

**22-12-82 (Revised)**

*(See also 23-12-R, adopted  
simultaneously on 7/31/12)*

*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, July 31, 2012, 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), is amended as follows:*

- 1. Section 82-5-37, Designation of Restricted Parking, is amended.*
- 2. Sections 82-5-37.1 and 82-5-38 are repealed.*

### **Section 82-5-37 Designation of Restricted Parking.**

The Board of Supervisors may designate, by ~~resolution~~ ordinance, which shall be set forth in Appendix R, areas for restricted parking upon any part of the secondary road system within the County if the Board finds that ~~any of the following conditions exist:~~

- (1) ~~That p~~Parking along any secondary road is damaging property and/or landscaping within the right of way limits; or
- (2) ~~That p~~Parking along any local residential streets is so restricting the primary purpose of the road as to interfere with that purpose; or
- (3) ~~That p~~Parking along any secondary road creates a safety hazard for pedestrian, cyclists, or motorists entering or exiting the roadway from driveways or for pedestrians, cyclists, or motorists traveling along that road; or
- (4) ~~That statutory parking violations pursuant to Fairfax County Code Section 82-5-1 occur with frequency in a particular location and compliance with Section 82-5-1 will be facilitated by the installation of no parking signs; or~~
- (5) ~~That, i~~(4) In the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for nonresidential use on which parking is restricted on the residential side of that street which is zoned for a use other than residential would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the abutting residential community-; or
- (5) The long term parking of vehicles diminishes the capacity of on-street parking for other uses.

~~Each resolution should include the reason for the restriction, a description of the restricted area and the nature of the parking restrictions so imposed.~~

~~Any resolution approved by the Board of Supervisors must also be approved by the State Highway Commissioner. Upon such approval, the Board of Supervisors may direct the County Executive to place the appropriate no-parking or limited parking sign or signs in the area or areas designated in the resolution.~~

The Fairfax County Police Department, through its law enforcement officers, shall enforce this requirement and shall issue citations to those persons who violate the provisions of this Article or Appendix R. Violations shall be a misdemeanor punishable by a fine of not more than \$100.00 for each violation.

Vehicles parked in violation of these provisions may be towed at the owner's expense.

In any prosecution charging a violation of this Article, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such ordinance, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Code of Virginia, Section 46.2-600 et seq., shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.

The Director of the Department of Tax Administration shall collect and account for all uncontested payments of parking citation penalties under this Article. 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. The Director of the Department of Tax Administration shall cause complaints, summons, or warrants to be issued for delinquent parking citations.

**Section 82-5-37.1 Restricted Parking in Non-Residential Areas.**

Repealed.

**Section 82-5-38 Penalty for violation of Section 82-5-37.**

Repealed.

*These amendments shall become effective upon adoption.*

*GIVEN under my hand this 31<sup>st</sup> day of July, 2012.*

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CATHERINE A. CHIANESE  
Clerk to the Board of Supervisors