

The regular meeting of the Amherst Town Council was held on July 11, 2007 at 7:00 P.M. in the Council Chambers of the Town Hall with Mayor Jacob Bailey presiding. Council members present were: Bobby J. Bondurant; Haney Mottley; Harold Swisher and C. Manly Rucker, III. Council member Jason D. Campbell was absent.

Also present were Town Manager Jack Hobbs, Police Chief Kenneth Watts and Office Manager Colan R. Davis.

Dr. Tim Hazlett from Emmanuel United Methodist Church gave an invocation.

Mr. Rucker made a motion that was seconded by Mr. Bondurant to approve the agenda as presented. The motion passed 4-0. Messrs. Bondurant, Mottley, Swisher and Rucker voted "Aye". Mr. Campbell was absent.

A duly advertised public hearing on a revised parking ordinance was opened at 7:02 PM. There being no one present who wished to speak, the hearing was closed at 7:03 PM. Mr. Mottley made a motion that was seconded by Mr. Swisher to approve the revised parking ordinance as proposed. The motion passed 4-0. Messrs. Bondurant, Mottley, Swisher and Rucker voted "Aye". Mr. Campbell was absent. The ordinance is attached and made a part of these minutes.

Mr. Mottley made a motion that was seconded by Mr. Rucker to approve the minutes of the June 13 and June 27, 2007 Town Council meetings as previously submitted. The motion passed 4-0. Messrs. Bondurant, Mottley, Swisher and Rucker voted "Aye". Mr. Campbell was absent.

The Council discussed the dilapidated building at 135 Gregory Lane. Pursuant to correspondence received from Jim Lindsay, 3222 N. Pershing Drive, Arlington, VA 22201, by consensus the Council agreed to table action on the matter until the August 8 meeting.

The Council received a report from the Property Maintenance Investigation Board recommending that the dilapidated building at 170 Jordan Street be demolished. Mr. Rucker made a motion that (a) the owner of the property at 170 Jordan Street be put on notice of the situation as outlined in Section 4-2.4 of the Town Code and (b) to request that, by September 1, 2007, the owner either address the problems as recommended by the Property Maintenance Investigation Board or provide the Town Council with a written plan with a timetable as to the owner's intentions to remedy the health and safety problems at the site. The motion was seconded by Mr. Mottley and carried 4-0. Messrs. Bondurant, Mottley, Swisher and Rucker voted "Aye". Mr. Campbell was absent.

Mr. Rucker was asked to assist the Town Manager with reviewing proposals to improve the Town Hall's HVAC and electrical systems.

On a motion by Mr. Rucker which was seconded by Mr. Mottley and carried 4-0, the Council agreed to endorse a VDOT permit application for the Lions Club Christmas parade which is to be held from Grandview Drive to Kenmore Road on December 1, 2008 at 6:30 PM. Messrs. Bondurant, Mottley, Swisher and Rucker voted "Aye". Mr. Campbell was absent.

Pursuant to a request by Susan O'Neil, by consensus the Council agreed to hold a public hearing on an ordinance that would regulate skateboarding on public sidewalks at the Council's August meeting.

There being no further business, the meeting adjourned at 7:38 P.M.

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Jacob P. Bailey, Mayor

Attest:

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Clerk of Council

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING ARTICLE III OF CHAPTER 16 (SECTION 16-38.1 THROUGH SECTION 16-68) OF THE TOWN CODE, THE AMENDED CODE REFERRING TO STOPPING, STANDING AND PARKING.**

*Be it Ordained by the Council of the Town of Amherst:*

1. **That the Code of the Town of Amherst is hereby amended by amending Section 16-38.1 through Section 16-68 to read as follows:**

**ARTICLE III.**

**STOPPING, STANDING AND PARKING**

**DIVISION I.**

**Sec. 16-38.1. Obedience to parking signs, painted lines, and devices.**

- A. Pursuant to the Code of Virginia, Section 46.2-1219, it shall be unlawful, within the Town of Amherst, for any person to park any vehicle in shopping center parking lots designed to accommodate fifty (50) or more vehicles, except in those locations designated for parking by signs or by painted lines and in no case shall any person park a vehicle so as to interfere with designated fire lanes.
- B. It shall be unlawful for any person to park a vehicle, or to permit a vehicle to remain parked, at any place within the Town of Amherst, contrary to or in violation of the notice or directive of any traffic control sign, marking, device, crosswalk, or yellow painted curbing which has been installed by the Department of Transportation or by the Town of Amherst pursuant to law.

