

From the December 5, 2005 Fairfax County Board of Supervisor's meeting

69. **MOUNT VERNON COUNCIL RESOLUTION ON PARKING RESTRICTIONS** (1:40 p.m.)

(BACs)

Supervisor Hyland said the Mount Vernon Council of Citizens Associations, at its November meeting, passed a resolution requesting the Board to adopt Virginia Statue 46.2-1222.1 as a stand alone ordinance. Currently, the Code of the County of Fairfax requires the community to solicit support from individual homeowners, seek monetary contributions to procure prescribed signage, and create a Residential or Community Parking District. This resolution would, in effect, seek Countywide enforcement of the enabling statue.

Therefore, Supervisor Hyland asked unanimous consent that the Board refer this resolution to the County Executive and the Transportation Advisory Committee for their recommendations and action. Without objection, it was so ordered.

THE COMMITTEE resolutions

Resolution on Parking Restrictions

WHEREAS, currently a considerable amount of confusion exists concerning the ability to preclude the parking of objectionable vehicles, boats and trailers on streets maintained by the Virginia Department of Transportation, and

WHEREAS, communities with governing covenants and those who have adopted Residential or Community Parking Districts possess adequate protection against the parking of objectionable conveyances, though the communities without these legal shields are faced with difficult enforcement problems, and

WHEREAS, all communities should receive similar protection from recognized hazards, and

WHEREAS, Fairfax County is authorized by the Commonwealth of Virginia, through enabling legislation, to adopt all, any or none of the Commonwealth Statutes governing parking, and

WHEREAS, in 2000 the Fairfax County Board of Supervisors adopted Statute 46.2-1224 as part of the State Traffic Code governing commercial vehicles and provided that Statute 46.2-1222.1 governing other conveyances be integrated into the County Parking Ordinance, and

WHEREAS, Statute 46.2-1222.1 appears to accommodate appropriate parking restrictions for watercrafts, boat trailers, motor homes, trailers, vehicles with three or more axles, vehicles with gross weight of 12,000 lbs and higher and vehicles designed to transport 16 or more passengers; these, however, in view of the Board of Supervisor language, can only be enforced in Fairfax County when the Community adopts a Residential or Community Parking District, and

WHEREAS, the creation of a Community Parking District requires a community to solicit support from individual home owners, seek monetary contributions and procure/replace prescribed signage, and can lead to Intra-community feision, and

WHEREAS, if the same Statute 46.2-1222.1 was adopted by the Board of Supervisors as a stand-alone Ordinance, the provided parking restrictions would govern without the creation of Residential or Community Parking Districts and thereby provide legal authority for equitable County-wide enforcement.

THEREFORE BE IT RESOLVED THAT, the Board of Supervisors adopt Statute 46.2-1222.1 as a stand-alone Ordinance and thereby eliminate the odious requirement of creating Residential or Community Parking Districts to achieve equal protection from objectionable conveyances parked on Virginia Department of Transportation maintained streets.

Resolution Requesting Additional School Resources in FY2007

WHEREAS, the administration and staff of Fairfax County Public Schools (hereinafter collectively "FCPS") are currently developing a School Budget for fiscal year 2007 ("FY2007 Budget") to be presented to the School Board in January 2006 and eventually to the Fairfax County Board of Supervisors in April 2006, and

WHEREAS, the public will have several opportunities to comment on the FY2007 Budget during the budget approval process in early 2006, but some suggestions for additional or redirected resources may be more effectively presented during the budget development process, and

WHEREAS, FCPS has recognized that schools with large disadvantaged populations—minority, poor and/or immigrant students— and with high student mobility ("impact schools") need additional resources if they are to meet the high expectations of Commonwealth of Virginia accreditation standards and of the No Child Left Behind Act, as well as the expectation of the community that children at every level of the achievement spectrum will receive the attention needed to reach maximum academic potential, and

WHEREAS, FCPS has directed additional resources to impact schools resulting in significant progress in meeting achievement targets, particularly at the elementary school level, but progress has been slower at middle and high school levels, where higher level thinking requirements sometimes exacerbates minor academic deficits, and some past programs designed to assist impact secondary schools (such as "Focus 2004") were not fully funded, and

