

MEMORANDUM

TO: Town Council, Town of Bowling Green

FROM: Town Attorney

DATE: September 3, 2026

RE: Proposed Replacement of Article 4.10 — Parking Regulations; Comparison with Existing Code

I. Purpose and Executive Summary

The proposed ordinance would repeal the existing Article 4.10, “Motor Vehicles and Traffic,” and replace it with a substantially reorganized Chapter 4.1 addressing motor vehicles and traffic. The September 3, 2026 clean final draft incorporates a number of revisions made since the earlier draft.

With respect specifically to **parking, stopping and standing**, most of the Town’s existing substantive restrictions are retained. The proposal nevertheless makes several meaningful changes:

- **Parking administration would be substantially delegated to the Town Manager.** The existing code gives Town Council authority to establish additional parking regulations, with limited temporary emergency authority vested in the Mayor. The proposed ordinance gives the Town Manager or designee broad authority to establish, amend and revoke parking regulations, designate public parking areas, business parking zones, bus stops, taxi stands and loading zones, and establish associated time restrictions.
- **Several familiar parking prohibitions are expressly expanded or clarified.** The proposed ordinance adds specific 30-foot restrictions approaching flashing beacons, stop signs and traffic signals; a 30-foot restriction at railroad grade crossings; and a prohibition on parking on bridges or other elevated structures.
- **The proposed curb-parking rule is more precise.** It establishes a 12-inch maximum distance from the curb or pavement edge where parking spaces are not marked and specifies how the distance is measured, including a special measurement rule for motorcycles.
- **The fire/rescue station restriction is materially different.** The existing code prohibits parking in a fire-station driveway and, when properly signed, on the opposite side of the street within 75 feet of the entrance. The proposed ordinance uses a 15-foot restriction from the driveway entrance and includes rescue-squad stations. This appears to **narrow the existing restriction** and should be an intentional policy decision. The proposed provision is in §4.40.040(A)(8).
- **The proposed disabled-parking fine has been corrected from the prior draft.** The September 3 draft establishes a \$250 fine, eliminating the \$500/\$250 inconsistency identified in the earlier version. The \$250 amount is within the range authorized by Va. Code §46.2-1242.

- **The three-or-more-unpaid-parking-violations towing/immobilization provision is retained.** The proposed ordinance carries forward the Town's ability to remove or immobilize vehicles with three or more unpaid or unsettled parking violations. This is specifically authorized by Va. Code §46.2-1216.
- **The residential large-vehicle restriction remains the principal statutory issue.** The proposed §4.40.090 continues to prohibit specified trailers, semitrailers, large vehicles, passenger vehicles and hazardous-material vehicles in residential areas, citing Va. Code §46.2-1222.1.
- Overall, the proposal is principally a **reorganization, clarification and administrative modernization** of the existing parking rules rather than a wholesale change in the Town's parking policy. The two provisions warranting the greatest Council attention are the **delegation of regulatory authority to the Town Manager** and the **residential large-vehicle restriction**.

II. Principal Changes from Existing Code

1. Authority to establish parking regulations — significant policy change

Under the existing code, Town Council is expressly authorized to make and promulgate additional parking rules concerning classification of vehicles, time, place and manner of parking, bus stops, taxicab stands and loading zones. The Mayor has limited emergency authority, lasting no longer than the next Council meeting.

The proposed ordinance transfers this principal administrative function to the **Town Manager or designee**, who may establish, amend or revoke parking regulations and designate public parking lots, business parking zones, bus stops, taxi stands and loading zones.

This delegation is generally authorized by **Va. Code §46.2-1220**, which expressly permits a town ordinance to designate a department, official or employee to administer parking regulations and to delegate authority to make and enforce additional parking regulations. The statute also expressly permits parking tickets to be issued by law-enforcement officers, uniformed local employees, or uniformed contract personnel.

Council consideration: The statute permits this delegation, but Council should decide whether it wants the Town Manager to have unrestricted authority to make substantive changes in parking restrictions. A policy alternative would be to reserve to Council changes involving new prohibited areas, new classes of prohibited vehicles or changes in fines, while allowing the Manager to administer existing policies and make temporary operational changes.

2. Additional prohibited parking locations

The existing code already prohibits parking on sidewalks, in front of driveways, within intersections, within 15 feet of fire hydrants, on crosswalks, alongside/opposite obstructions when traffic would be impeded, and on the roadway side of another parked vehicle.

The proposed ordinance retains those restrictions and adds express prohibitions for:

- within 30 feet approaching a flashing beacon, stop sign or traffic signal;
- within 30 feet of a railroad grade crossing; and
- upon a bridge or other elevated structure.

These provisions generally track restrictions recognized in Virginia traffic law and fall within the Town's general parking authority under **Va. Code §§46.2-1220 and 46.2-1300**. Section 46.2-1220 gives towns express authority to regulate parking, stopping and standing; §46.2-1300 permits towns to adopt ordinances regulating vehicle operation so long as they are not inconsistent with Title 46.2.

3. Fire/rescue station parking

This is one of the few changes that could materially affect actual parking enforcement.

The existing code prohibits parking in a fire-station driveway and, when properly signed, prohibits parking on the opposite side of the street within **75 feet** of the entrance.

The proposed ordinance instead prohibits parking within **15 feet of the driveway entrance** to a fire or rescue squad station when plainly designated.

Thus, unless the change is intentional, the proposed ordinance would appear to eliminate the existing 75-foot opposite-side restriction and substitute a substantially narrower 15-foot rule.

4. Curb-parking rule

The existing code requires parallel parking in the direction of lawful traffic and generally relies on the distance required by Virginia law.

