

**Ordinance of the Town Council for the Town of Abingdon, Virginia  
to amend Part II – Code, Chapter 70 – Traffic and Vehicles,  
Article V. – Stopping, Standing and Parking,  
Division 1. - Generally**

**WHEREAS**, § 15.2-1425 and § 46.2-1220 of the Code of Virginia 1950, as amended, grant the local governing body in the performance of its duties, obligation and functions to adopt, as appropriate, ordinances, resolutions and motions, pursuant to § 27-98, the local governing may enforce the Fire Prevention Code, and Council has determined that it is in the best interests of the health, safety, and welfare of the citizens; and

**WHEREAS**, the Town of Abingdon's current Part II - Code, Chapter 70 – Traffic and Vehicles, Article V. – Stopping, Standing and Parking, Division 1. - Generally, the Council for the Town of Abingdon has found it in the best interest to amend the body of its ordinance; and

**NOW, THEREFORE BE IT ORDAINED** by the council of the Town of Abingdon that:

1. Should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Code of the Town of Abingdon, Virginia; and

2. The Town of Abingdon's current Part II - Code, Chapter 70 – Traffic and Vehicles, Article V. – Stopping, Standing and Parking, Division 1 - Generally, that are proposed for amendment currently appear as follows:

**ARTICLE V. – STOPPING, STANDING AND PARKING**

**DIVISION 1. - GENERALLY**

Sec. 70-131. - Removal and disposition of unattended, illegally parked or immobilized vehicles.

(a) Whenever any motor vehicle, trailer or semitrailer is:

- (1) Left unattended on a public highway or other public property and constitutes a traffic hazard;
- (2) Illegally parked;
- (3) Left unattended for more than ten days either on public property or on private property without the permission of the property owner, lessee, or occupant; or
- (4) Immobilized on a public roadway by weather conditions or other emergency situation; such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage area; provided, that no such vehicle shall be so removed from private property without the written request of the owner, lessee, or

occupant thereof. The person at whose request such motor vehicle, trailer or semitrailer is removed from private property shall indemnify the town against any loss or expense incurred by reason of removal, storage or sale thereof.

- (b) It shall be presumed that such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if:
  - (1) It lacks either:
    - a. A current license plate;
    - b. A current county, city or town license plate or sticker; or
    - c. A valid state inspection certificate or sticker; and
  - (2) It has been in a specific location for four days without being moved.
- (c) As promptly as possible, each removal shall be reported to the chief of police, and notice thereof given to the owner of the motor vehicle, trailer or semitrailer. The owner of such vehicle or trailer or semitrailer, before obtaining possession thereof, shall pay to the persons entitled thereto all costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer.
- (d) Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record in the office of the state department of motor vehicles against the motor vehicle, trailer or semitrailer, or part of a motor vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of Code of Virginia, § 46.2-1200 et seq.

Sec. 70-132. - Leaving vehicles on private property prohibited; removal and disposition; notice of disposition.

- (a) No person shall leave any motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer on the private property of any other person without his consent. On complaint of the owner of the property on which such motor vehicle, trailer, semitrailer, or part thereof has been left for more than 72 hours, such motor vehicle, trailer, semitrailer, or part thereof, may be removed by or under the direction of a law-enforcement officer to a storage area. The owners of private property which is normally open to the public for parking shall post or cause to be posted signs warning that vehicles left on the property for more than 72 hours will be towed or removed at their owners' expense. The person at whose request the vehicle, trailer, semitrailer, or part thereof is so removed shall indemnify the town against any loss or expense incurred by reason of removal, storage, or sale thereof.
- (b) In the case of the removal of a motor vehicle, trailer, semitrailer, or part of a motor vehicle, trailer, or semitrailer from private property, when it cannot be readily sold, the motor vehicle, trailer, semitrailer, or part may be disposed of in whatever manner the council may provide.
- (c) In all other respects, the provisions of section 70-131 and Code of Virginia, § 46.2-1217 shall apply to these removals. Disposal of a motor vehicle, trailer, or semitrailer may at the option of the council be carried out under either the provisions of section 70-131, or under the provisions of this section after a diligent search for the owner, after notice to him at his last

known address and to the holder of any lien of record in the office of the state department of motor vehicles against the motor vehicle, trailer, or semitrailer, and after the motor vehicle, trailer, or semitrailer has been held at least 60 days.

Sec. 70-133. - Disposition of wrecked or discarded vehicles.

