town Administrator 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.
- C. For the purpose of efficient use of parking spaces, the Town Administrator may designate combined 15-Minute Parking and Loading Zones that shall be available for both delivery and passenger vehicles during the times identified on the associated signage. [Added 12-08-16]

**§ 89-11 [Repealed 2-9-06] Reserved**

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**§ 89-12 Removal and disposition of unattended vehicles [Amended 12-08-16; ]**

- 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 towed under the direction of a police officer. Each removal shall be reported immediately to the Chief of Police. The owner, before obtaining possession of the motor vehicle, trailer or semitrailer, shall pay to the parties entitled thereto all costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer. [Amended 6-8-17]

**§ 89-13 Enforcement; repeat offenders; violations and penalties**

- A. Each police officer enforcing this Article shall take the tag number of the vehicle in violation, and note the date, time, location and code section of the offense. [3-11-10; 6-8-17]
- 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. Each owner who elects not to contest such notice as provided in §89-13.1 may, within seven (7) days of the time when such notice was attached to such vehicle, pay to the Town Clerk, or designee, 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, or designee, within seven (7) days shall increase the amount payable to the amount 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, or designee, within forty-five (45) days shall further increase the amount payable to the amount as set forth in the Schedule of Stopping, Standing and Parking Fees attached hereto. [Amended 6-14-1990; 1-10-1991; 5-12-1994; 4-11-02, 2-9-06; 3-11-10; 10-25-12; 12-08-16; 6-8-17; 11-9-17]
- D. In the event an owner receives three or more citations for the same violation within a one year period, the owner shall be deemed to be a “repeat offender” and shall pay to the Town Clerk, or designee, the penalty for repeat offenders 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, or designee, within seven (7) days shall increase the amount payable for repeat offenders to the amount 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, or designee, within forty-five (45) days shall further increase the amount payable to the

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amount as set forth in the Schedule of Stopping, Standing and Parking Fees attached hereto **[Added 03/23/17; Amended 11/9/17]**

- E. Once declared a repeat offender, the owner shall continue to incur fines as a repeat offender unless a one year period has lapsed since the time of the last violation. Should a repeat violation occur after more than one year, the fine shall be the same as for a first time violation. **[Added 03/23/17]**

**§ 89-13.1 Contest of Violation [Added 12-08-16; Amended 6-8-17]**

Such notice issued pursuant to §89-13 shall specify the violation and shall inform the operator when and where he may report with reference to such violation. Such officer shall give a proper accounting of each and every traffic citation or notice, report the violation to the Police Chief, and make proper complaint. The operator of any vehicle to which a citation or notice is attached pursuant to §89-13 may contest the offense set forth in the citation or notice within seven (7) days of the issuance of the citation or notice by appealing to the Police Chief or designee on a form for that purpose. The form shall set out the following: (1) specific charge; (2) the date and time of the offense; (3) the operator's reasons for contesting the violation; and (4) a notice that fines will be imposed if the operator of the vehicle does not contest the parking citation or if the operator of the vehicle contests the parking citation but is found guilty. Upon receiving the above-mentioned notice from the owner contesting the parking violation, the Police Chief, or designee, shall schedule an administrative hearing date, and serve the owner with notice thereof. The Chief of Police, or designee, may dismiss or modify the parking citation. If the Police Chief, or designee, determines that a parking violation has occurred, the owner shall be required to pay the fines.

If the operator is aggrieved by the decision of the Chief of Police or designee, the operator may request a court hearing by filing a notice form with the Chief of Police within seven (7) days of the date of the administrative hearing. Upon receiving the above-mentioned notice from the owner requesting a court hearing, the Police Chief, or designee, shall schedule the court hearing date, and serve the owner with notice thereof.

If the owner fails to request an administrative hearing or court hearing as provided above, or failed to pay the above-mentioned fees associated with the parking violation to the Town Clerk, or designee, within forty-five (45) days from the date of the offense as indicated on the parking citation, the owner shall be subject to the collection of unpaid fines as provided in § 89-14.1.

**§ 89-14 Accounting for payment of fines [Amended 12-08-16]**

Voluntary payments made under §89-13 shall be collected and accounted for by the Town Clerk or designee.