The proposal establishes a specific **12-inch maximum distance** from the curb or pavement edge where spaces are not marked, and provides a specific method of measurement.

This is principally a clarification that should make enforcement more objective.

5. Time limits, loading zones and temporary restrictions

The existing and proposed ordinances are substantially similar concerning:

- posted time limits;
- compliance with parking signs and markings;
- the midnight-to-6:00 a.m. prohibition on specified trucks, trailers, buses and recreational vehicles;
- temporary "No Parking" restrictions for traffic movement, snow/debris removal and special events; and
- 30-minute loading/unloading zones.

The proposed ordinance consolidates these provisions and expressly defines a public parking lot as a lot operated by the Town.

Virginia Code §46.2-1220 expressly authorizes towns to establish parking-duration restrictions and designate officials to administer them.

6. Disabled parking

The proposal largely retains the existing four-hour privilege and restrictions governing spaces reserved for persons with disabilities.

Importantly, the **September 3 draft now sets the violation fine at \$250**, rather than the \$500 amount appearing in the earlier draft. This is consistent with the existing citation schedule and avoids the prior internal conflict.

Virginia Code §46.2-1242 authorizes localities to establish fines for violations involving spaces reserved for persons with disabilities, subject to the statutory requirements. The proposed ordinance should continue to track §§46.2-1241 through 46.2-1253 closely.

7. Residential parking of large/commercial vehicles — unresolved statutory issue

The proposed ordinance continues to prohibit, in residentially zoned districts, parking of:

- commercial vehicles;
- trailers and semitrailers;
- vehicles with three or more axles;
- vehicles with a GVWR of 12,000 pounds or more;
- vehicles designed for 16 or more passengers; and
- vehicles transporting hazardous materials.

It contains exceptions for passenger loading/unloading, temporary work/service, and certain utility generators.

III. Enforcement and Citation Provisions

The proposed ordinance retains the existing basic citation structure:

- citation affixed to an unattended vehicle;
- five-day period for voluntary payment;
- certified-mail delinquency notice;
- additional penalty after notice;
- summons if the violation remains unpaid;
- written procedure for contesting the citation; and
- three-year collection period.

The proposed schedule continues the existing \$50/\$100/\$250 structure, including \$250 for disabled-space violations.

The three-or-more-unpaid-violations removal/immobilization provision is also retained. Va. Code §46.2-1216 expressly authorizes towns to adopt such provisions.

IV. Other Legal/Implementation Considerations

Signs and markings. Because many restrictions depend upon signs, curb markings or designated spaces, the Town should ensure that all required signs and markings are installed before enforcement begins. Va. Code §46.2-1220 authorizes local parking regulation, while §46.2-1300 governs local traffic regulations and signage.

VDOT roads. If the Town regulates parking on an interstate, arterial highway or extension of an arterial highway, §46.2-1220 requires approval by the Commissioner of Highways. The Town should identify affected roads and coordinate with VDOT before implementing new restrictions.

Motorcycles. Section 46.2-1220 prohibits a local parking ordinance from prohibiting two motorcycles from using a single standard four-wheel parking space. The Town should ensure that future parking regulations adopted administratively do not conflict with this requirement.

V. Comparison Chart — Principal Parking Changes

September 3, 2026			
Topic	Existing Code	Proposed Ordinance	Significance
Parking regulatory authority	Town Council establishes additional parking regulations; Mayor has temporary emergency authority.	Town Manager/designee may establish, amend, revoke and enforce parking regulations.	Major policy/administrative change
Public parking/business zones	Council authority to establish regulations.	Manager expressly authorized to designate public lots, business zones, bus stops, taxi stands and loading zones.	Expanded administrative authority
Sidewalk/driveway/intersection/hydrant/crosswalk parking	Prohibited.	Retained.	No material change
Flashing beacon/stop sign/signal	Not expressly identified in existing local list.	30-foot approach restriction.	New/express restriction
Railroad crossing	Not expressly identified in existing local list.	30-foot restriction.	New/express restriction
Fire/rescue station	Driveway prohibited; opposite side within 75 feet when properly signed.	15 feet from driveway entrance.	Substantive narrowing of existing rule
Street excavation/obstruction	Prohibited when traffic would be obstructed.	Retained.	No material change
Bridge/elevated structure	Not expressly identified.	Expressly prohibited.	New/express restriction
Curb parking	Parallel/right-side rule; distance tied to state law.	12-inch maximum where spaces unmarked; specific measurement method.	Clarification/enhanced enforcement standard

		September 3, 2026 Proposed Ordinance	
Topic	Existing Code		Significance
Double parking	Prohibited.	Prohibited.	No material change
Disabled parking	Four-hour privilege and designated-space restrictions.	Substantially retained.	No material change
Disabled-space fine	\$250 schedule.	\$250.	Prior draft inconsistency corrected
Time-limited parking	Posted time limits.	Posted time limits; Town-operated public lots expressly included.	No material change
Midnight–6 a.m. truck/trailer restriction	Specified large vehicles prohibited.	Substantially retained.	No material change
Temporary no-parking	Manager may post for traffic, snow/debris and special events.	Retained.	No material change
Loading zones	30-minute maximum.	30-minute maximum.	No material change
Residential large vehicles	Existing restriction.	Retained with specified exceptions.	
Parking citations	\$50/\$100/\$250 schedule; five-day payment period.	Substantially retained and reorganized.	No major substantive change
Delinquent citations	Notice, additional penalty and summons procedure.	Substantially retained.	Procedural continuity
Three unpaid violations	Removal/immobilization authorized.	Retained.	Supported by Va. Code §46.2-1216
VDOT/arterial highways	Subject to state-law limitations.	Same.	