- (a) No person in charge or control of any property within the town, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than 30 days. No person shall leave any such vehicle on any property within the town for a longer time than 30 days. A vehicle that would otherwise be considered "non-operating" shall not be considered "operating" due to the exemptions found in Code of Virginia, § 46.2-662 et seq., as amended from time to time.
- (b) This section shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise, provided such vehicle is stored in such a manner that it is not visible to public view from the street adjacent to the place of business, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

Sec. 70-134. - Temporary removal and disposition of vehicles involved in accidents.

Whenever a motor vehicle, trailer, or semitrailer involved in an accident is so located as to impede the orderly flow of traffic, the police may:

- (1) At no cost to the owner or operator remove the motor vehicle, trailer, or semitrailer to some point in the vicinity where it will not impede the flow of traffic;
- (2) Have the vehicle removed to a storage area for safekeeping and shall report the removal to the state department of motor vehicles and to the owner of the vehicle as promptly as possible.

If the vehicle is removed to a storage area under subsection (2) of this section, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage.

Sec. 70-135. - Notice of disposition of vehicle.

The state department of motor vehicles shall be notified of the disposition of any motor vehicle, trailer or semitrailer under sections 70-131 and 70-132.

Sec. 70-136. - Backing up to curbs.

No vehicle shall be backed up to a curb, except during the time actually engaged in loading or unloading merchandise therefrom.

Sec. 70-137. - Stopping vehicle for advertising, sales or display purposes.

No person shall stop a vehicle upon the street at any time for the purpose of advertising, displaying, selling or offering for sale therefrom any goods, wares, merchandise, or any other property.

Sec. 70-138. - Parking vehicle for display for sale.

No person shall park a vehicle upon any roadway in the town for the principal purpose of displaying such vehicle for sale.

Sec. 70-139. - Parking vehicle for washing, greasing or repairing.

No person shall park a vehicle upon any roadway in the town for the principal purpose of washing, greasing or repairing such vehicle, except when such repairs are necessitated by an emergency.

Sec. 70-140. - Parking in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

Sec. 70-140.1. - Using two spaces.

It shall be unlawful to park any vehicle such that the vehicle is not entirely within a single marked parking space.

Sec. 70-140.2. - Parking too close to intersection.

It shall be unlawful to park a vehicle upon the street such that the vehicle extends beyond a marked parking space into an adjacent intersection.

Sec. 70-140.3. - Parking with left side of vehicle to curb.

It shall be unlawful to park a vehicle upon the street such that the left side of the vehicle is adjacent to the curb, unless such parking is lawfully done on a one-way street and the vehicle as parked is consistent with the flow of traffic on such one-way street.

Sec. 70-140.4. - Unauthorized parking of vehicles.

The town manager shall have the authority to designate certain parking spaces as authorized only for the parking of certain vehicles, including but not limited to, service vehicles, official vehicles, emergency vehicles, vehicles parked for the purpose of loading and unloading, or any other designation as the town manager may see fit. Where such spaces have been so designated, no person shall park any vehicle in such space unless their purpose in so parking the vehicle conforms to the designation or type of authorized vehicle or authorized vehicle or authorized purpose for which such space has been designated.

Sec. 70-140.5. - Vehicle parked on sidewalk.

It shall be unlawful to park a vehicle such that one or more of the tires of that vehicle are on the curb or sidewalk.

Sec. 70-140.6. - Unauthorized parking of vehicle in loading zone.

It shall be unlawful to park any vehicle in a loading zone unless the vehicle is in fact parked in that space for the purpose of loading or unloading articles from such vehicle. In any event, it shall be unlawful to park a vehicle in such space for longer than 30 minutes between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Sec. 70-140.7. - Vehicle parked in no parking zone.

It shall be unlawful to park any vehicle in a no parking zone.

Sec. 70-140.8. - Vehicle parked too close to driveway.

It shall be unlawful to park any vehicle such that the vehicle extends beyond a marked parking space into an adjacent driveway.

Sec. 70-140.9. - Parking in traffic lane.

It shall be unlawful to park any vehicle within a lane of traffic. Such lane shall be defined as the area in which cars regularly drive which has not been reserved or designated as a marked parking space.

Sec. 70-141. - Parking for longer than 30 minutes between 2:00 a.m. and 6:00 a.m. on certain days.

