

**AN ORDINANCE TO AMEND AND REENACT ISLE OF WIGHT COUNTY
CODE "CHAPTER 11. MOTOR VEHICLES AND TRAFFIC.
ARTICLE IV. PARKING".**

WHEREAS, the Board of Supervisors of Isle of Wight County, Virginia, has determined that there is a need to define certain classifications of vehicles and identify those areas within Isle of Wight County where it is necessary to prohibit the parking of such classified vehicles in order to enhance pedestrian and vehicular safety; and

WHEREAS, it is the Board of Supervisors' intent to protect and preserve the public investment in such streets that are designed primarily for residentially-related traffic and to protect and preserve the character of designated residential areas; and

WHEREAS, by an ordinance adopted on December 21, 2006, the Board of Supervisors of Isle of Wight County, Virginia, did prohibit parking within the Gatling Pointe, North and South, subdivision for no longer than a period of 16 hours; and

WHEREAS, it has come to the attention of the Board of Supervisors of Isle of Wight County, Virginia, that enforcement of said ordinance has been determined to be problematic by the Sheriff of Isle of Wight County, Virginia.

NOW, THEREFORE, BE IT ORDAINED by the Isle of Wight County Board of Supervisors, Virginia, that Chapter 11. Motor Vehicles and Traffic. Article IV. Section 11-31.1. Parking prohibited or restricted in specified places. of the Isle of Wight County Code be amended as follows:

Sec. 11-31.1. Parking prohibited or restricted in specified places.

(a) For purposes of this Section 11-31.1, the classification of vehicles shall be as follows:

(1) Commercial Vehicle:

(i) Any vehicle with a gross vehicle weight of ten thousand (10,000) pounds or more, or a length of 21 feet or more, including trailers or other attachments;

(ii) Any vehicle, regardless of size, used in the transportation of hazardous materials as defined in Section 103 of the federal Hazardous Materials Transportation Act (49 C.F.R. Part 172, Subpart F);

(iii) Any heavy construction equipment, whether located on the street or on a truck, trailer or semi-trailer;

(iv) Any solid waste collection vehicle, tractor truck or tractor truck/semi-trailer or tractor/truck combination, dump truck, concrete mixer truck, or towing or recovery vehicle; or

(v) Any trailer, semi-trailer or other vehicle in which food or beverages are stored or sold.

(2) Passenger Carrying Vehicle:

(i) Any vehicle designed to carry sixteen (16) or more passengers, including the driver; or

(ii) Any vehicle licensed by this Commonwealth for use as a common or contract carrier or as a limousine.

(3) Recreational Vehicle: A self-propelled device designed or used for transporting persons or property for or in connection with recreation, as distinguished from mere transportation, having a gross vehicle weight of ten thousand (10,000) pounds or more, or a length of 21 feet or more, including motor homes and campers.

(4) Trailers or Other Attachments: A device, whether or not self-propelled, designed or used for transporting property including such things as motorcycles, travel trailers, campers, boats and automobiles.

(b) Designation of Specific Vehicle Classification and Areas Subject to Restriction: No person shall park any Commercial Vehicle, Passenger Carrying Vehicle, Recreational Vehicle or Trailers or Other Attachments on any road, highway or street within the state's secondary system of highways in any of those areas or subdivisions in the County described below:

(1) Gatling Pointe (North and South)

In the case of subdivisions, the areas governed by this Section 11-31.1 shall be those areas commonly known by the names listed above and designated on the plats of subdivision recorded in the Isle of Wight County Circuit Court Clerk's Office. Such restrictions shall have no application to any privately owned street, or any street owned by a property owners' association within the listed areas. In the event a street serves as the dividing line between a designated residential subdivision and an adjoining commercial zoning district, the parking restrictions shall apply only on the residentially-zoned side of the street.

(c) Procedure for Consideration and Establishment of Designated Areas:

(1) The determination of streets and areas to be subject to such parking restrictions shall be based on characteristics including, but not necessarily limited to:

(i) location within a residential zoning classification area with special characteristics or features that could be adversely impacted by on-street parking of large vehicles;

(ii) density of development, with primary focus on residential subdivisions with a typical lot size of one (1) acre or less;

(iii) predominant lot width and street frontage characteristics, with primary focus on subdivision settings where typical lot widths are 150 feet or less;

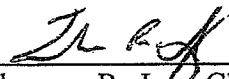
(iv) location-specific safety issues including, but not limited to, consideration of traffic volumes, street surface width, sight distance, and use characteristics; or

(v) documentation or determination of inappropriate parking of classified vehicles or the potential for such parking to occur.

(d) **Applicability:** The prohibitions and restrictions set forth in this Section 11-31.1 shall have no application when a vehicle is parked or stopped in compliance with the order of a law enforcement officer or a traffic control device, or during a permitted period of time in officially-designated parking areas, or in the case of a vehicular breakdown, or in an emergency which renders it necessary. In addition, the prohibitions and restrictions contained herein shall have no applicability to any vehicle while such vehicle is in actual use for loading or unloading or while actually engaged in the provision of goods or services.


(e) **Penalty for Violation:** Any person who violates any provision of this Section 11-31.1 shall be guilty of a traffic infraction, punishable as a Class 4 misdemeanor (\$250.00).

Adopted this 18th day of October, 2007.



Thomas R. Ivy, Chairman Board of Supervisors

Attest:



Carey Mills Storm, Clerk

Approved as to Form:

A handwritten signature in cursive script, appearing to read "A. Paul Burton", is written over a horizontal line.

A. Paul Burton
Interim County Attorney