

ORDINANCE NO. 3345

AN ORDINANCE to amend and reordain Section 5-8-3 (DUTY AND AUTHORITY GENERALLY) of Article A (TRAFFIC AND PARKING BOARD), Chapter 8 (PARKING AND TRAFFIC REGULATIONS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES), and to amend and reordain Section 9-12-1 (DEFINITIONS) of Article A (TAXICABS AND FOR-HIRE VEHICLES), by revising the introductory paragraph and adding new subsections (19) (DIRECTOR) and (20) (SIGHT-SEEING BUSES) and to amend and reordain Article B (BUSES), all of Chapter 12 (TAXICABS AND OTHER VEHICLES FOR HIRE), Title 9 (LICENSING AND REGULATION), and to amend and reordain Section 3-2-351 (PAYMENT OF UNCONTESTED PARKING CITATIONS) and Section 3-2-353 (CONTESTED PARKING CITATIONS) and to amend and reordain Section 3-2-354 (PENALTIES FOR UNCONTESTED PARKING CITATIONS), all of Article S (PAYMENT, CONTEST AND ENFORCEMENT OF PARKING CITATIONS), Chapter 2 (TAXATION), Title 3 (FINANCE, TAXATION AND PROCUREMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-8-3 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 5-8-3 Duty and authority generally.

It shall be the duty of the traffic and parking board to, within the limits of the funds at its disposal, investigate, study and analyze traffic and parking problems within the city, receive complaints having to do with traffic and parking matters, devise plans, methods and means to control and relieve parking and traffic congestion, have jurisdiction over taxicabs and buses and their owners and operators as specified in title 9, chapter 12 of this code, control parades within the city, prepare reports on traffic, parking and taxicabs, and render advice and make recommendation to the city manager, the city planning commission and, through the city manager, to the city council and other officers and agencies of the city government.

Section 2. That Section 9-12-1 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained by revising the introductory paragraph to read as follows:

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

Section 3. That Section 9-12-1 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended by adding new subsections (19) and (20) to read as follows:

(19) Director. The director of the department of transportation and environmental services or his designee.

(20) Sight-seeing buses. Any motor vehicle, other than a taxicab or a for-hire vehicle, which is capable of carrying more than eight passengers and which, while operating in the city, is used exclusively for transporting passengers for the purpose of touring the city.

Section 4. That Article B of Chapter 12, Title 9 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

ARTICLE B

Buses

DIVISION 1

Routes, Operation, Terminals

Sec. 9-12-151 Destination of bus routes by council.

No person, firm or corporation, their lessees, trustees or receivers, shall operate motor buses for passenger transportation in or through the city, except on a route over such streets or highways of the city as may be designated or approved by the city council. Except as hereinafter provided, every motor bus passenger carrier shall file with the city council an application setting forth the route in or through the city desired which may be approved by the city council or modified in whole or in part as in the opinion of the city council the public safety, convenience and necessity may require.

Sec. 9-12-152 Routes for interstate buses.

All motor bus passenger carriers to which the state corporation commission has issued certificates to engage only in interstate transportation of passengers over the highways of this state, shall operate over only the following designated routes:

(a) When entering the corporate limits from the west over state highway no. 236, continue east on Duke Street to Commerce, on Commerce to Prince, and east on Prince to Washington Street, thence north on Washington Street and Powhatan Street to and over the overhead bridge at the intersection of Powhatan Street and the right-of-way of the Richmond, Fredericksburg and Potomac

Railroad, and thence north on the Alexandria-Washington Pike abutting the west line of such railroad right-of-way.

(b) When entering the corporate limits from the south over state highway no. 1, continue to Franklin Street, thence east on Franklin to Washington Street and thence north on Washington Street and Powhatan Street, and over the overhead bridge at the intersection of Powhatan Street, and right-of-way of the Richmond, Fredericksburg and Potomac Railroad, and thence north over the Alexandria-Washington Pike abutting the west line of such railroad right-of-way.