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**§ 89-14.1 Collection of Unpaid Fines [Added 12-08-16; Amended 03-23-17; 06-08-17]**

When a person receiving a notice for parking a vehicle in violation of this Article does not pay the fine due within forty-five (45) days and did not notify the Chief of Police or designated agent of his intention to contest the citation as allowed in § 89-13.1, the Chief of Police, or designee, shall place a stop record order through the Virginia Department of Motor Vehicles, as allowed under Virginia Code §46.2-752(J), which will result in a suspension of their DMV privileges for said vehicle, including the renewal of their registration, until the fines, fees and costs for the parking citation(s) are paid in full and satisfactory evidence thereof is presented to the Chief of Police, who shall then notify the Commissioner of the Department of Motor Vehicles to lift said stop record order.

ARTICLE II  
**Parking Zones**

**§ 89-15 Parking zones [Amended 12-08-16]**

- A. Parts of streets in the Town may be established as three-hour parking zones, as approved by the Town Administrator and identified by signage.
- B. Parts of streets in the Town may be established as eight-hour parking zones, as approved by the Town Administrator and identified by signage.
- C. Parts of streets in the Town may be established as fifteen minute parking and/or loading zones, as approved by the Town Administrator and identified by signage.

**§ 89-16 Applicability**

The provisions of §§ 89-15 through 89-24 shall apply to parking only between the hours of 7:00 a.m. and 7:00 p.m. [Amended 5-12-1995; 5-8-1997; 4-11-02; 12-08-16]

**§ 89-17 Marking of parking spaces [Amended 3-11-10; 10-25-12; 12-08-16]**

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.

**§ 89-18 Use of signage/overtime parking [Amended 8-10-95; Amended 7-8-99; 12/08/16]**

- A. Designated officers and employees of the Town shall erect signage identifying the parking zones as identified in §89-15. If a vehicle remains in such parking space beyond the parking limit prescribed for such parking space, then upon the



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expiration of the parking limit, the parking of that vehicle shall be a violation of this section and punished as provided in § 89-21.

**§ 89-19 Reserved [Repealed 12-08-16]**

**§ 89-20 Interference with Enforcement [Added 10-25-12; Amended 12-08-16]**

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 Enforcement; Repeat Offenders; Violations and penalties [Amended 4-11-02; 2-9-06; 3-11-10; 10-25-12; 12-08-16; 03-23-17; 06-08-17; 11-09-17]**

- A. Each officer charged with the duty of enforcing this Article shall take the tag number of the vehicle in violation, and note the date, time, location and code section of the offense.
- B. The officer shall attach to such 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 ordinance and instructing such owner when and where to report with reference to such violation.
- C. Each such owner who elects not to contest such notice as provided in §89-21.2 may, within seven (7) days of the time when such notice was attached to such vehicle, pay to the Town Clerk, or designee, 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, or designee, within seven (7) days shall increase the amount payable to 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, or designee, within forty-five (45) days shall further increase the amount payable to the amount as set forth in the Schedule of Stopping, Standing and Parking Fees attached hereto
- D. In the event an owner receives three or more citations for the same offense within a one year period, the owner shall be deemed to be a “repeat offender” and shall pay to the Town Clerk, or designee, a penalty for repeat offenders 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, or designee, within seven (7)

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days shall increase the amount payable for repeat offenders to the amount 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, or designee, within forty-five (45) days shall further increase the amount payable to the amount as set forth in the Schedule of Stopping, Standing and Parking Fees attached hereto [Added 03-23-17; Amended 11-09-17]

- E. Once declared a repeat offender, the owner shall continue to incur fines as a repeat offender unless a one year period has lapsed since the time of the last violation. Should a repeat violation occur after more than one year, the fine shall be the same as for a first time violation. [Added 03-23-17]

**§ 89-21.1 Contest of Violation [Added 12-08-16; Amended 6-8-17]**

Such notice issued pursuant to Section 89-21 shall specify the violation and shall inform the operator when and where he may report with reference to such violation. Such officer shall give a proper accounting of each and every traffic citation or notice, report the violation to the Police Chief, and make proper complaint. The operator of any vehicle to which a citation or notice is attached pursuant to § 89-21 may contest the offense set forth in the citation or notice within seven (7) days of the issuance of the citation or notice by appealing to the Police Chief or designee on a form for that purpose. The form shall set out the following: (1) specific charge; (2) the date and time of the offense; (3) the operator's reasons for contesting the violation; and (4) a notice that fines will be imposed if the operator of the vehicle does not contest the parking citation, or if the operator of the vehicle contests the parking citation but is found guilty. Upon receiving the above-mentioned notice from the owner contesting the parking violation, the Police Chief, or designee, shall schedule an administrative hearing date, and serve the owner with notice thereof. The Chief of Police, or designee, may dismiss or modify the parking citation. If the Police Chief, or designee, determines that a parking violation has occurred, the owner shall be required to pay the fines.

