

Section 82-5-19. Parking for certain purposes prohibited.

For purposes of this Section, the following words and phrases shall have the meanings ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning:

Fleet Vehicles shall be defined as any vehicles and/or trailers, greater than one, that are controlled, owned or leased by a single company and are used in the normal business operations of that company. Fleet vehicles also include vehicles intended to be rented or leased to individuals or organizations. This includes fleets of revolving inventory. Vehicles which are used in the normal business operations of a company, but are owned or leased by company employees are not fleet vehicles.

Company means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession.

Storage means vehicles parked on public right-of-way, when not in use.

- (a) It shall be unlawful for any person:
 - (1) To park or place any automobile, truck, trailer or other vehicle upon or in the public right-of-way for the purpose of selling or offering the same for sale or rent;
 - (2) To park any vehicle from which any merchandise is being sold upon any public right-of-way in a commercial district;
 - (3) To park or stop a vehicle at any time in the public right-of-way for the purpose of advertising any article of any kind, or to display thereupon advertisements of any article or advertisement for the sale or rental of the vehicle itself.
- (b) It shall be unlawful for employees and/or representatives of any company to park or allow to be parked, for the purpose of storage, any fleet vehicles, as defined in this section, within the public right-of-way.
 - (1) Such restrictions do not apply to a single, company vehicle assigned to an individual employee for take home use provided, however, that the parking of such vehicle is otherwise permitted by law.
 - (2) Such restrictions do not apply to any commercial vehicle when picking up or discharging passengers, when making a pickup or delivery of merchandise, or when temporarily parked pursuant to the performance of work or service at a particular location, provided that such vehicle does not thereby obstruct traffic.

- (3) At such time as a single vehicle is rented or leased by an individual or organization, it is no longer considered a fleet vehicle.

(c) Penalty.

Penalties as defined in Section 82-1-32.

Section 82-5-29. Removal and disposition of certain unattended vehicles; sale, disposition or proceeds.

- (a) Whenever any motor vehicle, trailer or semitrailer is found on the public streets or public grounds unattended by the owner or operator and constitutes a hazard to traffic, or is parked in such manner as to be in violation of law, or whenever any motor vehicle, trailer or semitrailer is left unattended for more than fifteen (15) days upon any public property or privately owned property other than the property of the owner of such motor vehicle, trailer or semitrailer, or is abandoned upon such public property or privately owned property, without the permission of the owner, lessee or occupant thereof, or whenever any motor vehicle, trailer, or semitrailer is stalled or rendered immobile as the result of adverse weather conditions or other emergency situations on any public roadway, any 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, however, that no such vehicle shall be so removed from privately owned premises without the written request of the property owner, property lessee, or property occupant thereof.
- (b) The person at whose request such motor vehicle, trailer or semitrailer is removed from privately owned property shall indemnify the County against any loss or expense incurred by reason of removal, storage or sale thereof.
- (c) It shall be presumed that such motor vehicle, trailer or semitrailer, or part thereof, is abandoned if: (1) it lacks either a current license plate, or a valid state inspection certificate or sticker, or is parked in violation of the law; or (2) it has been in a specific location for fifteen (15) days without being moved at least 300 feet. Provision (2) does not apply if the vehicle is parked within 500 feet of the property line where the vehicle is registered.
- (d) Each removal shall be reported immediately to the Department of Public Safety Communications and notice thereof given to the owner of the motor vehicle, trailer or semitrailer as promptly as possible.
- (e) The owner of such motor vehicle or trailer or semitrailer, before obtaining possession thereof, shall pay to the parties entitled thereto all reasonable costs incidental to the removal, storage, and locating and notifying the owner of the motor vehicle, trailer, or semitrailer. 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 filed with the Virginia Department of Motor Vehicles against the motor vehicle, trailer or semitrailer, the officer or authorized agent designated by the Chief of Police may, after holding the motor vehicle, trailer or semitrailer 40 days and after due notice of sale dispose of the same at a public auction, which may include an internet sale by auction. The County or its authorized agent shall reimburse itself for the expenses of the auction, the cost of removal, storage, and

investigation as to ownership and liens. Any remainder from the proceeds of a sale shall be held for the owner of the abandoned motor vehicle or any person having security interest in the vehicle, as their interests may appear, for 60 days, and then be deposited into the General Fund of the County.

- (f) This Section shall not operate to deprive any person of other remedies available under law to obtain payment from the owner of unattended, abandoned or immobile vehicles for towing, storage or other services rendered.
- (g) The Virginia Department of Motor Vehicles shall be notified of the disposition of any motor vehicle, trailer or semitrailer under this Section.
- (h) Any person who shall violate, permit, or suffer or allow anyone to violate any provisions of Section 82-5-29 shall be punished as provided in Section 82-1-32.

(3-13-63; 1961 Code, § 16-133; 37-76-82; 26-81-82; 24-84-82; 34-86-82; 08-06-82.)