(c) When entering the city limits from the north, such carriers shall enter over state highway no. 1, and continue southwardly over the Alexandria-Washington Pike to and over the overhead bridge designated in paragraphs (a) and (b), thence continuing southwardly over Powhatan Street and Washington Street to Cameron Street, and thence westwardly over Cameron Street to Peyton, over Peyton to Duke and over Duke to the corporate limits if the carrier's route is over state highway no. 236; but if the carrier's route is south over state highway no. 1 continue south over Washington Street from Cameron Street to Gibbon Street; thence west to Patrick, and thence south over Patrick to the corporate limits.

(d) Any such carrier operating from and to but not through the city shall operate over only such streets and highways designated in the foregoing subsections (a), (b) and (c); provided, however, that such carrier may, subject to the approval of the city council as provided in section 9-12-151 of this code, operate its motor buses over other streets when necessary to take such motor buses to and from its terminal.

Sec. 9-12-153 Operation of intraurban buses.

No motor bus passenger carrier shall transport passengers from one point to another within the city except a carrier to which the state corporation commission has issued a class "A" certificate with the right to engage in the intrastate transportation of passengers between the city and the District of Columbia pursuant to the state law in such case provided, or such carriers as the city council may authorize by ordinance to operate motor bus passenger service wholly within the city.

Sec. 9-12-154 Motor bus terminals.

No motor bus passenger carrier shall establish and maintain a terminal in the city until application therefor setting forth the location desired shall have been filed with and approved by the city council. The city council may after 60 days' written notice, issued at its direction to any such carrier, require the abandonment and relocation of any motor bus passenger carrier

terminal, when, in the opinion of the city council, the public safety, convenience and necessity require it.

Sec. 9-12-155 Exception as to sight-seeing buses.

This division shall not be construed to apply to sight-seeing buses.

DIVISION 2

Sight-Seeing Buses

Sec. 9-12-160 Establishment of designated parking spaces.

(a) Any owner of a sight-seeing bus or a sight-seeing bus company, or any agent of such owner, may send a written letter of application to the director seeking the establishment of a designated on-street parking space for the use of sight-seeing buses. The application, among other things, shall suggest a specific location for the requested space. An application for the establishment of such a space may also be filed by the director, in which case the director shall, for purposes of this section, be considered the applicant.

(b) The director shall review each application filed under subsection (a) and, within 45 days of its filing, shall submit it to the board. In the event the director believes that the location suggested by the applicant is suitable for parking sight-seeing buses or that there is a preferable location for such a space, he shall, in a response to the board which shall be submitted with the application, describe the location suggested by the applicant and, whether or not different, the location he determines to be preferable, state the impacts which the parking of buses at each such location will have on traffic, parking, safety and public health and welfare, and propose to the board the location he believes to be suitable for the parking of sight-seeing buses. In the event the director believes that neither the location suggested by the applicant nor any other location in the vicinity of that location is suitable for parking sight-seeing buses, he shall so inform the board in his response.

(c) Within 30 days of receipt of the application and the director's response, the board shall conduct a public hearing on the application. At least 10 days prior to such hearing, the director shall notify, by written notice, the occupant or, if none, the owner of all property abutting or located within 100 feet of the location suggested by the applicant and, if different, the location proposed by the director in his response of the date, time, place and nature of the public hearing. After conducting the public hearing, the board shall recommend that the director's proposed location, if any, be approved, rejected or modified and, if it rejects the director's proposed location or

if the director proposed no location, it may recommend the location suggested by the applicant or another location.

(d) In the event the board recommends a location which is acceptable to the director, the director shall take all steps necessary to establish a parking space for sight-seeing buses at that location. In the event the board recommends that no parking space be established or recommends a location which is unacceptable to the director, the director shall notify the city manager who shall either direct the implementation of the board's recommendation or bring the matter to city council.

(e) If the matter is brought to city council by the manager, it shall be the subject of a public hearing before council. The city clerk shall provide notice of such hearing by causing an advertisement stating the time, date, place and nature of the hearing, and describing the location of any sight-seeing bus parking space at issue to be prepared and published at least seven days before the hearing in a newspaper of general circulation in the city. Following the public hearing, council shall determine whether to establish a parking space for sight-seeing buses and, if so, the location of such space, and thereafter the director shall proceed to implement the council decision.

Sec. 9-12-161 Withdrawal or revocation of the right to use a designated parking space; elimination of spaces.

