

The Town of
**Leesburg,
Virginia**

PRESENTED: May 24, 2016

ORDINANCE NO. 2016-O-014

ADOPTED: May 24, 2016

AN ORDINANCE: TO AMEND THE TOWN CODE

CHAPTER 12 (EMERGENCY MANAGEMENT AND EMERGENCY SERVICES),
SECTION 12-3 (DECLARATION OF EMERGENCIES);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE IV (OPERATION OF VEHICLES
GENERALLY), REPEAL SECTION 32-118 (APPLICATION OF ENGINE BRAKES);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V. (STOPPING, STANDING AND
PARKING), DIVISION 1 (GENERALLY), SECTION 32-141 (PARKING PROHIBITED IN
SPECIFIC PLACES; FINE SCHEDULE AND SETTLEMENT OF PARKING VIOLATIONS);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V. (STOPPING, STANDING AND
PARKING), DIVISION 1 (GENERALLY), SECTION 32-148 (REMOVAL AND
DISPOSITION OF VEHICLES UNLAWFULLY PARKED)

WHEREAS, during the past year, certain minor amendments to the Town Code have
been requested by the Town Manager and Director of Finance and Administrative Services; and

WHEREAS, during the past year, an error in the Town Code was identified which should
be corrected in order to comply with the Virginia Code; and

WHEREAS, Town Code amendments are necessary in order to comply with amendments
to the Virginia Code from the 2016 General Assembly Session.

The Town Council of the Town of Leesburg, Virginia hereby ordains:

SECTION I. That the following section of Chapter 12 (Emergency Management and
Emergency Services), Section 12-3 (Declaration of Emergencies) of the Town Code of the Town of
Leesburg, Virginia, 2009, as amended, be and the same is hereby amended to read as follows:

Sec. 12-3. – Declaration of emergencies.

- (a) The director may declare a local emergency with the consent of the town council.
- (b) The director or the coordinator shall designate a command and control center.

AN ORDINANCE: TO AMEND THE TOWN CODE:

CHAPTER 12 (EMERGENCY MANAGEMENT AND EMERGENCY SERVICES),
SECTION 12-3 (DECLARATION OF EMERGENCIES);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE IV (OPERATION OF VEHICLES
GENERALLY), REPEAL SECTION 32-118 (APPLICATION OF ENGINE BRAKES);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V. (STOPPING, STANDING AND
PARKING), DIVISION 1 (GENERALLY), SECTION 32-141 (PARKING PROHIBITED IN
SPECIFIC PLACES; FINE SCHEDULE AND SETTLEMENT OF PARKING VIOLATIONS);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V. (STOPPING, STANDING AND
PARKING), DIVISION 1 (GENERALLY), SECTION 32-148 (REMOVAL AND
DISPOSITION OF VEHICLES UNLAWFULLY PARKED)

(c) Prior to the declaration of a local emergency, the director shall attempt to obtain the prior formal or informal consent of town council. However, if such consent is not reasonably practical under the circumstances, then the declaration shall nevertheless be legally valid and of full legal force and authority.

(d) The declaration shall be in writing. It shall remain in effect for ~~14~~ 45 days, or until confirmed, modified, extended, or cancelled by official recorded vote of town council, whichever occurs first. If town council extends the declaration, it shall state the length of the extension and the conditions and procedures under which it shall be ended, if practicable. If town council is unable to meet within ~~14~~ 45 days, then the declaration may be renewed or extended by the director for an indefinite period of time unless and until later modified or cancelled by the director or town council.

SECTION II. That the following section of Chapter 32 (Traffic and Vehicles), Article IV (Operation of Vehicles Generally), Section 32-118 (Application of Engine Brakes) of the Town Code of Leesburg, Virginia, 2009, as amended, be and the same is hereby repealed:

Sec. 32-118. – Application of engine brakes.

~~It shall be unlawful for the driver of any motor vehicle to apply engine brakes (Jake brakes) within the limits of the town, except when responding to bona fide emergency occurrences. aircraft or missiles of any kind in any park without a permit from the director.~~

SECTION III. That the following section of Chapter 32 (Traffic and Vehicles), Article V (Stopping, Standing, and Parking), Division 1 (Generally), Section 32-141 (Parking Prohibited

AN ORDINANCE: TO AMEND THE TOWN CODE:

CHAPTER 12 (EMERGENCY MANAGEMENT AND EMERGENCY SERVICES),
SECTION 12-3 (DECLARATION OF EMERGENCIES);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE IV (OPERATION OF VEHICLES
GENERALLY), REPEAL SECTION 32-118 (APPLICATION OF ENGINE BRAKES);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V. (STOPPING, STANDING AND
PARKING), DIVISION 1 (GENERALLY), SECTION 32-141 (PARKING PROHIBITED IN
SPECIFIC PLACES; FINE SCHEDULE AND SETTLEMENT OF PARKING VIOLATIONS);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V. (STOPPING, STANDING AND
PARKING), DIVISION 1 (GENERALLY), SECTION 32-148 (REMOVAL AND
DISPOSITION OF VEHICLES UNLAWFULLY PARKED)

in Specific Places; Fine Schedule and Settlement of Parking Violations) of the Town Code of
Leesburg, Virginia, 2009, as amended, be and the same is hereby amended to read as follows:

