

*ADOPTION OF AN AMENDMENT TO  
CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC)  
OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA*

*At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, February 22, 2011, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding Chapter 82 (Motor Vehicles and Traffic) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:*

*BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX  
COUNTY, VIRGINIA:*

*That Chapter 82 (Motor Vehicles and Traffic), Section 82-5A,  
Residential Permit Parking Districts, is amended as follows:*

## ARTICLE 5A. Residential Permit Parking Districts.99

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99. For authority of the County to adopt this Chapter, see Va. Code Ann., §§ 46.2-1220, 46.2-1222.

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### Section 82-5A-1. Purpose and intent.

In order to reduce or prevent congestion and/or hazardous traffic conditions in residential areas, to protect those areas from polluted air, excessive noise, and other adverse environmental impacts of automobile commuting, to protect the residents of these areas from unreasonable burdens in gaining access to their property, to preserve the residential character of these areas and the property values therein, Residential Permit Parking Districts are created to impose on-street parking restrictions in certain designated areas of the County on public streets other than primary highways. (34-83-82; 3-85-82; 38-04-82; 6-06-82; 26-07-82.)

### Section 82-5A-2. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

(a) *Block* shall mean that land abutting on two (2) sides of a street, extending to the rear lot lines of lots fronting on said street, Blocks shall start at an intersecting street and end at the next intersecting street; or the end of the street; or the boundary of any railroad right-of-way, park, school ground, or other significant division of a street as determined by the Fairfax County Department of Transportation.

(b) *Block face* shall mean the land abutting one side of a block.

(c) *Petition Area* means:

(1) Addresses along the blocks in the proposed Residential Permit Parking District, and

(2) Addresses which are on private streets within 100' of proposed Residential Permit Parking District roadways.

(d) *Petitioner* means the current owner, lessee, or designated representative of the residents within RPPD.

(e) *Proper display--Decal.* Residential Permit Parking decal shall be displayed in the lower left corner of the rear window of the vehicle issued to. The decal must be adhered to the window and may not be taped on to the window or displayed in any manner which may allow the transfer of the decal to another vehicle. If the vehicle does not have a rear window or is legally obscured (i.e. louvers), the decal may be displayed on the driver's side on the lower right corner of the window furthest to the rear of the vehicle. Any

alteration of the decal (i.e. district number changed and/or serial number changed) shall deem the permit invalid.

(f) *Proper display--Motorcycle sticker.* The Residential Permit Parking District motorcycle sticker shall be displayed beside the State inspection sticker and the County motorcycle license on the motorcycle front fork. Any alteration to the sticker (i.e. change to the district number and/or serial number) shall deem the permit invalid.

(g) *Proper display--Visitor/sixty-day new resident/nonresident owner pass/temporary RPPD pass.* The Residential Permit Parking District Visitor/60 Day New Resident/Nonresident Owner Pass/Temporary RPPD Pass shall be displayed on the vehicle dashboard so that the pass and all of the information displayed on the pass is entirely visible through the vehicle windshield. Any alterations to the pass including changes to the address the pass is issued to and/or to the district number shall deem the pass invalid. Any obscuring of information displayed on the pass (i.e. folding under the address issued to) shall also deem the pass invalid.

(h) *Residential area* shall mean that side of any street, road or highway adjacent to property: used exclusively as a residence; contained in any one of the residential (R) districts; or contained in the residential portion of any of the planned development (P) districts set forth in the Zoning Ordinance, Chapter 112 of this Code.

(i) *Temporary RPPD* shall mean any RPPD created by the Board of Supervisors to address a short-term situation or event, such as a construction project, that may cause significant, short-term parking problems in surrounding residential areas. (34-83-82; 3-85-82; 4-93-82; 31-00-82; 38-04-82; 6-06-82; 26-07-82.)

(j) *RPPD allowable vehicle* shall mean a motor vehicle having a Gross Vehicle Weight Rating (GVWR) of less than twelve thousand (12,000) pounds. This term shall not be deemed to include a COMMERCIAL VEHICLE as defined in 82-5-7 of this Code.

(k) *Virginia college or university campus* shall mean a permanent public higher education facility that occupies land owned by the Commonwealth of Virginia.

