



TOWN COUNCIL
Public Input Session
Cape Charles Civic Center
February 29, 2020
11:00 AM

1. Call to Order: Roll Call
2. Order of Business
 - A. Mayor Dize – Introduction and Presentation
 - B. Open Discussion re: Potential Regulations
3. Adjournment

Public Session: Promoting Discussion on Permitting Boats/RV Parking on Cape Charles Streets

2/29/2020

Cape Charles Civic Center
Moderator: Mayor Dize



Purpose

- Discussion as to why this topic?
- Review of current code restrictions/limitations
- Review of options others have implemented
- Open dialogue



Why this topic?

Pros: Placing restrictions on boat/RV parking

1. Neighbors/people don't want to see
2. Impact to available parking spaces
3. Narrow street access – emergency vehicles and road becomes one way street
4. Anyone (resident or not) can park in front of your house or in town

Cons: Why restrictions will hurt

1. Inconvenient to boat/RV owners
2. Visitors bring boats – hurts tourism
3. No convenient place to park and store
4. Will need to enforce

Current Town of Cape Charles Code Restrictions

- Town Code § 42-90 addresses this issue by prohibiting the parking of “travel trailers, coaches, motorized dwellings, tent trailers, boat trailers, amphibious houseboats and the like” on “any public street or public right-of-way for more than 48 hours.”
- The Commonwealth of Virginia is a Dillon Rule state where local governments have limited authority and can pass ordinances only in areas where the General Assembly has granted clear authority. Therefore the current code cannot be enforced without the Town being granted the authority to do so. [Until now!]

State Authority Granted to Cape Charles

In the 2019 General Assembly, the Code of Virginia § 46.2-1222.1 now authorizes the Town of Cape Charles and certain other localities to regulate or prohibit the parking on any public highway “of any or all of the following: i) watercraft; ii) boat trailers; iii) motor homes; and iv) camping trailers;”

Solution Spectrum

1. No restrictions
2. Do something
3. Prohibit entirely, all the time.

Prohibit (Vienna, VA)

- Prohibit watercraft, motor homes, camping trailers, boat trailers, vehicles w/ 3 or more axles, gross weight > 12,000 lbs, vehicles transporting ≥ 16 except school buses on public roadways for any length of time.
- Exceptions – actively loading or emergency repairs.

Sec. 9-13.2 Parking of Watercraft, Boat Trailers, Motor Homes and Camping Trailers and other Devices Prohibited on Public Streets. (Adopted 10-18-11)

On-Street Parking Time Limit (Virginia Beach, Florence NJ)

VB - Major recreational equipment and non-commercial trailers parked or stored in residential areas are subject to the following limitations:

- No recreational equipment shall be in any public street or public right-of-way **for more than three hours.**

Virginia Beach City Code Section 16-41.2. Parking and Storage of Recreational Vehicles.

Florence, NJ - No trailers of any type, trailer devices, campers, motorized or vehicle-drawn recreation vehicles with or without sleeping quarters, vehicles in tow, boat or boat trailers, vehicles that cannot move under their own power and which can be operated legally on the highways of the State of New Jersey, or non-passenger-type vehicles, may be parked on any street located in any zone **for more than two hours in any one-week period except where actively engaged in loading or unloading operations.**

Florence NJ Code Article I, Section 108-2. Storage and Parking on Streets.

On-Street Parking Time Limit (Oceanside, CA and Cape May, NJ)

- (a) No person shall store or cause to be stored any vehicle upon any street.
- (b) A vehicle shall be considered stored when it has been left standing upon a street without having been moved more than one-tenth of a mile within a seventy-two (72) consecutive hour period.

Oceanside Traffic Code Section 10.4. Storage of vehicles prohibited.

- No person shall park a boat trailer with or without a boat upon any street for longer than twenty-four (24) hours

Cape May § 7-22.4. Parking of boat trailers.

Banned During Summer (Avalon, NJ)

- New regulations prohibit parking of boat and watercraft trailers on residential streets from June 1 through Sept. 30, regardless of whether such trailer is licensed and/or registered.
- It requires anyone parking a boat or watercraft trailer on the street between Oct. 1 and May 31 to do so “directly in front of, and immediately adjacent to, the curb or property line of any property owned by the trailer owner, or occupied by the trailer owner as a tenant under a written lease, with the owner of the property.”