**Sec. 32-141. – Parking prohibited in specific places; fine schedule and settlement of
parking violations.**

(a) No person shall park a vehicle or permit it to stand, whether attended or unattended,
except in compliance with the directions of a police officer or traffic-control device, in
any of the places or in the manner described following provisions:

(12) Parking across or on any line or marking painted on the street or in the town
parking facility by the town to designate a vehicular parking space;

(d) Fine Schedule.

Parking across or on any line or marking painted on the street <u>or in the town parking facility</u> by the town to designate a vehicular parking space	\$40.00 \$20.00
--	----------------------------------

SECTION IV. That the following section of Chapter 32 (Traffic and Vehicles), Article
V (Stopping, Standing, and Parking), Division 1 (Generally), Section 32-148 (Removal and
Disposition of Vehicles Unlawfully Parked) of the Town Code of Leesburg, Virginia, 2009, as
amended, be and the same is hereby amended to read as follows:

Sec. 32-148. Removal and disposition of vehicles unlawfully parked.

AN ORDINANCE: TO AMEND THE TOWN CODE:

CHAPTER 12 (EMERGENCY MANAGEMENT AND EMERGENCY SERVICES),
SECTION 12-3 (DECLARATION OF EMERGENCIES);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE IV (OPERATION OF VEHICLES
GENERALLY), REPEAL SECTION 32-118 (APPLICATION OF ENGINE BRAKES);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V. (STOPPING, STANDING AND
PARKING), DIVISION 1 (GENERALLY), SECTION 32-141 (PARKING PROHIBITED IN
SPECIFIC PLACES; FINE SCHEDULE AND SETTLEMENT OF PARKING VIOLATIONS);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V. (STOPPING, STANDING AND
PARKING), DIVISION 1 (GENERALLY), SECTION 32-148 (REMOVAL AND
DISPOSITION OF VEHICLES UNLAWFULLY PARKED)

(b) All businesses engaged in towing vehicles without the consent of their owners shall prominently display, at their main place of business and at any other location where towed vehicles may be reclaimed, a comprehensive list of all their fees for towing, recovery, and storage services, or the basis of such charges. This requirement to display a list of fees may also be satisfied by providing, when the towed vehicle is reclaimed, a written list of such fees, either as part of a receipt or separately, to the person who reclaims the vehicle. Charges in excess of those posted shall not be collectable from any motor vehicle owner whose vehicle is towed, recovered, or stored without his consent. **No tow truck service or operator operating within the town shall at any time, charge a hookup and initial towing fee greater than \$135; an additional fee of \$25 per instance shall be assessed for towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday; in no event shall more than two such additional fees be charged for towing any vehicle.**

SECTION VI. All prior ordinances in conflict herewith are hereby repealed.

SECTION VII. Severability. If a court of competent jurisdiction declares any provision of this ordinance invalid, the decision shall not affect the validity of the ordinance as a whole or any remaining provisions of the Leesburg Town Code.

SECTION VIII. This ordinance shall be effective upon its adoption.

AN ORDINANCE: TO AMEND THE TOWN CODE:

CHAPTER 12 (EMERGENCY MANAGEMENT AND EMERGENCY SERVICES),
SECTION 12-3 (DECLARATION OF EMERGENCIES);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE IV (OPERATION OF VEHICLES
GENERALLY), REPEAL SECTION 32-118 (APPLICATION OF ENGINE BRAKES);

CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V. (STOPPING, STANDING AND
PARKING), DIVISION 1 (GENERALLY), SECTION 32-141 (PARKING PROHIBITED IN
SPECIFIC PLACES; FINE SCHEDULE AND SETTLEMENT OF PARKING VIOLATIONS);

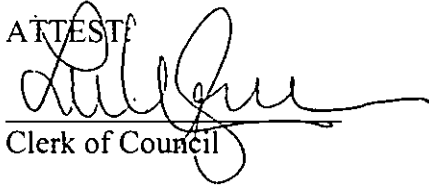
CHAPTER 32 (TRAFFIC AND VEHICLES), ARTICLE V. (STOPPING, STANDING AND
PARKING), DIVISION 1 (GENERALLY), SECTION 32-148 (REMOVAL AND
DISPOSITION OF VEHICLES UNLAWFULLY PARKED)

PASSED this 24th day of May, 2016



David S. Butler, Mayor
Town of Leesburg

ATTEST



Clerk of Council