### **Section 82-5A-3. District designation.**

Residential Permit Parking Districts shall be as designated, on a block face-by-block face basis as set forth in Appendix G of this Code. (34-83-82; 3-85-82; 38-04-82; 6-06-82; 26-07-82.)

### **Section 82-5A-4. Criteria for the establishment or modification of Districts.**

(a) The Board of Supervisors may establish and expand a Residential Permit Parking District encompassing an area within 2,000 feet walking distance from the pedestrian entrances and/or within 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if:

(1) The Board of Supervisors receives a petition requesting the establishment of such a District;

(2) Such petition contains signatures of petitioners representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District or, in the case of private-street townhouse and multi-family dwelling units, such petition contains signatures representing at least 60 percent of the eligible addresses as defined in Section 82-5A-4.1; and

(3) The Board of Supervisors determines that at least 75 percent of the land abutting each block within the proposed District is developed residential.

(b) In addition, in any residential area of the County, the Board of Supervisors, upon receipt of a petition of petitioners representing at least 60 percent of the eligible addresses of a proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, may establish a Residential Permit Parking District upon a determination that:

(1) The proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces, 20 linear feet in length per space (not required for additions to existing Districts) ; and

(2) At least 75 percent of the land abutting each block within the proposed District is developed residential; and

(3) At least 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a survey taken during the hours of peak demand as determined on a District-by-District basis.

(c) The Board of Supervisors may waive the requirement for 100 contiguous or nearly contiguous on-street parking spaces as set forth above if the Board finds that the proposed District meets the purpose and intent of this Article.

(d) The residents of an area where Residential Permit Parking District restrictions have been removed by the Board of Supervisors in response to a petition by the residents of the area may not petition to reestablish Residential Permit Parking District restrictions in such area until two years have passed since the Board of Supervisors enacted the ordinance that removed the restrictions from the area.

(e) A temporary RPPD may be created by the Board of Supervisors when a residential area is experiencing and/or expects to experience significant parking problems due to a short-term situation, such as a construction project. Short-term situations shall, at a minimum, be of at least six months duration. Any request(s) for a temporary RPPD shall be in writing from all affected homeowners associations that represent the affected residential area or, in cases where there are no homeowners associations representing an area, a written request signed by residents of at least ten residences in the proposed area or 60% of the affected residents, whichever is less. (34-83-82; 3-85-82; 9-95-82; 31-00-82; 34-03-82; 38-04-82; 6-06-82; 26-07-82.)

(f) A University-Townhouse RPPD may be created by the Board of Supervisors for townhouse communities having a pedestrian or vehicular entrance(s) located within 2,000 feet walking distance from the pedestrian entrances of an existing Virginia college or university campus, to allow parking on streets functionally classified as a local street by the Virginia Department of Transportation (VDOT). The blocks of the local street qualifying for inclusion in a University-Townhouse RPPD must be located within 2,000 feet walking distance from the pedestrian entrance of the Virginia college or university campus, must be abutting or adjacent to the townhouse communities included in the University-Townhouse RPPD, must not be part of an existing RPPD, and block faces must not contain residential addresses. A University-Townhouse RPPD cannot be expanded or modified to include any other type of RPPD containing single-family dwelling units. Any request(s) for a University-Townhouse RPPD shall be in writing from all affected homeowners associations that represent the affected residential area or, in cases where there are no homeowners associations representing an area, a written request signed by 60% of the affected residents. Upon receiving a written request, the Fairfax County Department of Transportation and VDOT shall review the proposed request prior to processing for approval by the Board of Supervisors.

#### **Section 82-5A-4.1. Residence eligibility for District inclusion.**

In a new, existing, or temporary Residential Permit Parking District, residences are considered eligible for District inclusion if:

- (a) They have addresses on public streets within the District; or
- (b) They have addresses on a street outside the District but their properties abut a street within the District; or
- (c) They have addresses on a private road and their residence is within 100 feet of a public road within the District and that public road, in the District, provides access to the private road. (17-85-82; 1-88-82; 31-00-82; 38-04-82; 6-06-82; 26-07-82.)