Section 8-16.4. Parking of Trailer-type Vehicles Prohibited on Borough Streets During Certain Times

Section 8-16.5. Boat and Watercraft Trailers

On-Street Parking Narrow Streets (Oceanside, CA, Newport Beach, CA and St John, MO)

The city traffic engineer is hereby authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed thirty (30) feet.

Oceanside Sec. 10.9. - Parking prohibited on narrow streets.

The City Traffic Engineer is hereby authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty (30) feet.

12.40.150 Parking Prohibited on Narrow Streets.

St. John, MO, Section 350.050. Parking Prohibited on Narrow Streets.

On-street Parking – attached to vehicle (Sea Isle City, NJ)

- a. No person shall park, or cause to be parked, any commercial motor vehicle, noncommercial truck, truck, omnibus, school bus, pole trailer, trailer, or recreational vehicle with a gross vehicle weight of four tons or any camper, recreational vehicle, boat or utility trailer, regardless of weight, on any City street at any time.
- b. Exceptions.
 - 1. The provisions of paragraph a shall not apply to any vehicle which is parked upon any street for the purpose of loading or unloading supplies, materials, foodstuffs or other such items or construction vehicles during construction.

Sea Isle City § 7-8.1 Parking of Certain Vehicles Prohibited on Certain Streets.

- Boat trailers can only be parked on the street if they are attached to a vehicle that tows them. *2009 quote from City Solicitor in article*

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Source of idea

On-Street Parking – Parking Districts (Fairfax and Prince William Counties)

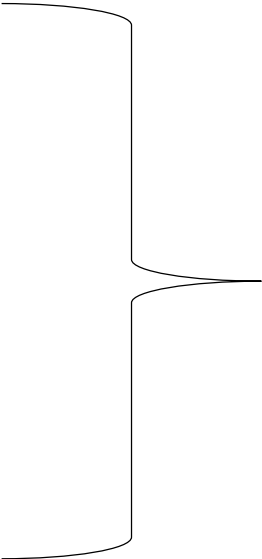
- Community Parking Districts (CPD) prohibit the parking of watercraft, motor homes, campers, trailers, vehicles greater than or equal to 3 axles, vehicles with a GVWR greater than or equal to 12,000 lbs., and vehicles transporting greater than or equal to 16 passengers (except school buses) on public streets in residentially zoned areas.
- Exemptions include: vehicles temporarily parked, for up to 48 hours, for the purpose of loading, unloading or preparing for a trip.

Code of the County of Fairfax, APPENDIX M. - Community Parking Districts

Prince William County Code Section 13-320.1. Designation of watercraft, boat trailer, motor home, and camping trailer "restricted parking" zones.

Returning to Solution **Spectrum** for discussion

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1. No restrictions
 2. Do something, examples seen;
 - a. Setting time limits
 - b. Setting seasonal limits
 - c. Setting limits on narrow streets
 - d. Must be attached to a vehicle
 - e. Establishment parking district or specific street restrictions.
 - f. Other
 3. Prohibit entirely, all the time.



Or
combination

Solution Discussion



Whatever the solution,
MUST be enforceable!

ORDINANCE 2020-_____

REGULATION OF PARKING OF CERTAIN VEHICLES ON TOWN STREETS IN THE TOWN OF CAPE CHARLES

WHEREAS, the streets in the historic district of the Town of Cape Charles are narrow with parallel parking permitted on both sides; and

WHEREAS, the storage of watercraft and their trailers on the Town's streets creates a public safety issue with vehicles having to cross the center lines to navigate the streets; and

WHEREAS, the Commonwealth of Virginia is a Dillon Rule state where local governments have limited authority and can pass ordinances only in areas where the General Assembly has granted clear authority; and

WHEREAS, Town Code § 42-90 addresses this issue by prohibiting the parking of "travel trailers, coaches, motorized dwellings, tent trailers, boat trailers, amphibious houseboats and the like" on "any public street or public right-of-way for more than 48 hours," it cannot be enforced without the Town being granted the authority to do so; and

WHEREAS, Code of Virginia § 46.2-1222.1 currently authorizes the Town of Cape Charles and certain other localities to regulate or prohibit the parking on any public highway "of any or all of the following: i) watercraft; ii) boat trailers; iii) motor homes; and iv) camping trailers;"

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Cape Charles hereby repeals Town Code Sec. 42-90, replacing it and adding a new section, Sec. 42-91, as follows:

Sec. 42-90 - Parking of watercraft, boat trailers, motor homes and camping trailers and other devices prohibited on public streets.