**Sec. 16-39. Parking in spaces reserved for persons with disabilities; Penalty.**

- A. No vehicles other than those displaying disabled parking license plates, organizational removable windshield placards, or temporary removable windshield placards issued under VA Code §46.2-1247, or disabled parking license plates issued under subsection B of VA Code §46.2-739 shall be parked in any parking spaces reserved for person with disabilities.
- B. Any uniformed police officer employed by the town of Amherst is authorized to issue summons and parking tickets for violations of this section without the necessity of a summons or warrant being obtained by the owner of a private parking area (VA Code §46.2-1242, Subsection B.2).
- C. Parking a vehicle in a space reserved for persons with disabilities in violation of this section shall be punishable by a fine of \$100.00.

(Reference VA Code §46.2-1242; Adopted April 14, 2004)

**Sec. 16-40. Repealed.**

**Sec. 16-40.1 Prohibited parking.**

- A. It shall be unlawful to park any vehicle on any part of South Main Street or North Main Street or on Second Street from the intersection with. South Main Street to the intersection with Depot Street between the hours of 1:00 A.M and 6:00 A.M.
- B. No person shall park any truck or motor vehicle of more than 18,000 pounds gross weight, or any trailer or semi trailer, whether or not attached to a tractor, on any street for longer than two hours, except that this section shall not apply to trucks, trailers or semi trailers so parked while actually engaged in loading or unloading. In no case shall any such vehicle be parked in a manner as to obstruct the vision of vehicles entering or exiting public or private driveways or roadways.
- C. No person shall park a truck or motor vehicle used for the purpose of transporting any explosive or more than 50 gallons of gasoline, kerosene, benzyl, naphtha, or other volatile or hazardous materials on any street or alley, between the hours of 6:00 P.M. and 6:00 A.M, regardless of whether such vehicle is loaded or empty. No person shall park any such vehicle in any residential zone for any length of time or purpose other than for the purpose of actual delivery of goods or materials.
- D. It shall be unlawful for any person to allow any motor vehicle, house trailer, camping trailer, trailer designated for the transportation of any freight or goods or livestock, or any other trailer or apparatus of any kind whatsoever designated to be attached or pulled by a motor vehicle, to remain in the same location on any street in the Town of Amherst for a longer period of time than two hours.
- E. Any person convicted of violating this section shall be fined not less than fifty dollars nor more than one hundred dollars for each violation.

(Code 1965, Section 7-111.)

**Sec. 16-41. Authority to establish Temporary No Parking Zones.**

The Chief of Police, his or her designate, or the Town Manager may establish a temporary no parking zones for the purpose of controlling parking for a period of time prior to and during special events, parades, maintenance projects, or as necessary to safely control the flow of traffic. No such temporary No Parking Zone may remain in effect longer than thirty (30) days without approval of the Town Council.

**Sec. 16-42. Parking a vehicle on the streets which does not bear a current license plate and a valid State inspection certificate or sticker.**

It shall be unlawful for any person to park any vehicle on the streets or highway in this town which does not bear a current State license plate and a valid State inspection certificate.

**Sec. 16-43. Angle parking.**

Notwithstanding any of the provisions of this chapter, the council may, when in it's discretion, the public interest so requires, provide angle parking on any street or portion thereof; provided, however, that such streets are marked so as to apprise an ordinarily observant person of regulation.

(Code 1965, Section 7-120.)

**Sec. 16-44. Backing up to curb.**

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

(Code 1965, Section 7-116.)

**Sec. 16-45. Manner of using loading zones.**

Where a loading and unloading zone has been set apart by authority of the town council in accordance with applicable provisions of this chapter, following regulations shall apply with respect to the use of such areas:

- (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 of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect. All delivery vehicles other than regular delivery trucks using such loading zones shall be identified by the owner's or company name in letters three inches high on both sides of the vehicle.
- (b) The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and actually engaged in, loading or unloading passengers or bundles when such stopping does not interfere with a vehicle used for the transportation of materials which is waiting to enter or is about to enter such loading zones.

(Code 1965, Section 7-122.)