#### **Section 82-5A-5. Submission requirements.**

Every petition, as required by Section 82-5A-4 (a), shall be submitted to the Department of Transportation on forms provided by the County and shall include the following:

- (a) The legible name, address, and signature of the petitioners, one (1) signature per address.
- (b) The hours the restricted parking is requested to be in effect.
- (c) Unless otherwise waived or modified by the Board of Supervisors, the application fee for the establishment or expansion of a Residential Permit Parking District shall be \$10.00 per petitioning address. Application fees shall be returned if the area fails to qualify for the establishment or expansion of a Residential Permit Parking District.

(d) Written requests for temporary RPPDs, as required by Section 82-5A-4(e), shall be submitted to the Board of Supervisors member(s) in whose district the proposed RPPD is located. No petition or application fees are required for the creation or modification of temporary RPPDs. (34-83-82; 3-85-82; 31-00-82; 34-03-82; 38-04-82; 6-06-82; 26-07-82.)

(e) Written requests for University-Townhouse RPPDs, as required by Section 82-5A-4(f), shall be submitted to the Board of Supervisors member(s) in whose district the proposed RPPD is located. No application fees are required for the creation of a University-Townhouse RPPD.

### **Section 82-5A-6. Procedures for the establishment of Districts.**

(a) Upon receipt of any petition or request for a temporary RPPD, the petition/request addresses shall be validated by the Department of Transportation using parcel ownership information. If it is determined that the petition/request does not meet the standards set forth in Section 82-5A-5 above, the application shall not be deemed to be accepted and shall be returned to the applicant.

(b) Upon validation of the petition/request addresses, staff shall review the application and conduct a parking survey if applicable, to determine if the provisions of Section 82-5A-4 (b) are met.

(c) All proposed applications, including temporary RPPDs, which are accepted shall be the subject of a public hearing before the Board of Supervisors in accordance with the provisions below:

(1) A public notice of the proposed ordinance shall be published in a local newspaper having general circulation within the County in accordance with Virginia Code § 15.2-1427.

(2) The County shall, simultaneously with the advertisement specified in Paragraph (1) above, post on the land involved in any application a notice of the public hearing. Said notice(s) should be removed no later than seven (7) days after the conclusion of the last hearing to which they pertain. Said notice shall be posted at reasonable intervals in the proposed District. Said notice shall contain the date, location and time of the public hearing, a description of the application, and such other information as may be necessary to provide adequate identification of the application, and additionally, where further information on the application may be obtained. With the permission of the owner, said notice may be placed on private property if such is necessary to provide adequate posting.

(3) The County shall send written notice to all residences within the proposed District and in the impact area. Such written notices shall set forth the date, time, place and subject matter of the hearing. (34-83-82; 3-85-82; 9-95-82; 31-00-82; 38-04-82; 6-06-82; 26-07-82.)

### **Section 82-5A-7. Adoption and effective date.**

Upon approval by the Board of Supervisors of any Residential Permit Parking District, the District shall be deemed to be adopted and shall become effective in accordance with the following provisions:

(a) A permit shall be requested from the Virginia Department of Transportation to allow the placement of signs designating the restriction of parking on certain streets within the Virginia Secondary System of State Highways.

(b) Upon receipt of an approved permit, staff shall send notification to each address within the approved District. Such notification shall include:

- (1) Notice that approval for the District has been given;
- (2) The date upon which the District will be effective;
- (3) The specific rules and regulations for the approved District, to include the hours when parking will be restricted;
- (4) The procedures for obtaining parking permits/passes and the location of the County office where the permits may be obtained. (34-83-82; 3-85-82; 31-00-82; 38-04-82; 6-06-82; 26-07-82.)

#### **Section 82-5A-8. Signs.**

All signs to designate a Residential Permit Parking District shall be erected by the County and shall be in conformance with the applicable Virginia Department of Transportation regulations and shall be of such design and character as to readily inform the operators of vehicles in Residential Permit Parking Districts of the existence, nature and requirements of the regulations pertaining to the particular District. All signs shall include at least the following information, from top to bottom of the sign, in the order listed below:

- (a) Restriction or prohibition;
- (b) Time of day the restriction or prohibition is applicable, if not at all hours;
- (c) The days of the week applicable, if not every day;
- (d) Indication that permit/pass holders are exempt;
- (e) The number of the Residential Parking District. (34-83-82; 3-85-82; 38-04-82; 6-06-82; 26-07-82.)

