

ORDINANCE NO. 2008-20

AN ORDINANCE AMENDING CHAPTER 98, ARTICLE IV, DIVISION 1, SECTION 98-147 OF THE CODE OF THE CITY OF FAIRFAX, VIRGINIA, PERTAINING TO PARKING OF COMMERCIAL VEHICLES AND CERTAIN NON-COMMERCIAL VEHICLES IN RESIDENTIAL ZONES WITHIN THE CITY OF FAIRFAX

BE IT ORDAINED, by the City Council of the City of Fairfax, Virginia, that Chapter 98, Article IV, Division 1, Section 98-147, of the Code of the City of Fairfax, Virginia, is hereby amended to read in its entirety as follows:

CHAPTER 98, ARTICLE IV. STOPPING, STANDING AND PARKING.

DIVISION 1. GENERALLY

Section 98-147. Parking of commercial vehicles and certain non-commercial vehicles in residential zones.

(a) No person shall park any commercial bus, commercial truck, commercial van or other commercial vehicle in any residential zone, except as provided for in subsection (c) of this section.

(b) No person shall park any noncommercial truck, van or other vehicle in any residential zone unless such vehicle has a weight of less than 9,000 pounds except as provided for in subsection (c) of this section.

(c) For each dwelling unit on any given premises within a residential zone, one commercial vehicle of a weight of less than 9,000 pounds or one noncommercial vehicle of a weight of more than 9,000 pounds but less than 15,000 pounds or one commercial trailer may be parked on a driveway or other area provided for off-street parking on such premises. School buses may be parked in residential areas only during school hours and for a period not to exceed two hours. This section shall not apply to commercial vehicles, or trucks, vans or other vehicles picking up or discharging passengers or merchandise pursuant to the performance of work or service in such residential area.

(d) For the purpose of this section the following definitions shall apply:

Commercial trailer: any trailer or semitrailer used or designed for commercial purposes, including, but not limited to by way of illustration, any such trailer or semitrailer in/on which food or beverages are stored and/or sold for commercial purposes, or used for transporting landscaping or lawn-care equipment, whether or not such trailer or semitrailer is attached to another vehicle.

Commercial vehicle:

- any solid waste collection vehicle, tractor truck or tractor truck/semi-trailer or tractor truck/trailer combination, or
- any dump truck or concrete mixer truck, or any tow truck with a registered gross weight of 12,000 pounds or more, or
- any other heavy construction equipment, cranes, well digging apparatus or any other heavy equipment, whether located on the highway or on a truck, trailer, or semitrailer, or
- any truck or van in which food or beverages are stored and/or sold for commercial purposes, or
- any vehicle licensed for use as a common or contract carrier or as a limousine, or
- any vehicle displaying the name of a business or other commercial venture, or displaying advertising or other graphics associated with a business or other commercial venture (except bumper stickers, car dealer logos or other memento-type items), or

- Any truck or other vehicle, including pick-up trucks, on which is mounted or carried construction or commercial equipment, including but not limited to welders, compressors, blowers or other mechanical equipment, or
- Any truck or other vehicle, including pick-up trucks and vans, on which is mounted or carried racks with construction materials or commercial equipment. Specifically exempt are racks designed for sports and other recreational equipment such as kayaks, bicycles, etc; tool or gear boxes mounted within the bed of a pick-up truck; car top luggage carriers; hard shells or covers for pick-up truck beds, or
- Any van which lacks side windows (other than front driver and front passenger windows), commonly referred to as a panel van.

An otherwise non-commercial vehicle under this section shall not be considered a commercial vehicle merely by the presence of construction or commercial equipment that is completely contained within the vehicle. The term "contained with the vehicle" does not include the use of tarps, sheeting, or other temporary covers or containers. An otherwise non-commercial vehicle under this section shall not be considered a commercial vehicle merely by the presence of power or other hand tools being transported in the bed of a pick-up truck for personal use and not regularly stored on the truck.

**Residential zone:** Shall include any road, street, highway or driveway located in or bordered by residentially zoned property and shall also include any lot whether vacant or improved by structures located in a residential zone.

**Weight:** Shall mean the gross weight as registered with the state department of motor vehicles or similar agency of the state licensing such vehicles, or if such gross weight is not so registered, the gross weight as indicated by the manufacturer's specifications for such vehicle, if available, or if such manufacturer's specifications are not available, then the empty weight of the vehicle as registered with the state department of motor vehicles or similar agency of the state licensing such vehicles; provided, however, that if such empty weight exceeds the maximum weight permitted for any vehicle under the provisions of this section, then the city shall be under no obligation to inquire or to investigate as to the gross weight as indicated by the manufacturer's specifications.

All other terms not expressly defined in this section shall be as defined in Code of Virginia, tit. 46.2.

(Code 1978, § 13-35)

This ordinance shall become effective as provided by law.

INTRODUCED: September 9, 2008

PUBLIC HEARING: September 23, 2008

ENACTED: September 23, 2008

  
\_\_\_\_\_  
Mayor

10/7/08  
\_\_\_\_\_  
Date

ATTEST:

  
\_\_\_\_\_  
City Clerk

The vote on the motion to approve was recorded as follows:

**VOTE:**

Councilwoman Cross	Aye
Councilman Drummond	Aye
Councilman Greenfield	Aye
Councilman Meyer	Aye
Councilman Rasmussen	Aye
Councilman Stombres	Absent