

MOTION: NOHE

**September 20, 2016
Regular Meeting
Ord. No. 16-37**

SECOND: PRINCIPI

**RE: AMEND PRINCE WILLIAM COUNTY CODE SECTION 13-7:
ENFORCEMENT OF CHAPTER BY LAW ENFORCEMENT
OFFICERS; OFFICERS NOT TO BENEFIT FROM FINES OR
RECEIVE FEES; CHIEF OF POLICE DELEGATED ABILITY TO
ENFORCE PARKING REGULATIONS TO ALLOW PARKING
ENFORCEMENT OFFICERS THE AUTHORITY TO WRITE PARKING
TICKETS**

ACTION: APPROVED

WHEREAS, from the inception of Parking Enforcement in 1985 until September 15, 2004, select crossing guards and later permanent part-time parking enforcement officers were authorized to write parking tickets under Virginia Code 15.2-1737; and

WHEREAS, as of September 15, 2004, Virginia Code 15.2-1737 was replaced by 19.2-13. Special Police and Conservators of the Peace were combined into one designation – Special Conservator of the Peace. At that time, parking enforcement officers were required to become Special Conservators of the Peace in order to maintain their law enforcement authorization; and

WHEREAS, in 2015, the state law changed requiring additional training for members designated as unarmed Special Conservators of the Peace. Under the current Police Department structure, Parking Enforcement guards are appointed as Special Conservators of the Peace. That certification will expire on September 20, 2016. Unless the code is amended, their authority to enforce parking violations will also expire on that date; and

WHEREAS, Virginia Code 46.2-1220 allows a locality to designate a department, official or employee of the local government to administer and enforce the provisions of the local parking ordinance; and

WHEREAS, the amendment to Section 13-7 of the Prince William County Code will authorize the Chief of Police to administer and enforce the parking regulations in the County Code and in addition authorizes the Chief of Police to delegate this ability to any department within the Prince William County Police; and

WHEREAS, amending the code will allow Parking Enforcement Officers to patrol residential areas and insure that vehicles on the street are in compliance with inspection and licensing regulations without a Special Conservator of the Peace designation; and

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WHEREAS, surrounding jurisdictions utilize the model of using Parking Enforcement Officers to patrol residential areas and insuring compliance;

NOW, THEREFORE, BE IT ORDAINED that the Prince William Board of County Supervisors does hereby amend Prince William County Code Section 13-7: Enforcement of Chapter by Law Enforcement Officers; Officers Not to Benefit from Fines or Receive Fees; Chief of Police Delegated Ability to Enforce Parking Regulations to allow parking enforcement officers the authority to write parking tickets.

ATTACHMENT: Proposed Code Section 13.7: *Enforcement of chapter by law enforcement officers; officers not to benefit from fines or receive fees; Chief of Police delegated ability to enforce parking regulations*

Votes:

Ayes: Anderson, Caddigan, Jenkins, Lawson, Nohe, Principi, Stewart

Nays: None

Absent from Vote: None

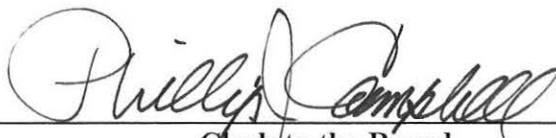
Absent from Meeting: Candland

For Information:

Police Chief

County Attorney

ATTEST: _____


Clerk to the Board

- Sec. 13-7. - Enforcement of chapter by law enforcement officers ~~and parking enforcement officers~~; officers not to benefit from fines or receive fees; Chief of Police delegated ability to enforce parking regulations;

(a) ~~The chief of police may hire persons to enforce parking violations in accordance with Virginia Code 46.2-1220. Persons hired under this provision shall be designated as parking enforcement officer.~~

(a)(a) Law enforcement officers shall enforce the provisions of this chapter punishable as felonies, misdemeanors, or traffic infractions; ~~parking enforcement officers shall enforce the provisions of this chapter punishable as parking violations~~; provided, that every law enforcement and ~~parking enforcement~~ officers shall be in uniform at the time of the enforcement or shall display his badge or other sign of authority. All officers making arrests ~~or issuing parking tickets~~ incident to the enforcement of this chapter shall be paid fixed salaries for their services and shall have no interest in, nor be permitted by law to accept the benefit of, any fine or fee resulting from the arrest or conviction of an offender against any provision of this chapter.

(b)(b) No court in this county shall, in any case in which a fine is assessed for the violation of any provision of this chapter, assess, as a part of the cost of the case, any fee for arrest, or as a witness, for the benefit of any law enforcement officer of the county, nor shall any such law enforcement officer ~~or parking enforcement officer~~ receive any such fee. Any department law enforcement officer ~~or parking enforcement officer~~ who accepts or receives any such fee shall be guilty of a Class 4 misdemeanor and, in addition, the board of county supervisors may remove him therefor. Department law enforcement officers ~~or parking enforcement officers~~ are not prohibited, however, from accepting or receiving rewards.

(c) Pursuant to Virginia Code § 46.2-1220 the Chief of Police is hereby provided the ability to administer and enforce the parking regulations contained within this Chapter. The Chief of Police may delegate this ability to any department within the Prince William County Police.

(Code 1965, §§ 12.1-4, 12.1-5; Ord. No. 89-168, 12-19-89)

State Law reference— Similar provisions, Code of Virginia, §§ 46.2-102, 46.2-218. 46.2-1220