#### **Section 82-5A-9. Parking restrictions.**

On-street parking during specified hours in any Residential Permit Parking District shall be permitted only upon display of a valid parking permit or pass on an

RPPD allowable vehicle as defined in Section 82-5A-2; provided, however, that the parking limitations of this Article shall not apply to vehicles owned or leased by a public agency, or marked service or delivery vehicles which are being used to provide services or make deliveries to dwellings within the designated District.

In Residential Permit Parking Districts, the hours during which the regulations of this Article shall apply shall be as designated by the Board of Supervisors in adopting the District. (34-83-82; 3-85-82; 1-88-82; 31-00-82; 38-04-82; 6-06-82; 26-07-82.)

### **Section 82-5A-10. Administration.**

The provision of this Article shall be administered by the Department of Transportation with all permits only available to an RPPD allowable vehicle as defined in Section 82-5A-2 for an address location within the Residential Permit Parking District.

(a) Permits/passes to allow parking during restricted hours of a Residential Permit Parking District shall be issued only in accordance with the provisions of Paragraph (b) below.

(b) Permits, in the form of decals, will be available from the Department of Transportation. Decals shall be issued for a period of up to two years, one per vehicle with the expiration date as set forth on the decal. Decals may be renewed for additional two-year periods in the manner prescribed herein.

(c) Temporary RPPD passes shall be issued to the affected residents in the temporary RPPD and shall be valid for a period of two years or until the construction project or other situation that caused the establishment of the temporary RPPD has ended, whichever occurs first. Passes may be renewed if the construction project or other situation that caused the establishment of the temporary RPPD is still in effect.

Permits/passes shall be applied for in person, by mail, or by electronic means in accordance with procedures established by the Department of Transportation, and shall be accompanied by proof of payment of Fairfax County vehicle license to validate the applicant's residency in the District and proof of vehicle ownership or use of a vehicle for which the permit is requested. Vehicles that are exempted from the requirement of a Fairfax County vehicle license must submit the vehicle registration and two (2) proofs of residency that show current residence in the district. Acceptable proofs shall consist of the following:

- (1) Virginia driver's license.
- (2) Vehicle or personal property insurance policy.
- (3) Proof of payment of a security deposit or paid rent receipt.
- (4) Lease or mortgage documents.
- (5) Virginia voter registration.



(6) Utility bill.

A new resident of a District need show only one of the proofs of residency identified in subsection (c) of this Section and any current vehicle registration to be issued one 60-day nonrenewable new resident pass. Before expiration of same, the new resident shall comply with the provisions above in order to obtain a parking permit.

Any person on active duty in the military service, absent from his state of residence or domicile solely by reason of compliance with military orders, may prove vehicle ownership by showing a current military identification and a current vehicle registration.

Applications for renewal of permits/passes shall be processed in the same manner as an original permit application, except that an applicant who has a valid Fairfax County vehicle license which shows that such applicant continues to be a resident at the same address of the Residential Permit Parking District, may renew his or her permit/pass in accordance with the renewal procedures established by the Department of Transportation.

If a current District resident purchases a vehicle, they will obtain a 60-day non-renewable pass to use until the temporary plates are replaced with permanent plates when presenting the temporary registration.

(d) Decals shall be displayed in the lower left corner of the vehicle's rear window in such a way as to be clearly visible (see Section 82-5A-2 (d) for proper display provisions). Passes shall be displayed in such a way as to be entirely visible through the vehicle windshield (see Section 82-5A-2 (f) for proper display provisions).

(e) Individual district permits/passes shall be identified by a different number. A valid permit/pass for one Residential Permit Parking District shall not entitle the permit/pass holder to park in any other such District.

(f) An individual who continues to reside at the same address of the Residential Permit Parking District, upon disposing of a vehicle with a permit decal, may obtain a new decal for a replacement vehicle upon presentation of a Virginia vehicle registration or Fairfax County vehicle license for the replacement vehicle.

(g) Decals and passes shall be removed from the vehicle upon moving from the District.

(h) Decals and passes shall remain the property of Fairfax County and may be revoked without notice and must be surrendered on demand by the County.

