DATE: March 1, 2006

SUBJECT: Proposed amendment to the Arlington County Code Chapter 14.2 (Motor Vehicles and Traffic) to replace a reference to Zoning Ordinance Section 33 D (Restrictions on Parking in Districts in Which Commercial and Industrial Uses Are Not Permitted) with County Code Chapter 14.2 Article VIII, and to increase the fine for failure to properly display a Residential Parking Zone decal/pass from Twenty-Five Dollars ($25.00) to Forty Dollars ($40.00)

C. M. RECOMMENDATIONS:

Approve the proposed amendment to the Arlington County Code Chapter 14.2 (Motor Vehicles and Traffic) to replace a reference to Zoning Ordinance Section 33 D (Restrictions on Parking in Districts in Which Commercial and Industrial Uses Are Not Permitted) with County Code Chapter 14.2 Article VIII, and to increase the fine for failure to properly display a Residential Parking Zone decal/pass from Twenty-Five Dollars ($25.00) to Forty Dollars ($40.00)

ISSUE: Should the fine for failure to properly display a decal/pass be increased to be consistent with fines for similar violations?

SUMMARY: On July 9, 2005, the County Board adopted the new Residential Zone Parking Program, including the repeal of Section 33D of the Zoning Ordinance, which had been the authority for the Residential Zone Parking Program, and including the creation of Chapter 14.2, Article VIII to establish the new Residential Zone Parking Program. The proposed ordinance deletes reference in two sections of the County Code that refers to the Zoning Ordinance Section and replaces it with the correct reference within Chapter 14.2, Article VIII. The proposed ordinance also changes the fine for failure to display a Residential Parking Zone decal/pass from $25 to $40, so that it is consistent with other parking fines.

DISCUSSION: On July 9, 2005, the County Board adopted the new Residential Zone Parking program. This report recommends amendments to the County Code to correct two references and to correct the fine assessed for failure to properly display a decal or pass.

Adoption of the new Residential Zone Parking Program in 2005 included the repeal of Section 33D of the Zoning Ordinance, which had been the authority for the former residential zone parking program, and also included the creation of Chapter 14.2, Article VIII, Sections 14.2-98 – 14.2-106 to establish the new Residential Zone Parking Program.

County Manager: ______________
County Attorney: ___________
Staff: Sarah Stott, Department of Environmental Services, Transportation Engineering & Operations
Two County Code-related issues have come to light following adoption of the new program.

1. The opening paragraphs of County Code § 14.2-7.1 and County Code § 14.2-7.1 (a)(18) still refer to Zoning Ordinance 33D, which has been repealed.

2. Section 14.2-106 (a) creates a new violation, failure to properly display Residential Parking Zone decals/passes, and establishes a $25.00 fine. Fines for most parking violations are listed in the County Code § 14.2-7.1(a). Of the 20 fines listed, 18 are $40. The $25 fine for failure to properly display a decal/pass is inconsistent with the $40.00 fines, in particular similar violations for failure to display any valid license tag (Section 14.2-7.1(a)(13)) and failure to display valid Virginia inspection sticker (Section 14.2-7.1(a)(14)).

**FISCAL IMPACT:** The increase in fee will generate an additional $1,500 per year. The Public Service Aides and police officers expect to write 100 tickets per year under Section 14.2-106(a).
AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 14.2 (MOTOR VEHICLES AND TRAFFIC) OF THE ARLINGTON COUNTY CODE AS IT RELATES TO FINES FOR NONMOVING VIOLATIONS AND RESIDENTIAL PERMIT PARKING.

BE IT ORDAINED that Chapter 14.2 of the Arlington County Code is amended, reenacted, and recodified as follows, effective March 14, 2006:

* * *

§ 14.2-7.1. Fines for nonmoving violations.

Each law enforcement officer or other employee charged with the duty of enforcing violations shall attach to each vehicle whose operator is in violation of sections 14.2-1, 14.2-2, 14.2-3, 14.2-3.1, 14.2-32, 14.2-33, 14.2-34, 14.2-38, 14.2-38.1, 14.2-40, 14.2-41, 14.2-42, 14.2-43, 14.2-44, 14.2-45, 14.2-85, 14.2-87, and 14.2-96 and 14.2-106 of the County Code or Section 33D of the County Zoning Ordinance, a notice to the operator thereof that such vehicle has been parked in violation of one (1) or more of these sections.

* * *

(18) Forty dollars ($40.00) for parking in a residential restricted zone (Section 33D of the Zoning Ordinance 14.2-106);

* * *

§ 14.2-106. Enforcement and Penalties.

It shall be unlawful for any person to park a motor vehicle in violation of the provisions of the Subsection.

a. It shall be unlawful to improperly display Residential Parking Zone decals/passes. Failure to properly display decals/passes shall be punishable by a fine of Twenty-five Dollars ($25.00) Forty Dollars ($40.00).