



COMMON COUNCIL

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I, Kerri A. Mellott, Deputy Clerk of the Common Council, hereby certify on this 14th day of August 2019 that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in regular session on the 13th day of August 2019.

An Ordinance to Amend and Re-Adopt Sections 14-62, 14-68, 14-69, and 14-72 of the Winchester City Code Pertaining to Metered Parking and Time Limitations for Vehicles Parked in Parking Garages

WHEREAS, the Winchester Parking Authority is charged with the enforcement of metered parking violations pursuant to Section 14 of the City Code; and

WHEREAS, Section 14-68 excludes certain recognized holidays from enforcement of metered parking requirements; and

WHEREAS, Parking Meter Enforcement Officers have reported that the Winchester General District Court has taken judicial notice recognizing Columbus Day as a holiday for which meter enforcement should be suspended pursuant to Section 14-68 of the Winchester City Code; and

WHEREAS, entities holding valid franchise agreements with the City providing utility services and City Officers are often called upon to perform work to restore such services and provide other public services on an emergency basis or under circumstances making the deposit requirement of Section unreasonable; and

WHEREAS, the provision of these services are in furtherance of the health, safety, and welfare of the citizens of the City of Winchester; and

WHEREAS, notwithstanding the requirements of Section 14-69 of the Winchester City Code, meter violations have historically not been enforced on such vehicles while such services have been provided; and

WHEREAS, in light of this information, the Winchester Parking Authority has reviewed Sections 14-68 and 14-69 and believes that the following revisions will be of benefit to the citizens of the City of Winchester and will enhance the operations of the Winchester Parking Authority; and

WHEREAS, the Winchester Parking Authority Director has indicated that the current restrictions on parking in parking garages allows for users to circumvent payment

requirements by allowing their vehicles to park for extended hours (over 24) and upon exiting avoid full payment by using the "lost ticket function"; and

WHEREAS, the Winchester Parking Authority believes that the adoption of limitations of allowing no vehicle to remain parked in the parking garage in excess of 72 hours without being subject to towing (upon posting of proper notices) would greatly discourage such abuses of parking.

NOW therefore be it ORDAINED that Sections 14-68, 14-69, and 14-72 are hereby amended and re-adopted and Section 14-62 is hereby adopted as follows:

Sec. 14-68. - When meters shall be operated.

Parking meters installed pursuant to this division shall be operated between the hours of 9:00 a.m. and 6:00 p.m. every day from Monday through Friday, except for the following designated holidays: New Year's Day (January 1); ~~Lee Jackson Day (January)~~; Martin Luther King, Jr. Day (January); George Washington Day (February); the Thursday and Friday prior to the Grand Feature Parade of the annual Shenandoah Apple Blossom Festival; Memorial Day (May); Independence Day (July 4); Labor Day (September); **Columbus Day (Second Monday in October)**; Veteran's Day (November 11); Thanksgiving Day and the day after Thanksgiving; Christmas Eve; and Christmas Day. When any of the aforesaid holidays fall on a Sunday, parking meters need not be operated on the following Monday. (Code 1959, § 15-117; Ord. No. 019-84, 10-9-84; Ord. No. 041-91, 10-8-91; Ord. No. 003-97, 1-14-97; Ord. No. 2009-41, 2-23-2010; Ord. No. 2013-04, 4-9-13)

Sec. 14-69. - Deposit of coin required; overtime parking.

(a) Except for vehicles having license plates issued by the Commonwealth of Virginia bearing Purple Heart or Former POW designations, **and vehicles exempted pursuant to paragraphs (f) and (g) of this Section**, or in a period of emergency determined by an

officer of the fire department or police department, or in compliance with the directions of a police officer or traffic control sign or signal, and subject to the provisions of § 14-68, when any vehicle is parked in any parking meter space alongside or next to which a parking meter installed as provided in this division is located, the operator of such vehicle shall, upon entering such parking meter space, immediately deposit or cause to be deposited in such meter proper coin of the United States as is required for such parking meter and is designated by proper directions on the meter and, when required by the directions on the meter, the operator of such vehicle after the deposit of the proper coin or coins shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon. It shall be unlawful for any person to fail to deposit such proper coin and to set the timing mechanism in operation when so required.