(a) All rights and privileges to use designated parking spaces established for the use of sight-seeing buses are mere licenses revocable at any time by the director, upon a recommendation of the board following a public hearing, for violation of any applicable provision of this article. The director is authorized and empowered, upon a recommendation from the board following a public hearing, to eliminate any designated sight-seeing bus parking space which, in his opinion, is either:

- (1) no longer necessary for sight-seeing buses;
- (2) creating or aggravating a hazardous traffic condition;
- (3) adversely affecting abutting or nearby property, or the occupants thereof; or
- (4) for other reasons, no longer in the best interest of the public.

(b) Any action of the director taken pursuant to this section may be appealed, within 30 days, to city council by any aggrieved party by filing a notice with the clerk of council.

Sec. 9-12-162 Use of locations other than designated parking spaces by sight-seeing buses.

It shall be unlawful for the driver of a sight-seeing bus to place such a bus in any parking space or otherwise adjacent to the curb of any street in the city, except in a space designated pursuant to this division or when loading or unloading passengers.

Sec. 9-12-163 Use of parking spaces designated for use by sight-seeing buses by other vehicles.

Any person may stop temporarily in a designated sight-seeing bus parking space for the purpose of discharging or receiving passengers or for loading or unloading merchandise. However, it shall be unlawful for any person other than the driver of a sight-seeing bus to park in such a designated space.

Sec. 9-12-164 Use of designated spaces by sight-seeing buses.

No sight-seeing bus may park in a space designated pursuant to this article for longer than a time specified by the director. Such times shall be stated on a sign posted immediately adjacent to the space. The driver of any sight-seeing bus parked in a designated sight-seeing bus space shall, throughout the period the bus is parked in the space, remain within the vehicle or within 30 feet of it. In addition, the driver of such a parked bus shall turn off the vehicle's motor for the period the vehicle is parked in the designated space.

Sec. 9-12-165 Penalty.

Any person violating sections 9-12-162, 9-12-163 or 9-12-164 shall be guilty of a traffic infraction and shall be punished by a fine of not more than \$100, unless payment is made pursuant to section 3-2-351.

Section 5. That Section 3-2-351 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 3-2-351 Payment of uncontested parking citations.

(a) For any parking citation issued pursuant to the provisions of sections 5-8-72, 5-8-114, 9-12-162 through 9-12-164, 10-4-1 through 10-4-18, 10-4-22 through 10-4-25, 10-4-28, 10-4-30, 10-4-33, 10-4-34, 10-4-37, 10-4-38 and 10-4-39 of this code, the amount of the penalty established by section 3-2-354 for the violation for which the citation was issued, when the citation is uncontested, may be paid to the director of finance in lieu of a trial on the charge.

(b) The registered owner of any motor vehicle receiving such a citation shall execute on appropriate form a waiver of his right to contest the citation and enter his plea of guilty to the charge for which the citation was issued before payment tendered by him for the same may be accepted by the director of finance.

Section 6. That Section 3-2-353 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained to read as follows:

Sec. 3-2-353 Contested parking citations.

The registered owner of any motor vehicle receiving a parking citation issued for a violation of the provisions of sections 5-8-72, 5-8-114, 9-12-162 through 9-12-164, 10-4-1 through 10-4-18, 10-4-22 through 10-4-25, 10-4-28, 10-4-30, 10-4-33, 10-4-34, 10-4-39 and 10-4-41 of this code who wishes to contest the same may do so, by executing on an appropriate form provided by the director of finance, an affidavit of his intent to contest the citation. The director of finance shall certify the same in writing on an appropriate form to the general district court or, in the case of a juvenile, the juvenile and domestic relations court.

Section 7. That Section 3-2-354 of The Code of the City of Alexandria, Virginia, 1981, as amended, be and the same hereby is amended and reordained by adding subsections (33), (34) and (35) to read as follows:

(33) \$20 for a violation of section 9-12-162, "Use of locations other than designated parking spaces by sight-seeing buses;"

(34) \$10 for a violation of section 9-12-163, "Use of parking spaces designated for use by sight-seeing buses by other vehicle;"

(35) \$10 for a violation of section 9-12-164, "Use of designated spaces by sight-seeing buses."

Section 8. That this ordinance shall become effective upon the date and at the time of its final passage.

JAMES P. MORAN, JR.
Mayor

Final Passage: November 22, 1988