WHEREAS, in the Mount Vernon area, Mount Vernon High School (MVHS) and its feeder Whitman Middle School (WMS) have long been recognized by FCPS as impact schools and were included in the underfunded Focus 2004, and West Potomac High School (WPHS) and its feeder Sandburg (SMS) are also impact schools, with all four schools having large numbers of highly mobile, disadvantaged, and under-achieving students as well as many other students at the middle and high range of achievement who also require attention to reach full potential, and

WHEREAS, all four schools, MVHS, WMS, WPHS and SMS, have made significant progress with the help of FCPS and through the efforts of dedicated staff at each school, but experience at these schools and at others similarly situated have shown both the effectiveness of and need for additional resources if they are to meet the needs of all students, including but not limited to the following:

(1) Additional instructional staffing consideration to allow impact schools to maintain or reduce class size while increasing student support instructional staff support (such as instructional coaches, reading/literacy and math specialists, and instructional aides), or, in the alternative, additional flexibility and funding of instructional services allotments to permit schools to better tailor staffing to particular needs;

(2) Recognition in instructional and clerical staffing formulae of the special challenges of highly mobile and disadvantaged populations including: late school registration which typically causes staffing issues

ARTICLE 5B. Prohibition Against Parking Watercraft, Trailers, Motor Homes, and Other Devices in Certain Areas.

Section 82-5B-1. Definitions.

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

Block shall mean that land abutting two sides of a 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.

Block face shall mean the land abutting one side of a block.

Boat trailer means any trailer that is designed to be drawn by a motor vehicle on a public highway and to carry one or more watercraft.

Camping trailers has the meaning set forth in *Virginia Code* § 46.2-100.

Director means the Director of the Fairfax County Department of Transportation or the designated agent of that Director.

Motor homes has the meaning set forth in *Virginia Code* § 46.2-100.

Residential area means 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 planned development (P) districts set forth in the Zoning Ordinance, Chapter 112 of this Code.

Community Parking District means any district established by the Board of Supervisors pursuant to this Article for the purpose of prohibiting restricted vehicles.

Restricted Vehicle means watercraft, boat trailer, motor home, camping trailer, or any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in *Virginia Code* § 46.2-341.4.

Watercraft means any vessel used or capable of being used for navigation or flotation on or through the water, but the term "watercraft" does not include any vessel that has been licensed to operate on public highways as a motor vehicle.

Impact Area means that area in proximity to the roadway(s) under consideration for inclusion in a Community Parking District. Residences will be in the impact area if they meet either of the following conditions:

- (1) The residences are within one hundred (100) feet of roadways in the district, or
- (2) The residences have an address on a private street with their primary ingress/egress route from a public street in the Community Parking District. (39-03-82; 1-04-82; 38-04-82.)

Section 82-5B-2. Community parking district designation; exemption.

(a) Community Parking Districts (CPD) prohibiting restricted vehicles may be created by the Board of Supervisors in accordance with the provisions of this Article. Any such Districts shall be adopted by ordinance, and violations of such ordinances shall be punishable as provided in Section 82-5B-7. Any such Districts, including the particular prohibitions or restrictions within each particular District, shall be set forth in Appendix M of this Code, and any such districts shall be identified by appropriate signage as described by Section 82-5B-6.

(b) No such Community Parking District prohibitions shall apply to restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public safety agencies to provide emergency services.

(c) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) privately owned vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip or (iv) vehicles owned or leased by a public agency. (39-03-82; 1-04-82; 38-04-82.)

Section 82-5B-3. Criteria for the establishment or modification of community parking districts.

(a) All requests for the creation, expansion, modification, or abolition of a Community Parking District shall be made in the form of a petition to the Board of Supervisors. All such petitions shall meet the following criteria:

(1) Any such petition shall contain the legible, printed name of each petitioning resident as well as their address, telephone number, and signature;

(2) Any such petition shall contain the names and signatures of residents who represent at least sixty percent of the addresses or other real property within the proposed District and represent more than fifty percent of the eligible addresses on each block of the proposed District; and

(3) Any such petition shall include an area in which seventy-five percent of each block within the proposed District is zoned, planned, or developed as a residential area; and

(4) The proposed District must contain the lesser of (i) a minimum of five blockfaces or (ii) any number of blocks that front on a minimum of 2,000 linear feet of street as measured by the centerline of each street within the proposed District.