(b) Upon the deposit of such coin and the setting of the timing mechanism in operation, when so required, the parking meter space may be lawfully occupied by such vehicle during the period of time which has been prescribed for the part of the street in which such parking meter space is located.

(c) Any person placing a vehicle in a parking meter space adjacent to a parking meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin, so long as his occupancy of such space does not exceed the indicated unused parking time.

(d) If any vehicle, except a vehicle having license plates issued by the Commonwealth of Virginia bearing Purple Heart or Former POW designations, shall remain parked in

any parking meter space beyond the parking time limit set for such space, and if the meter indicates such illegal parking then, and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time.

(e) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of, or operated by, such person, except a vehicle having license plates issued by the Commonwealth of Virginia bearing Purple Heart or Former POW designations, to be parked overtime or beyond the period of legal parking time established for any parking meter zone established by this division. It shall likewise be unlawful for any person to permit any vehicle, except a vehicle having license plates issued by the Commonwealth of Virginia bearing Purple Heart for Former POW designations, to remain in any parking meter space adjacent to any parking meter installed under this division while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking meter space.

(f) Any plainly marked utility vehicle that is owned and operated by an entity holding a valid franchise agreement with the City of Winchester authorizing use of the City's rights of way for the provision of public services, and their authorized agents in similarly marked vehicles, shall be excluded from the requirement of deposit pursuant to this section during the time period for which they are actively performing work in furtherance of said public services necessitating parking in that space. No such vehicle shall be permitted to remain parked in such metered space for a period exceeding twenty-four (24) hours.

(g) Any plainly marked law enforcement vehicle on official City business, vehicle that is owned by the City of Winchester utilized for official City business, and any vehicle displaying a placard issued by the City Manager shall be exempt from the requirement of deposit pursuant to this section during the time period for which the driver is actively performing work on behalf of the City of Winchester. No such vehicle shall be permitted to remain parked in such metered space for a period exceeding twenty-four (24) hours.

(Code 1959, §§ 15-116, 15-120-15-122, Ord. No. 012-99, 6-8-99)

Section 14-62 - Authorization to Limit Parking Subject to Towing in Parking Garages

Upon posting of proper Notice visible to all users affected in substantial semblance to Exhibit A of this Section, the Winchester Parking Authority is authorized adopt a regulation to limit the consecutive time period that a vehicle may remain parked in a space in any of the parking facilities under its control to no more than seventy-two (72) hours, absent a rental agreement. Any vehicle violating this provision shall be subject to a Parking Ticket as described in Section 14-54 *et. seq.*, and may be impounded, or towed and removed from the Parking Garage at the vehicle owner's expense upon a showing that the owner was on Notice of the restriction and that the Winchester Parking Authority exercised reasonable efforts to contact the owner and have the vehicle removed voluntarily prior to initiating the removal. The Authority shall, in its regulation, provide exceptions for emergencies and natural disasters requiring extended parking in facilities under its control.

**HOURLY VEHICLES PARKED IN
THIS FACILITY IN EXCESS OF
(72) CONSECUTIVE HOURS
SHALL BE SUBJECT TO
IMPOUND AT OWNER'S EXPENSE.
City of Winchester Code Sec 14-62**

Sec. 14-72. - Collection of deposits.

The parking Authority shall appoint a ~~person~~ **person(s)** to make regular collections of the money deposited in parking meters under this division. The Parking Authority shall deliver deposit receipts of said collections from the parking meters to the City Treasurer ~~daily~~ **weekly**. (Code 1959, § 15-131; Ord. No. 2011-21, 10-11-11)

Ordinance No. 2019-28

ADOPTED by the Common Council of the City of Winchester on the 13th of August 2019.

Witness my hand and the seal of the City of Winchester, Virginia.



A handwritten signature in black ink, reading "Kerri A. Mellott".

Kerri A. Mellott
Deputy Clerk of the Common Council