

ORDINANCE AMENDING AND RE-ENACTING
SECTION 13-1-73 – PARKING IN SPACES RESERVED FOR ~~HANDICAPPED~~
PERSONS WITH DISABILITIES, OF THE CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 13-1-73 be enacted as shown:

Sec. 13-1-73. - Parking in spaces reserved for ~~handicapped~~ persons with disabilities.

~~It shall be unlawful for any motor vehicle to be parked in a parking space reserved for the handicapped on public property, or at a privately owned shopping center, business office or apartment complex open to the public, unless such motor vehicle bears a handicapped state license or a handicapped parking permit issued by the department of motor vehicles and either the driver or a passenger in such vehicle is handicapped. It is provided further that officers of the Harrisonburg Police Department may enter upon the parking lots of privately owned shopping centers, business offices and apartment complexes open to the public for the purpose of enforcing this section without having received a formal complaint, either written or otherwise, from the owners thereof. The fine for violation of this section shall be one hundred dollars (\$100.00).~~

(a) It shall be unlawful for any operator of a vehicle to park in a parking space reserved for persons with disabilities on any public parking lot or at privately owned parking areas open to the public, unless:

(1) The vehicle displays disabled parking license plates, an organizational removable windshield placard, a permanent removable windshield placard, or a temporary removable windshield placard issued under 46.2-1241 of the Code of Virginia, and is driven by a person with disabilities that limit or impair their ability to walk, or a person transporting a person with disabilities that limit or impair their ability to walk; or

(2) The vehicle displays disabled parking special ~~dv~~ disabled parking license plates issued pursuant to 46.2-739 of the Code of Virginia and is driven by a person with disabilities that limit or impair their ability to walk, or a person transporting a person with disabilities that limit or impair their ability to walk.

- (b) Any city police officer or any other uniformed personnel employed by the City to enforce parking regulations may issue a summons for any violation of this section, without the necessity of a warrant being obtained by the owner of such privately owned parking area.
- (c) Violation of the provisions of paragraph (a) of this section shall be punishable by a fine of not more than one hundred and fifty dollars (\$150.00).
- (d) The owner or duly authorized agent of a private parking space, or an agent of a public authority having control of a public space, which space is properly designated and marked for parking by persons with disabilities, shall have authority to have any vehicle not displaying such parking permits or plates as described in paragraph (a) removed and stored. Possession may be regained by payment to the person who removed the vehicle of all reasonable costs for the removal and storage.
- (e) In any prosecution charging a violation of this ordinance, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of the ordinance, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.
- (f) No violation of this section shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in 36-99.11 of the Code of Virginia, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

This ordinance shall be effective from the _____ day of _____, 2021. Adopted and approved this _____ day of _____, 2021.

MAYOR

ATTESTE:

CITY CLERK