(b) An application fee shall accompany each request for the establishment, modification, or abolition of a Community Parking District. The application fee for any petition submitted in accordance with this Section shall be ten dollars for each petitioning property address within the proposed District. Application fees shall be returned if the area fails to qualify for the establishment, expansion, modification, or abolition of a Community Parking District.

(c) The Board reserves the authority to approve, amend, or deny any petition for the creation, modification, or abolition of any Community Parking District, and the Board reserves the authority to waive the requirements set forth in the Section concerning the application fee and/or the size of a proposed District. (39-03-82; 1-04-82; 38-04-82.)

Section 82-5B-4. Submission requirements and procedures for the establishment of community parking districts.

(a) Every petition shall be submitted to the Director on forms provided by the County. Upon receipt of any such petition, the Director shall determine whether the petition meets the criteria set forth in Section 82-5B-3. If the petition does not meet those criteria, the Director shall return the petition to the petitioners. If any such petition meets the criteria, then the County Executive shall advise the Board of Supervisors of the petition. If the Board decides to consider the petition, then the petition will be considered as a proposed ordinance in accordance with the following procedure:

(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) In addition to the notice specified in Paragraph (1) above, the Director shall cause the posting of notice of the proposed ordinance. Any such notice shall be removed no later than seven days after the conclusion of the last hearing to which they pertain. Any such notice shall be posted at reasonable intervals along every street within the proposed District or along every street within the area proposed to be added or removed from an existing District. Any such 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.

(3) The County shall send written notice to all residences within the proposed District and the impact area. Such written notices shall set the date, time, place, and subject matter of the hearing and shall be sent by first-class mail, postmarked at least fourteen days before the day of the hearing. (39-03-82; 1-04-82; 38-04-82.)

Section 82-5B-5. Adoption and effective date.

Upon approval by the Board of Supervisors of a Community Parking District or of a modification to an existing District, the prohibitions or restrictions of the District or the modifications to the requirements of any such District shall become effective following the placement of signs designating the prohibitions or restrictions on the streets within the District. (39-03-82; 1-04-82; 38-04-82.)

Section 82-5B-6. Signs.

All signs to designate a Community 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 Community Parking Districts of the existence, nature, and requirements of the regulations pertaining to the particular District. Signs shall describe the restriction or prohibition. (39-03-82; 1-04-82; 38-04-82.)

Section 82-5B-7. Enforcement and penalties.

(a) It shall be unlawful for any person to park a restricted vehicle in violation of any ordinance that establishes a Community Parking District. Enforcement of Community Parking District requirements shall be under the jurisdiction of the Fairfax County Police Department, and law enforcement officers of that Department shall issue citations against those persons who violate the provisions of this Article or the provisions of Appendix M. Any person convicted of violating any provision of this Article or Appendix M shall be subject to a fine of forty dollars. Vehicles parked in violation of these provisions may be towed at the owner's expense.

(b) The Director of the Department of Finance shall collect and account for all uncontested payments of parking citation 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. The Director of the Department of Finance shall cause complaints, summons, or warrants to be issued for delinquent parking citations. (35-00-F; 5-03-82; 39-03-82; 1-04-82; 38-04-82.)

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§ 46.2-1222.1. Regulation or prohibition of parking of certain vehicles in certain counties.

A. Any county operating under the urban county executive form of government or the county manager plan of government, any adjacent county operating under the county executive form of government, and any town within any county operating under the urban county executive form of government may by ordinance regulate or prohibit the parking on any public highway in such county or town of any or all of the following: (i) watercraft; (ii) boat trailers; (iii) motor homes, as defined in § 46.2-100; and (iv) camping trailers, as defined in § 46.2-100.

B. In addition to commercial vehicles defined in § 46.2-1224, any such county or town may also, by ordinance, regulate or prohibit the parking on any public highway in any residence district as defined in § 46.2-100 any or all of the following: (i) any trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle; (ii) any vehicle with three or more axles; (iii) any vehicle that has a gross vehicle weight rating of 12,000 or more pounds; (iv) any vehicle designed to transport 16 or more passengers including the driver; and (v) any vehicle of any size that is being used in the transportation of hazardous materials as defined in § 46.2-341.4. The provisions of any such ordinance shall not apply to (i) any commercial vehicle when taking on or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power.