**Sec. 16-46. Manner of using bus stop.**

Where a bus stop has been set apart by authority of the town council in accordance with the applicable provisions of this chapter, the following regulations shall apply as to the use thereof:

No person shall stop, stand or park a vehicle other than a bus in a bus stop, when such stop or stand has been officially designated and appropriately signed, except the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in the expeditious loading or unloading of passengers when such stopping does not interfere with any bus waiting to enter such zone.

(Code 1965, 7-123.)

**Sec. 16-47. Removal and disposition of unattended vehicles generally.**

Whenever any vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or and constitutes a hazard to traffic or is parked in such manner as to be in violation of law or whenever any vehicle, trailer or semitrailer is left unattended for more than ten days upon any privately owned property other than the property of the owner of such vehicle, trailer or semitrailer within the Town, or is abandoned upon such privately owned property, without the permission of the owner, lessee or occupant thereof, any such vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage or garage area; provided, that no vehicle shall be removed from privately owned premises without the written request of the owner, lessee or occupant thereof. The person at whose request such vehicle, trailer or semitrailer is removed from privately owned property shall indemnify the Town against any loss or expense incurred by reason of removal, storage or sale thereof. Each removal shall be reported immediately to the police department, and notice thereof shall be given to the owner of the vehicle, trailer or semitrailer as promptly as possible.

The owner of such vehicle, trailer or semitrailer, before obtaining possession thereof, shall pay to the town all reasonable costs incidental to the removal, storage and locating the owner of such vehicle, trailer or semitrailer.

Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record in the office of the Division of Motor Vehicles of this state against the vehicle, trailer or semitrailer, the Chief of Police or other officer designated by the Town Council may, after holding the vehicle, trailer or semitrailer sixty 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 selling officer to the Town Treasurer; provided, that if the value of such vehicle, trailer or semitrailer be determined by three disinterested dealers or garagemen to be less than fifty dollars which would be incurred by such advertising and public sale it may be disposed of by private sale or junked. The Town Treasurer shall pay from the proceeds of sale the cost of removal, 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. If no claim has been made by the owner for the proceeds of such sale, after the payment of the above mentioned cost of fifty dollars, the funds may be deposited to the general fund or any special fund of the Town. Any such owner shall be entitled to apply to the Town within three years from the date of such sale and if timely application is made therefore, the Town shall pay the same to the owner without interest or other charges. No claim shall be made nor shall any suit, action or proceeding be instituted for the recovery of such funds after three years from the date of such sale.

(Code 1965, 7-124.)

**Sec. 16-48. Contracts with private persons for removal, etc. of vehicles under preceding section.**

The Town shall have the power to enter into contracts with the owners or operators of garages or places for the removal or storage of vehicles referred to in the preceding section. The contracts shall provide for the payment by the Town of reasonable charges for the removal and storage of such vehicles, shall require such owners or operators to deliver such vehicles to the owners thereof or their agents upon demand therefor, upon furnishing satisfactory evidence of identity and ownership or agency and upon payment of such removal and storage charges, and that the owners or operators of such garages or places of storage shall indemnify the owners of such vehicles for injury or damage thereto resulting from the negligent removal or storage thereof, and such owners or operators shall be required to provide themselves with adequate liability insurance to cover such indemnity.

(Code 1965, 7-125.)

**Sec. 16-49. Sale of personal property found in unattended, etc., vehicles.**

Any personal property found in any unattended or abandoned motor vehicle, trailer or semi trailer may be sold incident to the sale of any such vehicle as authorized in section 16-47.

**Sec. 16-50. Parking on private property generally.**

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 any 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.

(Code 1965, 7-112.)

**Sec. 16-51. Leaving vehicles upon private property prohibited; removal and disposition thereof; notice of disposition.**

It shall be unlawful for any person to leave any vehicle, trailer or semitrailer, or part thereof, on private property of any other person without his consent.

Upon complaint of the owner of the property on which such vehicle, trailer or semitrailer, or part thereof, has been abandoned for more than five days, such vehicle, trailer or semi trailer or part thereof, is so removed shall indemnify the Town against any loss or expense incurred by reason of removal, storage or sale thereof.

In the case of the removal of a vehicle, trailer or semitrailer, or part thereof, from private property, when the same cannot be readily sold, such vehicle, trailer or semitrailer, or part thereof, may be disposed of in such manner as the Town Council may provide.

