

ORDINANCE NO. 4597

AN ORDINANCE to amend and reordain Section 10-3-2 (COMMUTER BUS AND HIGH OCCUPANCY VEHICLES LANES) of Article A (GENERAL PROVISIONS) and Section 10-3-1242 (PARKING IN SPACES RESERVED FOR PERSONS WITH A DISABILITY) of Article B (RECKLESS DRIVING, SPEEDING, ETC.), both of Chapter 3 (OPERATION OF VEHICLES), Title 10 (MOTOR VEHICLES AND TRAFFIC); and Section 10-4-44 (PARKING PROHIBITED IN HOV LANE) of Chapter 4 (STOPPING, STANDING AND PARKING), Title 10 (MOTOR VEHICLES AND TRAFFIC), of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 10-3-2 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. 10-3-2 Commuter bus and high occupancy vehicles lanes.

(a) The city council, by resolution, may designate commuter lanes on the streets of the city under its exclusive jurisdiction for the exclusive use of buses and high occupancy vehicles during specified days and hours. No vehicles other than buses and high occupancy vehicles shall, for any purpose, enter or travel in a commuter lane designated by council during the days and hours specified by council, except that any vehicle may enter and travel in a commuter lane if it turns at the first intersection or at any point before such intersection, following the point it enters the lane.

(b) Unless otherwise stated in the council resolution designating a commuter lane, commuter lane restrictions shall be in effect from 7:00 a.m. to 9:00 a.m. for lanes in which traffic moves in a northerly direction, and from 4:00 p.m. to 6:00 p.m., for lanes in which traffic moves in a southerly direction, Monday through Friday, excluding legal holidays. Unless otherwise stated in the council resolution describing a commuter lane, at least two persons must occupy a vehicle in order for it to constitute a high occupancy vehicle and thus be entitled to travel in the commuter lane when the lane's restrictions are in effect.

(c) Signs designating a commuter lane shall state the minimum number of persons who must occupy a vehicle in order for it to be entitled to use the commuter lane, and shall state the days and hours during which this occupancy requirement is in effect. Such signs shall be plainly posted along the entire route of a commuter lane, at least one per block. In addition, one such sign shall be posted in the block preceding the first block of the commuter lane.

(d) Any person operating a vehicle in a commuter lane in violation of this section shall be guilty of a traffic infraction that is not a moving violation. Upon conviction, such infractions shall be punishable as follows:

- (1) for a first offense, by a fine of \$125;

(2) for a second offense within a period of five years from the first offense, by a fine of \$250;

(3) for a third offense within a period of five years of the first offense, by a fine of \$500; and

(4) for a fourth or subsequent offense within a period of five years of the first offense, by a fine of \$1,000.

Section 2. That Section 10-3-1242 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. 10-3-1242 Parking in spaces reserved for persons with a disability.

(a) It shall be unlawful:

(1) for any person to park a vehicle that does not display disabled parking license plates, or an organizational, permanent or temporary removable windshield placard, issued by the department of motor vehicles, or by another state or country, for the purpose of identifying vehicles permitted to use parking spaces reserved for persons with a disability, in a parking space reserved for persons with a disability; or

(2) for any person who is not limited or impaired in his ability to walk to park a vehicle that displays disabled parking license plates, or an organizational, permanent or temporary removable windshield placard, issued by the department of motor vehicles, or by another state or country, for the purpose of identifying vehicles permitted to use parking spaces reserved for persons with a disability, in a parking space that is reserved for persons with a disability, except when transporting a person with such a disability in the vehicle.

(b) In any prosecution charging a violation of this section, proof that the vehicle described in the parking ticket, citation or summons was parked in violation of the section, together with proof of the registered owner of the vehicle at the time of the violation, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

(c) The penalty for the violation of this section shall be a fine of \$500.

(d) Parking spaces reserved for persons with a disability shall be identified by above-grade signs meeting the requirements of section 36-99.11 of the Code of Virginia (1950), as amended; provided, that no violation of this section shall be dismissed because of a property owner's failure to comply strictly with those requirements, so long as the parking space in question is clearly distinguishable as a space reserved for persons with a disability.

Section 3. That Section 10-4-44 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. 10-4-44 Parking prohibited in HOV lane.

(a) It shall be unlawful for the operator of any vehicle, or for any person in whose name a vehicle is registered, to cause, allow, permit or suffer a vehicle to park, stop or stand in a commuter lane designated for the exclusive use of buses and high occupancy vehicles pursuant to section 10-3-2 of this code, on the days and during the hours specified in section 10-3-2 or in the resolution designating the commuter lane, as the case may be, for the exclusive use of such lane by buses and high occupancy vehicles.

(b) The provisions of article S of chapter 2, title 3 of this code shall be applicable to the payment, contest and enforcement of parking citations issued for violation of this section; provided, however, that the penalty for the violation of this section, when the citation which was issued for the violation is uncontested, and payment is tendered to the director of finance within 30 calendar days from the date the citation was issued, shall be \$200.

Section 4. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: June 13, 2009