(2000, cc. 72, 270; 2001, c. 144; 2003, cc. 122, 470; 2004, cc. 108, 225, 702.)

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FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM

R-TAP

R-TAP Manager, Parking

R-TAP Manager, Traffic

TRAFFIC CALMING	CUT-THROUGH RESTRICTION	\$200 FINE FOR SPEEDING SIGNS	MULTI-WAY STOP ("MWS") SIGNS	WATCH FOR CHILDREN ("WFC") SIGNS	THROUGH TRUCK RESTRICTION	COMMUNITY PARKING DISTRICT	RESIDENTIAL PERMIT PARKING DISTRICT
<p>Physical devices installed for slowing the speed of traffic (speed hump [not bump], speed table, raised pedestrian crosswalk, choker, traffic circle, median island, etc).</p> <p>QUALIFICATIONS:</p> <ul style="list-style-type: none"> → Residential 25 mph local or collector road → Volume of 600 to 4000 vehicles per day → 85th percentile speed of vehicles ≥ 10 mph over posted limit 	<p>Access restrictions to reduce volume of traffic (turn prohibition, diverter) or traffic calming.</p> <p>QUALIFICATIONS:</p> <ul style="list-style-type: none"> → Residential 25 mph local or collector road → ≥ 150 peak hour cut-through vehicles, one direction, that account for ≥ 40% of peak hour traffic → On collector roads, no access restrictions; and ≥ 12 dwellings per 1000 ft. of roadway 	<p>"\$200 Additional Fine for Speeding" signs installed underneath all regulatory speed limit signs within designated zone.</p> <p>QUALIFICATIONS:</p> <ul style="list-style-type: none"> → Residential local, collector, or minor arterial road with speed limit ≤ 35 mph → Volume ≥ 600 vehicles per day → 85th percentile speed of vehicles ≥ 10 mph over posted limit 	<p>"Stop" sign installed on all approaches to intersection. Stop bars and "stop ahead" signs installed on major approaches.</p> <p>QUALIFICATIONS:</p> <ul style="list-style-type: none"> → Residential 25 mph local or collector road → Cross-street not a dead-end street → No steep grade or blind curve on approach → Maximum 2 MWS per 1/2 mile of road; otherwise traffic calming study required 	<p>"Watch For Children" signs installed at entrance to community or at the location of an extremely high concentration of young children relative to area.</p> <p>QUALIFICATIONS:</p> <ul style="list-style-type: none"> → High concentration areas limited to playgrounds, day care or community centers → No further signs posted on interior roads in community 	<p>Prohibition applies to any truck, truck and trailer or semi-trailer combination, except a pickup or panel truck.</p> <p>QUALIFICATIONS:</p> <ul style="list-style-type: none"> → Residential local or collector road, OR res. arterial or primary road with ≥ 12 dwellings per 1000 ft. of roadway → Safety issues or accident history indicate need for restriction → Suitable alternate route available 	<p>Signs installed prohibiting parking of watercraft, motor homes, campers, trailers, vehicles ≥ 3 axles, vehicles ≥ 12,000 lbs., and vehicles transporting ≥ 16 passengers (except school buses).</p> <p>QUALIFICATIONS:</p> <ul style="list-style-type: none"> → Residentially-zoned area → Minimum 5 block face restriction OR minimum 2000 linear feet 	<p>Signs installed in designated blocks, prohibiting parking by non-residents. Districts normally created near high schools or transit stations.</p> <p>→ Residential road within 2000 ft. of high school or transit station OR ≥ 75% of parking occupied by ≥ 50% non-residents</p> <p>→ Minimum 100 spaces (contiguous)</p>
<p>1. Request to district supervisor by HOA</p> <p>2. Supervisor forwards request to FCDOT</p> <p>3. Traffic count and speed survey of road by FCDOT</p> <p>4. If qualifies, FCDOT issues petition/impacted area map and petitions</p> <p>5. Community gathers signatures verifying ≥ 75% support for forming task force to develop a traffic calming (t.c.) plan</p> <p>6. FCDOT notifies VDOT of road qualification and community support</p> <p>7. Task force formed to develop t.c. plan</p> <p>8. Community meeting held to provide information on t.c. plan</p> <p>9. Vote via ballot by residences in primary use (impacted) area to approve t.c. plan</p> <p>10. Board of Supervisors