

**ARTICLE 361**  
**Parking Generally**

- 361.01 Stopping, standing, or parking on streets and highways
- 361.02 Registered owner prima-facie liable for unlawful parking
- 361.03 Forty-eight-hour limit
- 361.04 Temporary no parking zones
- 361.05 Severability
- 361.99 Penalty

**CROSS REFERENCES**

Applicable West Virginia State Codes to this Article include: WV Code 17-24A-2; 17C-13; 17C-14-13. See sectional histories for similar State law.

**361.01 STOPPING, STANDING, OR PARKING ON STREETS AND HIGHWAYS.**

In addition to those prohibitions cited in WV Code 17C-13 & 14 the following sections apply:

(a) Parking for certain purposes prohibited. No person shall park any vehicle upon any street within the Municipality for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Displaying advertising.
- (3) Washing, greasing or repairing such vehicle, except repairs made necessary by an emergency.
- (4) Relieving the crowded condition of any parking lot, automobile sales lot, repair garage, or automobile rental lot.

(b) Loading and unloading zones. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivering or pickup and loading of materials in any place marked as a loading and unloading zone during the hours of 8:00 a.m. and 5:00 p.m., on all weekdays, except legal holidays as specified in West Virginia Code §2-2-1, Legal holidays, official acts or court proceedings and as revised, amended or modified from time to time by the State Legislature. One additional holiday will be recognized for City Election Day. In no case shall the stop for loading and unloading of materials exceed fifteen minutes.

(c) Bus Stops

- (1) No person shall stop, stand or park a vehicle other than a bus in a bus stop when any such stop or stand has been officially designated and appropriately posted, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually, engaged in loading or unloading passengers when such stopping does not interfere with any bus waiting to enter or about to enter such zone, and then only for a period not to exceed three minutes if such stopping is not prohibited therein by posted signs.

- (2) The operator of a bus shall not stop, stand or park such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.
- (3) The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) Painted curbs or streets. No person shall park where signs explicitly prohibit stopping, standing, or parking or where the curbing or street is painted yellow or red, or at any place in excess of the maximum time limited by signs

(e) Parking in alleys and narrow streets. No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal. Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed thirty minutes.

(f) Parking between sidewalk and curb. When a portion of any street is paved no person shall park any vehicle between the sidewalk and curb or drive such vehicle between the sidewalk and curb.

(g) Parking of commercial and recreational vehicles.

- (1) A commercial vehicle as used in this section shall mean any motor vehicle, truck, bus, tractor-trailer, or other tandem vehicle licensed or used for the transportation of property and/or people, delivery of goods, wares, merchandise or any other commercial-related service upon any street of the City.
- (2) A recreational vehicle as used in this section shall mean any motor home, travel trailer, truck camper, or camping trailer with or without motive power designed for human habitation for recreational or emergency occupancy.
- (3) No person shall park any commercial or recreational vehicle as defined in this section on any street of the City except for the purpose of loading or unloading, and then only for the period of time which is spent in the actual loading or unloading of such vehicle.
- (4) No person shall park, under the exception cited in 361.01(g)(3), any commercial or recreational vehicle on any street within the residential districts of the City between one hour after sunset and one hour before sunrise.
- (5) No person shall park the trailer of any tractor-trailer or the property-carrying unit of any tandem vehicle upon any street in the City unless the same is fully connected to the tractor or other regular propelling unit so that the same can be immediately moved when required.

**361.02 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.**

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the records of the Department of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked was so parked by the defendant. A certified copy of registration from the Department of Motor Vehicles shall be proof of such ownership.

**361.03 FORTY-EIGHT HOUR LIMIT.**

No person shall leave any vehicle parked on any street, alley, or municipal parking lot “with or without a parking permit” in the City for a period of more than forty-eight consecutive hours.

**361.04 TEMPORARY NO PARKING ZONES.**

(a) No person shall stop, stand, park or leave any vehicle in a designated no parking zone.

(b) Temporary No Parking Zones may be established for Special Events, Parades, or planned construction. These zones will be posted by employees of the City of Charles Town, no less than twenty-four (24) hours prior to the parking restriction taking effect. Signs noticing the No Parking Zone will display the dates and times that the No Parking Zone will be in effect.

(c) Emergency No Parking Zones may be established for public safety, emergency repairs, or disaster recovery efforts without prior notice.

**361.05 SEVERABILITY.**

The provisions of this article shall be liberally construed to accomplish its objective and purposes. If any provision of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not otherwise affect or invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable.

**361.99 PENALTY.**

General Article Penalty. Whoever violates any provision of this article shall be fined according to the following:

- (a) Expired Meter – paid within 5 days – \$10; paid after 5 days but before 30 days – \$30; paid after 30 days – \$60.
- (b) Accessible parking violations (WV Code 17C-13-6) First conviction – \$200; Second conviction – \$300; subsequent convictions – \$500
- (c) Abandoned or junked motor vehicles – not more than \$500 or imprisonment of not more than thirty days, or both.
- (d) Other violations not otherwise listed – \$60.00.

This Ordinance shall take effect on July 1, 2020 pursuant to Resolution 2020-002.

First Reading: March 2, 2020

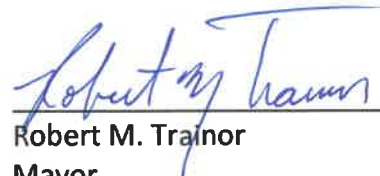
Passed on Second  
Reading Following  
Public Hearing:

MARCH 16, 2020

Enacted this 3<sup>rd</sup> day of APRIL, 2020

City of Charles Town

Attest:

  
\_\_\_\_\_  
Robert M. Trainor  
Mayor

  
\_\_\_\_\_  
Daryl Hennessy  
City Manager/Clerk