No person shall park a vehicle on any street for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 6:00 a.m. on such days as may be designated by the town manager and indicated by proper signs. This section shall not apply to physicians on emergency calls and authorized emergency vehicles.

Sec. 70-142. - Parking in spaces reserved for handicapped persons.

- (a) Pursuant to the authority of Code of Virginia, § 46.2-1237, no vehicles other than those displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued under Code of Virginia, § 46.2-731 or DV disabled parking license plates issued under Code of Virginia, § 46.2-739B shall be parked in any parking spaces reserved for persons with disabilities on public property or at privately owned shopping centers and business offices.
- (b) A penalty for the violation of this section shall not exceed that prescribed for a class 4 misdemeanor.

Sec. 70-143. - Display of lights upon parked vehicle.

Whenever any vehicle is parked in accordance with the provisions of this chapter at night upon any street in the town no lights need be displayed upon such parked vehicle.

Sec. 70-144. - Prohibited at specified times.

The council may from time to time determine portions of streets on which parking is prohibited at specified times.

Sec. 70-145. - Penalties.

Unless another penalty is expressly provided, every person convicted of a parking violation shall be punished by a fine of \$15.00.

Secs. 70-146—70-155. - Reserved.

**BE IT FURTHER ORDAINED**, that upon the recommendation of the Council for the Town of Abingdon, Part II – Code, Chapter 70 – Traffic and Vehicles, Article V. – Stopping, Standing and Parking, Division 1. – Generally, be amended as follows:

## **ARTICLE V. – STOPPING, STANDING AND PARKING**

### **DIVISION 1. - GENERALLY**

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  - (2) Illegally parked;
  - (3) Left unattended for more than ten days either on public property or on private property without the permission of the property owner, lessee, or occupant; or
  - (4) Immobilized on a public roadway by weather conditions or other emergency situation; such motor vehicle, trailer or semitrailer may be removed for safekeeping by or under the direction of a police officer to a storage area; provided, that no such vehicle shall be so removed from private property without the written request of the owner, lessee, or occupant thereof. The person at whose request such motor vehicle, trailer or semitrailer is removed from private property shall indemnify the town against any loss or expense incurred by reason of removal, storage or sale thereof.
  
- (b) It shall be presumed that such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if:
  - (1) It lacks either:
    - a. A current license plate;
    - b. A current county, city or town license plate or sticker; or
    - c. A valid state inspection certificate or sticker; and
  - (2) It has been in a specific location for four days without being moved.
  
- (c) As promptly as possible, each removal shall be reported to the chief of police, and notice thereof given to the owner of the motor vehicle, trailer or semitrailer. The owner of such vehicle or trailer or semitrailer, before obtaining possession thereof, shall pay to the persons entitled thereto all costs incidental to the removal, storage and locating the owner of the motor vehicle, trailer or semitrailer.

- (d) Should such owner fail or refuse to pay the cost or should the identity or whereabouts of such owner be unknown and unascertainable after a diligent search has been made, and after notice to him at his last known address and to the holder of any lien of record in the office of the state department of motor vehicles against the motor vehicle, trailer or semitrailer, or part of a motor vehicle, trailer, or semitrailer, the vehicle shall be treated as an abandoned vehicle under the provisions of Code of Virginia, § 46.2-1200 et seq.

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- (c) In all other respects, the provisions of section 70-131 and Code of Virginia, § 46.2-1217 shall apply to these removals. Disposal of a motor vehicle, trailer, or semitrailer may at the option of the council be carried out under either the provisions of section 70-131, or under the provisions of this section after a diligent search for the owner, after notice to him at his last known address and to the holder of any lien of record in the office of the state department of motor vehicles against the motor vehicle, trailer, or semitrailer, and after the motor vehicle, trailer, or semitrailer has been held at least 60 days.

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Sec. 70-140.2. - Parking too close to intersection.

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It shall be unlawful to park any vehicle in a loading zone unless the vehicle is in fact parked in that space for the purpose of loading or unloading articles from such vehicle. In any event, it shall be unlawful to park a vehicle in such space for longer than 30 minutes between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Sec. 70-140.7. - Vehicle parked in no parking zone.

It shall be unlawful to park any vehicle in a no parking zone.

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It shall be unlawful to park any vehicle within a lane of traffic. Such lane shall be defined as the area in which cars regularly drive which has not been reserved or designated as a marked parking space.

Sec. 70-141. - Parking for longer than 30 minutes between 2:00 a.m. and 6:00 a.m. on certain days.