approves t.c. plan</p> <p>11. FCDOT notifies VDOT requesting installation of devices and signs</p>	<p>1. Request to district supervisor by HOA</p> <p>2. Supervisor forwards request to FCDOT</p> <p>3. FCDOT issues primary use area map & petitions</p> <p>4. Community gathers signatures verifying ≥ 75% support for a cut-through (c.t.) study</p> <p>5. FCDOT performs study to ascertain c.t. volumes</p> <p>6. If qualifies, Board of Supervisors approves resolution requesting VDOT for c.t. measures</p> <p>7. Task force formed to develop c.t. plan</p> <p>8. Community meeting held to provide information on c.t. plan</p> <p>9. Vote via ballot by residences in primary use area to approve c.t. plan</p> <p>10. Board of Supervisors conducts joint public hearing with VDOT to approve c.t. plan</p> <p>11. FCDOT notifies VDOT requesting installation of devices and signs</p>	<p>1. Request to district supervisor by HOA</p> <p>2. Supervisor forwards request to FCDOT</p> <p>3. Traffic count and speed survey of road by FCDOT</p> <p>4. If road qualifies, supervisor confirms community support for "\$200 Additional Fine for Speeding" signs</p> <p>5. Board of Supervisors approves resolution for "\$200 Additional Fine for Speeding" signs</p> <p>6. FCDOT sends notification to VDOT requesting installation of "\$200 Additional Fine for Speeding" signs</p>	<p>1. Request to district supervisor by HOA</p> <p>2. Supervisor forwards request to VDOT with copy to FCDOT</p> <p>3. Review of acceptable VDOT</p> <p>4. VDOT sends notification to FCDOT with results of review</p> <p>5. If acceptable WFC sign locations are found, supervisor confirms community support for WFC signs</p> <p>6. Board of Supervisors approves resolution for WFC signs</p> <p>7. FCDOT notifies VDOT requesting installation of WFC signs</p>	<p>1. Request to district supervisor by HOA</p> <p>2. Supervisor forwards request to FCDOT</p> <p>3. Preliminary analysis of road conducted by FCDOT</p> <p>4. Board of Supervisors approve resolution for the through truck restriction</p> <p>5. Resolution forwarded to VDOT requesting the through truck restriction</p> <p>6. Comprehensive engineering review of road by VDOT</p> <p>7. VDOT publishes notice of proposed restriction for additional public comment</p> <p>8. If road qualifies for through truck restriction, VDOT installs "Through Trucks Prohibited" signs</p>	<p>1. Request to district supervisor by HOA</p> <p>2. Supervisor forwards request to FCDOT</p> <p>3. FCDOT issues petition area map and petitions</p> <p>4. Community gathers signatures verifying ≥ 60% support for proposed district</p> <p>5. Fee of \$10 per petitioning address remitted with returned petitions</p> <p>6. Supervisor forwards petitions to FCDOT</p> <p>7. Board of Supervisors documents eligibility of road for restriction</p> <p>8. FCDOT reviews road for restriction</p> <p>9. Board of Supervisors conducts public hearing on proposed parking district</p> <p>10. FCDOT installs "Community Parking District" signs listing prohibitions every 200 feet on all affected roads</p>	<p>1. Request to district supervisor by HOA</p> <p>2. Petition forms issued by FCDOT or Supervisor's office</p> <p>3. Community gathers signatures verifying ≥ 60% support for proposed district</p> <p>4. Fee of \$10 per petitioning address remitted with returned petitions</p> <p>5. Supervisor forwards petitions to FCDOT</p> <p>6. FCDOT reviews road for restriction</p> <p>7. Board of Supervisors conducts public hearing on proposed parking district</p> <p>8. FCDOT installs "No Parking Except by Permit" signs every 200 feet on all affected roads</p>	

Notes: HOA (homeowner's association) implies civic association, as applicable. In lieu of any association, a letter containing signatures from 10 different residences may be submitted to the local supervisor to begin the process for obtaining R-TAP measures.

The R-TAP chart is provided to give a general overview of the qualifications and procedures for each program, and is not necessarily inclusive of all qualifications and procedures applicable to a particular program.