In all other respects, the provisions of section 16-47 shall apply to such removals; provided, that disposal of a vehicle, trailer or semitrailer may at the option of the Town Council be carried out under either the provisions of section 16-47 or under the provisions of this section, after a diligent search for the

owner, after notice to him at his last known address and to the holder of any lien of record in the office of the Division of Motor Vehicles of this state against such vehicle, trailer or semitrailer, and after the vehicle, trailer or semitrailer has been held at least sixty days.

The Division of Motor Vehicles shall be notified of the disposition of any vehicle, trailer or semitrailer under section 16-47 or the provisions hereof.

(Code 1965, 7-127.)

**Sec. 16-52. Removal of trespassing vehicles by owners of property upon which trespass occurs.**

It shall be unlawful for any owner, operator or lessee of any parking area or space therein or part thereof, or of any other lot or building, including the Town, to have any motor or other vehicle, occupying such lot, area, space or building or part thereof without the permission of such owner, operator, lessee or authorized agent or the one having control of such premises removed by towing or otherwise to a licensed garage for storage until called for by its owner or his agent; provided, that notice of such action shall be first or simultaneously therewith given to at least one of the town police officers; provided further, that in the event of such removal and storage the owner of the vehicle involved shall be chargeable with and such vehicle may be held for a reasonable charge for its removal and storage. This section shall not apply to police, fire or public health vehicles or when a vehicle shall, because of a wreck or other emergency, be parked or left temporarily upon the property of another.

(Code 1965, 7-126.)

**Sec. 16-53. Establishment of parking meter zones and regulations governing; preexisting zones continued.**

Parking meter zones shall be as established by the Town Manager; and all parking meter zones existing and the rules and regulations pertaining thereto and in effect immediately prior to the effective date of this Code are hereby continued in existence and in effect until such time as the Town Council may provide otherwise.

(Code 1965, 7-129.)

**Sec. 16-54. Information to be displayed on meters; adjustment and operation of meters.**

Each parking meter shall bear a legend indicating the period of parking time, within the parking space to which such meter relates, which shall be lawful upon the deposit within such meter of a specified amount or amounts in coin or coins of the United States, as provided in the ordinance establishing the parking meter zone wherein such parking meter space is located.

Each parking meter shall be placed or set in such a manner as to show or display a signal that the parking space assigned to it is or is not legally in use, and it shall be installed and set to display, upon deposit of a coin or coins of the United States therein, a signal indicating legal parking time for the time allotted for such coin or coins for the parking space to which such meter relates; and each meter shall be so arranged that upon expiration of such parking limit, or the portion thereof for which the necessary coin or coins have been deposited, it will indicate by mechanical operation and proper signal that the lawful parking period has expired.

(Code 1965, 7-129.)

**Sec. 16-55. Marking of parking spaces; installation of meters.**

The Town Manager shall cause parking meter spaces to be marked within each parking meter zone, such markings to indicate clearly the limits of each space wherein a vehicle may lawfully be parked; and for each such parking space a parking meter shall be installed upon the curb or sidewalk adjacent thereto, and in such location as to indicate the parking space to which it relates.

**Sec. 16-56. Manner of parking.**

- A. It shall be unlawful for any person to park any vehicle in any parking space referred to in Section 16-55 except within the lines and markings so established.
- B. When a parking space in any parking meter zone is parallel with the adjacent curb or sidewalk, any vehicle parked in such parking space shall be parked so that the foremost part of the vehicle shall be alongside of and nearest to the parking meter; and shall be oriented in the direction of the flow of traffic when a parking space in any parking meter zone is diagonal to the curb or sidewalk, any vehicle parked in such parking space shall be parked with the foremost part of such vehicle directed at and nearest to such meter.
- C. In areas where there are no parking meters, a vehicle parked on a public street shall be oriented in the direction of traffic flow.

**Sec. 16-57. Deposit of coins; meter to indicate expiration of parking time, etc.**

When any vehicle shall be parked in any parking 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 or more coins of the United States of America in such parking meter, in accord with the notice in the legend attached to such meter, but not to exceed the time limits provided in the legend, and the parking space may then be lawfully occupied by such vehicle during the period prescribed as the parking time allowed therefore, or the portion thereof for which the necessary coins have been deposited, the parking meter shall display a sign or signal showing illegal parking, in which event the vehicle parked in such parking space shall be considered as parking overtime in any such part of a street where such meter is located shall be a violation of this section and punished as provided in Section 16-67.