(i) Temporary RPPDs will be terminated by the Department of Transportation when the end of the construction project or other situation that caused the establishment of the temporary RPPD has ended. The Department of Transportation will notify the residents, by mail, of the termination of the temporary RPPD. (34-83-82; 3-85-82; 30-90-82; 30-95-82; 31-00-82; 38-04-82; 6-06-82; 08-06-82; 26-07-82.)

### **Section 82-5A-11. Visitor parking.**

(a) A transferable visitor parking pass shall be issued upon request in accordance with the provisions designated by the Board of Supervisors in adopting the District. Residents who continue to reside at the same address and do not have a valid Fairfax County vehicle license may renew their visitor parking pass at the time of pass expiration, provided the resident submits proof of residence as prescribed in Section 82-5A-10(b), in accordance with the renewal procedures established by the Department of Transportation.

(b) Visitor passes shall not be issued to multifamily or townhouse addresses which have off-street parking lots provided.

(c) One additional visitor pass may be issued for a long-term medical condition that requires the frequent services of a health care provider in a residence within a Residential Permit Parking District. In order to qualify, the resident must provide a statement from a physician stating the need for a long-term health care provider, the frequency the health care provider needs to go to the residence, and the duration of the need for the health care provider visits.

(d) A visitor pass may only be used on an RPPD allowable vehicle as defined in Section 82-5A-2.

(34-83-82; 3-85-82; 17-85-82; 30-95-82; 31-00-82; 38-04-82; 6-06-82; 08-06-82; 26-07-82.)

## **Section 82-5A-12. Enforcement and penalties.**

(a) It shall be unlawful for any person to park a motor vehicle in violation of the provisions of this Article.

(b) It shall be unlawful for any person to represent that they are entitled to a parking permit/pass when they are not so entitled, to fail to destroy a permit/pass to which they are no longer entitled, or to park a vehicle displaying such a permit /pass at any time when the user of such permit/pass is not entitled to it.

(c) It shall be unlawful for any person to represent that they are entitled to a pass when they are not so entitled or to park a vehicle displaying such a pass at any time when the user of such a pass is not entitled to it.

(d) It shall be unlawful for any person entitled to a visitor pass to allow said pass to be used by anyone other than a person visiting a residence in the specified Residential Permit Parking District.

(e) It shall be unlawful to improperly display Residential Permit Parking Decals/Passes pursuant to Section 82-5A-2 (d), (e) and (f). Failure to properly display decals/passes shall be punishable by a fine of Seventy-Five Dollars (\$75.00) for each violation.

(f) Enforcement of Residential Permit Parking District regulations shall be under the jurisdiction of the Fairfax County Police Department, who shall issue citations against those persons who violate the provisions of this Article or the provisions of Appendix G.

(g) Violation of Paragraphs (b), (c) or (d) of this Section shall be subject to a fine of One Hundred Dollars (\$100.00) for each violation. Violation of any other provisions of this Article shall be punishable by a fine of Seventy-Five Dollars (\$75.00) for each violation. Vehicles parked in violation of these provisions may be towed at the owner's expense.

(h) The Director, Department of Tax Administration, shall collect and account for all uncontested payments of parking citations penalties under this Article; and any contest by any person of any parking citation shall be certified by said Director in writing, on an appropriate form, to the Fairfax County General District Court.

(i) The Director, Department of Tax Administration, shall enforce payment of delinquent parking citations.

(j) The Fairfax County Police Department may waive the enforcement of Residential Permit Parking District for the purpose of providing parking for special events. Generally, this waiver shall be valid for one (1) day only. In addition, the Police Department and the Department of Transportation shall maintain temporary vehicle exemption passes as an alternative to the enforcement waiver. Temporary vehicle exemption passes are intended to enable discretionary authority on behalf of the Police Department and the Department of Transportation to allow vehicles to park within restricted areas on a temporary basis when justified by unique circumstances. (34-83-82; 3-85-82; 1-88-82; 31-00-82; 5-03-82; 34-03-82; 6-06-82; 26-07-82.)

*This amendment shall become effective upon adoption.*

*GIVEN under my hand this 22<sup>nd</sup> day of February, 2011.*

A handwritten signature in black ink, reading "Nancy Vehrs", is written over a horizontal line.

NANCY VEHR

Clerk to the Board of Supervisors