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HOUSE BILL NO. 1694

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on February 28, 2009)

(Patron Prior to Substitute—Delegate Albo)

A *BILL to amend and reenact § 46.2-1224 of the Code of Virginia, relating to local ordinances prohibiting parking of certain vehicles on certain streets.*

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1224 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1224. County ordinances prohibiting certain parking in streets and highways.

A. The governing body of any county may, by ordinance, prohibit any person from parking any motor vehicle, trailer, or semitrailer on or adjacent to the highways in the county when such person parks any such motor vehicle, trailer, or semitrailer for commercial purposes. The provisions of any such ordinance shall not apply to motor vehicle carriers when picking up or discharging passengers.

B. The governing bodies of (i) counties with populations greater than 500,000 and of towns located therein and (ii) counties with populations of at least 210,000 but less than 217,000 may, by ordinance, prohibit any person from parking any commercial vehicle, as defined in this section, on the highways within their respective jurisdiction in areas zoned for residential use. For the purposes of this section, the term "commercial vehicle" may include: (i) any solid waste collection vehicle, tractor truck or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, tow truck with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer; (ii) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold; (iii) any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle; ~~and~~ (iv) any vehicle licensed by the Commonwealth for use as a common or contract carrier or as a limousine; (v) *any truck more than 20 feet in length, other than commercial vehicles used by a public service company as defined in § 56-1 or by others working on its behalf, or commercial vehicles used in the provision of cable television service as defined in § 15.2-2108.2, or commercial vehicles used in the provision of propane gas service;* and (vi) *any vehicle carrying commercial freight in plain view.* Such ordinance shall permit, however, one resident of each single-family dwelling unit zoned for residential use to park one vehicle licensed as a taxicab or limousine on such highways, provided other vehicles are permitted to park thereon. The provisions of any such ordinance shall not apply to a commercial vehicle when picking up or discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

C. The governing bodies of counties with populations greater than 500,000 and the governing bodies of towns within such counties' boundaries may by ordinance prohibit any person from parking any of the following vehicles on the highways within their respective jurisdictions in areas zoned for commercial or industrial use if such highways do not comply with the current geometric design standards of the Virginia Department of Transportation Road Design Manual or Subdivision Street Requirements that would apply had the highways been constructed at the time of adoption of such ordinance: (i) any solid waste collection vehicle, tractor truck, or tractor truck/semitrailer or tractor truck/trailer combination, dump truck, concrete mixer truck, tow truck with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer; (ii) any trailer, semitrailer, or other vehicle in which food or beverages are stored or sold; or (iii) any trailer or semitrailer used for transporting landscaping or lawn care equipment whether or not such trailer or semitrailer is attached to another vehicle. The provisions of any such ordinance shall not apply to any commercial vehicle when picking up or discharging passengers or when temporarily parked pursuant to the delivery of goods or the performance of work or service at a particular location.

Any violation of the provisions of any such ordinance shall be a traffic infraction.