**Sec. 16-58. Parking overtime.**

It shall be unlawful for any person to permit a vehicle to remain or to be parked in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period of time prescribed for such parking space. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name to be parked overtime or beyond the period of legal parking time established for any parking meter zone.

**Sec. 16-59. Periods during which meters not to be in operation and deposit of coins not required.**

Parking meters shall be regarded as not in operation, and the deposit of coins therein shall not be required, for the parking of vehicles in parking meter zones between the hours of 6:00 P.M. and 8:00 A.M. and on Sundays and legal holidays.

(Code 1965, 7-129.)

**Sec. 16-60. Depositing slugs, etc., in meters.**

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.

**Sec. 16-61. Injuring, defacing, etc., 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.



**Sec. 16-62. Bus Stops, etc., in meter zones.**

The Town Council is authorized to set apart, within the parking meter zones defined in this division, spaces for loading zones, bus stops, and other places in which no parking shall be permitted or in which parking is restricted.

(Amended 8/13/86.)

**Sec. 16-63. Loading and 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.

(Code 1965, 7-131.)

**Sec. 16-64. Deposits required levied as fees for certain purposes.**

The coins required to be deposited in parking meters, as provided in this division, are hereby levied and assessed as fees to provide for the proper regulation and control of traffic on the public streets and to cover the cost of the supervision, inspection, installation, operation, maintenance, control and use of the parking spaces and regulating the parking of vehicles in the parking meter zones hereby created.

**Sec. 16-65.1 Penalty for parking violations; ticketing procedure; etc.**

(a) When voluntarily paid in accordance with the provisions of subsection (b) below, the penalty for a parking meter violation shall be as follows: Parking at a meter on which the time has expired: Ten dollars (\$10.00)

(b) Each police officer charged with the duty of enforcing this division shall take the registration number of any vehicle found parked in violation of any provision of this article and may take any other information which may identify its owner. Such officer shall conspicuously affix to such vehicle a parking ticket, with an envelope attached thereto, in a form provided by the Treasurer, instructing each owner when and where to report with reference to such violation. Each such owner may, within forty-eight hours of the time when such notice was attached to such vehicle, pay to the Treasurer a penalty for and in full satisfaction of such violation, the fine as specified by section 16-67.1. The failure of such owner to make such payment to the Treasurer within such forty-eight hour period, shall render such owner subject to the penalties provided for by a court of law, after issuance of a summons to appear in court.

(Adopted May 8, 2002)

**Sec. 16-66. Same - Presumption where vehicle illegally parked.**

In any prosecution charging a violation of any parking meter regulation contained in this division, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such regulation, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Chapter 3 of Title 46.2 of the Code of Virginia, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at a place where, and for the time during which, such violation occurred.

(Code 1965)

**Sec. 16-67.1. Same - Penalty for certain violations.**

Any person who shall violate or fail to comply with any of the provisions of this division other than sections 16-60 and 16-61 and 16-65.1 shall be punished by a fine of not less than ten dollars nor more than one hundred dollars for each offense. As specified herein for each offense:

Parking within a designated bus stop	\$ 10.00
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Parked where official sign erected:	\$20.00
Improper parking:	\$ 20.00
Double parked:	\$ 50.00
Parked at a fireplug:	\$ 50.00
Blocking driveway:	\$ 20.00
Handicap parking zone without proper permit:	\$100.00
Parking within designated fire lane:	\$ 50.00
Loading Zone:	\$20.00
Parked Opposite to Flow of Traffic:	\$10.00

(Amended May 8, 2002)

**Sec. 16-68                      Effect of parking meter regulations upon other traffic and parking regulations.**

Nothing in this division shall alter or affect any other provision of this chapter or any existing ordinance, rule or regulation hereafter adopted, relating to traffic or parking on any street, alley, lane or highway, within the municipality, other than those included within the parking meter zones herein established.

**2. That this Ordinance shall be effective on July 11, 2007.**

*This ordinance was adopted on July 11, 2007.*

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Mayor

ATTEST:

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Clerk of the Council