- (a) Definitions. The following words and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except in those instances where the context clearly indicates a different meaning:

Boat trailer means any trailer that is designed to be drawn by a motor vehicle on a public highway and to carry one or more watercraft.

Camping trailer has the meaning set forth in Code of Virginia, § 46.2-100.

Motor homes has the meaning set forth in Code of Virginia, § 46.2-100.

Restricted vehicle means watercraft, boat trailer, motor home, camping trailer, or any other trailer or semitrailer, regardless of whether such trailer or semitrailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Code of Virginia, § 46.2-341.4.

Watercraft means any vessel used or capable of being used for navigation or floatation on or through the water, but the term "watercraft" does not include any vessel that has been licensed to operate on public highways as a motor vehicle.

- (b) It shall be unlawful for any person to park a restricted vehicle on any public street or highway in the Town, provided that a restricted vehicle may be parked on such street for the purpose of actively loading or unloading or for performing emergency repairs. Any person convicted of violating any provision of this section shall be subject to the penalties set forth in [Sec. 42-91](#). Vehicles parked in violation of these provisions may be towed at the owner's expense.

- (c) The Treasurer of the Town of Cape Charles shall collect and account for all uncontested payments of parking citation penalties under this section and any contest by any person of any parking citation shall be certified by said Treasurer in writing, on an appropriate form, to the Northampton County General District Court. The Treasurer shall cause complaints, summons, or warrants to be issued for delinquent parking citations.

Sec. 42-91. - Penalty for violation.

1. The parking of any vehicle or the use of any parking permit in a manner contrary to the provisions of section 42-90 is prohibited and the same is hereby declared to be unlawful and a misdemeanor. Any person violating this section shall, upon conviction thereof by a court of competent jurisdiction, be fined not less than \$50.00 nor more than \$200.00 for each violation. Any person being so convicted of violating this section for a second time within a period of 12 months shall, for the second and all subsequent convictions within said period, be fined not less than \$200.00.
2. Immobilization of vehicles.
 - a. Whenever there is found a vehicle parked in violation of section 42-90 against which there are three or more outstanding unpaid or otherwise unsettled parking violation notices for violation of section 42-90, such vehicle may be immobilized by or under direction of a police officer of the Town in such manner as to prevent its removal or operation except by authorized officers, or members of the Town Police Department.
 - b. The officer under whose direction such vehicle is immobilized shall place on such vehicle in a conspicuous manner, a notice warning that such vehicle has been immobilized, and that any attempt to move such vehicle might result in damage thereto and shall inform, as soon as practicable, the owner of the immobilized vehicle of the nature and circumstances of the prior unsettled parking violation notices.
3. The owner of an immobilized vehicle, or other duly authorized person, shall be allowed not less than 24 hours from the time of immobilization to repossess or secure the release of the vehicle. Failure to repossess or secure the release of the vehicle within this time period may result in the removal of such vehicle to a storage area for safekeeping under the direction of a police officer or members of the Police Department.
4. The owner of such removed or immobilized motor vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle by payment of the outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all reasonable costs incidental to the immobilization, removal and storage of the vehicle, and the efforts to locate the owner of the vehicle. Should such owner fail or refuse to pay such fines and costs, or should the identity or whereabouts of such owner be unknown and unascertainable, such vehicle may be sold by the Town as an abandoned vehicle as otherwise provided by law.

This Ordinance is effective upon passage and adopted by the Town Council of Cape Charles on this ____ day of _____, 2020.

Mayor

ATTEST: _____
Clerk of the Council