



# City of Harrisonburg, Virginia

## Office of the City Manager

409 South Main Street  
Post Office Box 20031  
Harrisonburg, VA 22802  
(540) 432-7701 / FAX (540) 432-7778

G. Chris Brown  
City Attorney

TO: Kurt Hodgen, City Manager  
FROM: G. Chris Brown, City Attorney  
DATE: December 27, 2016  
RE: Parking Ordinance Amendments and Enactment

**Summary:** Consider amending and re-enacting Sections 1-1-6 Penalties, Section 13-1-61 Issuance of Residential Parking Permits to Certain Residents and Businesses, and Section 13-1-69 Parking of Commercial Vehicles near Residences.

### **Background:**

The amendment to Section 1-1-6 inserts a catch-all provision to ensure no penalties imposed by the City exceed the penalties provided by state law for a similar offense. State law prohibits localities from providing for a more severe penalty for violation of an ordinance than the penalty would be under state law for a similar offense.

The amendment to Section 13-1-61 adds a provision allowing up to five (5) residential parking permits be issued to businesses operating in a residential parking area that were operating at the location prior to the passage of this ordinance. This will ensure already-existing businesses have sufficient access to parking, while ensuring future businesses take parking into consideration before opening.

The amendments to Section 13-1-69 expand and clarify the sorts of vehicles that may not be parked near residences, and removes the provision allowing commercial vehicles to park near residences with the written consent of the owner or tenant of the lot. In practice, the time-intensive nature and difficulty of determining whether the commercial vehicle's owner, operator, or driver had the consent of the owner or tenant to park severely restricted the City's ability to enforce the ordinance.

### **Key Issues:**

**Environmental Impact:** N/A

**Fiscal Impact:** N/A

### **Prior Actions:**

**Alternatives:**

- (a) enact new ordinance and approve amending and re-enacting of other ordinances;
- (b); approve part of the amendments and enactment;
- (c) not approve all requested ordinance enactments and amendments.

**Community Engagement:**



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**Recommendation:** Staff recommends approval of amendments of ordinances

**Attachments:** Proposed amended ordinances and proposed enacted ordinance

**Review:**

*The initiating Department Director will place in Legistar, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.*

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