If the owner is not pleased with the outcome of the administrative hearing, the owner may request a court hearing by filing a notice form with the Police Chief within seven (7) days of the date of the administrative hearing. Upon receiving the above-mentioned notice from the owner requesting a court hearing, the Police Chief, or designee, shall schedule the court hearing date, and serve the owner with notice thereof.

If the owner fails to request an administrative hearing or court hearing as provided above, and fails to pay the above-mentioned fees associated with the parking violation to the Town Clerk, or designee, within forty-five (45) days from the date of the offense as indicated on the parking citation, the owner shall be subject to the collection of unpaid fines as provided in § 89-21.2.

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**§ 89-21.2 Collection of Unpaid Fines [Added 12-08-16; Amended 03-23-17; 6-8-17]**

When a person receiving a notice for parking a vehicle in violation of this Article does not pay the fine due within forty-five (45) days and did not notify the Chief of Police or designated agent of his intention to contest the citation as allowed in §89-21.1, as permitted by this Article, the Chief of Police shall place a stop record order through the Virginia Department of Motor Vehicles, as allowed under Virginia Code Section 46.2-752(J), which will result in a suspension of their DMV privileges for said vehicle, including the renewal of their registration, until such fines, fees and costs for the parking citation(s) are paid in full and satisfactory evidence thereof is presented to the Chief of Police, who shall then notify the Commissioner of the Department of Motor Vehicles to lift said stop record order.

**§ 89-22 [Repealed 3-11-10] Reserved****§ 89-23 [Repealed 12-08-16] Reserved****§ 89-24. Presumption of guilt of owner [Amended 12-08-16]**

In any prosecution charging a violation of this ordinance, proof that the vehicle described in the parking ticket citation or warrant was parked in violation of this Ordinance, together with proof that the defendant was at the time the registered owner of the vehicle, as required in Virginia Code § 46.2-600 et. seq., shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation.

**§ 89-25 Accounting for payment of fines [Amended 12-08-16]**

Voluntary payments made under § 89-21 shall be collected and accounted for by the Town Clerk, or designee.

**§ 89-26 Effect on other regulations [Amended 12-08-16]**

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 zones established in accordance with the provisions of this Article.

## STOPPING, STANDING AND PARKING

**SCHEDULE OF STOPPING, STANDING AND PARKING PENALTIES**

Adopted: 10/25/12; Amended 12/08/16; Amended 3/23/2017; Amended 11/09/2017

<b>Description of Violation</b>	<b>Ordinance Section</b>	<b>Fine If Paid Within 7 Days</b>	<b>Fine If Not Paid After 7 Days</b>	<b>Fine If Not Paid After 45 Days</b>	<b>Fine For Repeat Offenders</b>	<b>Fine For Repeat Offenders if Not Paid After 7 Days</b>	<b>Fine For Repeat Offenders If Not Paid After 45 Days</b>
Overtime Parking	Chapter 89, Article II	\$30	\$55	\$80	\$100	\$200	\$225
Parked Blocking Driveway	Chapter 89, Article I	\$30	\$55	\$80	\$100	\$200	\$225
Parked in Wrong Direction Facing Traffic	Chapter 89, Article I	\$30	\$55	\$80	\$100	\$200	\$225
Parked within 15 feet of Fire Hydrant	Chapter 89, Article I	\$50	\$75	\$100	\$100	\$200	\$225
Parked in No Parking Zone	Chapter 89, Article I	\$30	\$55	\$80	\$100	\$200	\$225
Parked Obstructing Traffic	Chapter 89, Article I	\$30	\$55	\$80	\$100	\$200	\$225
Parked Obstructing Fire or Rescue Station	Chapter 89, Article I	\$50	\$75	\$100	\$100	\$200	\$225
Parked in Designated Fire Lane	Chapter 89, Article I	\$50	\$75	\$100	\$100	\$200	\$225
Parked in Handicapped Parking	Chapter 89, Article I	\$150	\$175	\$200	\$300	\$500	\$525
Other Parking Violations*	Chapter 89, Article I	\$30	\$55	\$80	\$100	\$200	\$225
Parked on Street with expired or no State license plates, State inspection sticker or Town sticker	Chapter 89, Article I	\$30	\$55	\$80	\$100	\$200	\$225

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\*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.