No person shall park a vehicle on any street for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 6:00 a.m. on such days as may be designated by the town

manager and indicated by proper signs. This section shall not apply to physicians on emergency calls and authorized emergency vehicles.

Sec. 70-142. - Parking in spaces reserved for handicapped persons.

- (a) Pursuant to the authority of Code of Virginia, § 46.2-1237, no vehicles other than those displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued under Code of Virginia, § 46.2-731 or DV disabled parking license plates issued under Code of Virginia, § 46.2-739B shall be parked in any parking spaces reserved for persons with disabilities on public property or at privately owned shopping centers and business offices.
- (b) A penalty for the violation of this section shall not exceed that prescribed for a class 4 misdemeanor.

Sec. 70-142.1. - Parking in fire lanes.

a) It shall be unlawful for any person to park a vehicle in any fire lane designated and marked, except as follows:

(1) Fire lanes within commercial or school properties may be used for temporary stopping to pick up or discharge passengers or supplies; provided that, a vehicle shall be so stopped parallel and immediately adjacent to the curb and a licensed operator shall occupy and be in control of the vehicle while it is so stopped.

(2) Fire lanes adjacent to commercial or business establishments which have no alternate loading zone or rear entrance may be used for temporary parking by vehicles engaged solely in loading or unloading supplies or merchandise to or from the establishment, provided the licensed operator of such a vehicle is engaged solely in the loading or unloading operation.

(3) Fire lanes within residential and industrial areas may be used for momentary stopping to pick up or discharge passengers or supplies; provided that, a vehicle shall be so stopped parallel and immediately adjacent to the curb and a licensed operator shall occupy and be in control of the vehicle while it is so stopped.

(b) The placement of a vehicle, for any purpose, within a fire lane perpendicular to the curb or edge is prohibited.

(c) A law enforcement officer who finds any vehicle in violation of this section shall have the authority to remove such vehicle at the owner's expense. This authority shall extend to any fire or rescue officer in charge of a fire or rescue operation who finds any such violation to be interfering with such emergency operations.

(d) No provision of this section shall apply to fire, rescue or police vehicles while they are operating in an official capacity.

Sec. 70-143. - Display of lights upon parked vehicle.

Whenever any vehicle is parked in accordance with the provisions of this chapter at night upon any street in the town no lights need be displayed upon such parked vehicle.

Sec. 70-144. - Prohibited at specified times.

The council may from time to time determine portions of streets on which parking is prohibited at specified times.

Sec. 70-145. - Penalties.

Unless another penalty is expressly provided, every person convicted of a parking violation shall be punished by a fine of \$15.00.

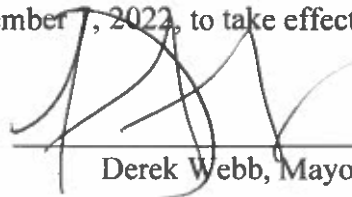
Sec. 70-146 —70-155. - Reserved.

**CERTIFICATE**

Pursuant to Section 2-100 of the Code of the Town of Abingdon, Virginia, I hereby certify that I have reviewed the foregoing proposed ordinance to amend Part II – Code, Chapter 70 – Traffic and Vehicles, Article V. – Stopping, Standing and Parking, Division 1. – Generally, and find it to be in correct form, as set forth above, this 7<sup>th</sup> day of November, 2022.

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Cameron Bell, Counsel

This ordinance was adopted on November 7, 2022, to take effect on December 7, 2022.

  
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Derek Webb, Mayor

The undersigned Clerk of the Town of Abingdon, Virginia (the “Town”), hereby certifies that the foregoing constitutes a true and correct copy of an ordinance duly adopted at a meeting of the Council held on November 7, 2022. I hereby certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of meeting was a regularly scheduled meeting and that, during the consideration of the foregoing ordinance, a quorum was present. I further certify that the minutes of such meeting reflect the attendance of the members and the voting on the foregoing ordinance was as follows:

MEMBERS	ATTENDANCE	VOTE
Derek Webb, Mayor	Yes	Aye
Donna Quetsch, Vice Mayor	Yes	Aye
Amanda Pillion	Yes	Aye

Dwayne Anderson	Yes	Aye
Mike Owens	Yes	Aye

WITNESS MY HAND and the seal of the Town of Abingdon as of November 7, 2022.

(SEAL)

  
Kimberly Kingsley, Clerk