

ARTICLE 365
Charles Town Parking District

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CROSS REFERENCES

Registered owner prima-facie liable for unlawful parking – ART 361.02

365.01 PARKING DISTRICT ESTABLISHED

The Charles Town parking district is bounded by the outside corners of:

- (a) N West Street and W North Street
- (b) E North Street and N Mildred Street
- (c) S Mildred Street and E Congress Street
- (d) W Congress Street and S West Street

365.02 PARKING DISTRICT ZONES

The following zones are established within the Charles Town parking district:

On-Street Metered Parking Zone – the parking meter zone is established on both sides of the following streets:

- (1) Liberty Street – 200 block W Liberty Street through 100 block E Liberty Street
- (2) Congress Street – 200 block W Congress Street through 100 block E Congress Street
- (3) Lawrence Street – 100 block S Lawrence Street through 100 block N Lawrence Street
- (4) Charles Street – 100 block S Charles Street through 200 block N Charles Street
- (5) George Street – 200 block N George Street
- (6) Samuel Street – 100 block S Samuel Street through 200 block N Samuel Street

Off-Street Permit/Metered Parking Lot Zones:

- (1) Charles Street Lot – metered, applicable mobile pay app, or City parking permit – corner of W Congress and S Charles Streets
- (2) Lawrence Street (American Legion) Lot – metered, applicable mobile pay app, or City parking permit – corner of W Congress and S Lawrence Streets
- (3) Liberty Street Lot – applicable mobile pay app or City parking permit– adjacent to North 100 block of W Liberty Street

On-Street 2 Hour Free Parking Zone:

- (1) Washington Street – 300 block W Washington Street through the 100 block E Washington Street.
- (2) George Street – 100 block S George Street through 100 block of N George Street

On-Street Non-Meter Parking Zone:

- (1) North Street
- (2) Liberty Street – 300 block W Liberty & 200 block E Liberty
- (3) Congress Street – 300 block W Congress
- (4) West Street
- (5) Lawrence Street – 200 block N Lawrence
- (6) Mildred Street

365.03 PARKING FEE RATES AND ANNUAL PARKING PERMITS

(a) The parking fee rate during days and times specified in Section 365.04(a) shall be twenty-five cents (\$.25) per 60 minutes or any fraction thereof for a vehicle parked in the zones specified in:

- (1) Section 365.02(a)
- (2) Section 365.02(b)(1) and (2)

(b) Annual parking permits, available through the City Treasurer, are valid for the duration of the Fiscal Year (July through June) in which they were issued.

- (1) Annual parking permit fee shall be \$180.00
- (2) The fee for annual parking permits issued after July shall be prorated as follows:
 - A. August - \$164
 - B. September - \$149
 - C. October - \$134
 - D. November - \$119
 - E. December - \$104
 - F. January - \$89
 - G. February - \$73
 - H. March - \$60
 - I. April through June - \$44
- (3) The number of annual parking permits, including residential parking permits cited in Section 365.15, sold each year shall not exceed 170.

- (4) Parking permits are valid at parking meters within Section 365.02(a) and (b) except at meters with a parking time limit of less than eight (8) hours.
- (5) Parking permits are valid in the parking zone cited in section 365.02(c) for a maximum of two (2) hours.

365.04 DAYS AND HOURS OF OPERATION

(a) Parking rates in Section 365.03 apply to parking zones specified in Sections 365.02(a) through (c) are in effect on all weekdays between the hours of 8:00AM to 5:00PM, excluding legal holidays cited in West Virginia State Code §2-2-1, City-wide election or voting day(s), or as amended or modified from time to time by the City Council.

(b) Parking lots designated in Section 365.02(b) are open 24-hours a day; rates apply as cited in Section 365.04(a).

365.05 MANNER OF PARKING

Whenever a parking meter space is designated, any vehicle parked in such space shall be parked so that the foremost part of such vehicle shall be nearest the parking meter; or in the case of a double-meter on a single pole the rearmost part of the vehicle as appropriate.

(a) When any vehicle is parked in a metered parking space, the operator thereof shall be responsible for depositing the appropriate United States coin(s) in the parking meter associated with that space or;

(b) shall pay the appropriate parking fee using an applicable mobile pay app or;

(c) display a valid parking permit pursuant to Sections 365.03 and 365.15.

365.06 OVERTIME OR ILLEGAL PARKING

(a) A vehicle parked in a space within parking zones cited in Section 365.02(a), (b)(1) and (2) for longer than the time allotted at the parking meter within the time period cited in Section 365.04 shall constitute a violation of this article; except those vehicles parked in metered spaces with an eight (8) hours or greater time limit displaying a valid parking permit.

(b) A vehicle parked in a space within a parking zone cited in Section 365.02(c) – 2 hour free parking – for longer than two hours within the time period cited in Section 364.04 shall constitute a violation of this article.

(c) Vehicles parked in any space in the Liberty Street parking lot (Section 365.02(b)(3)) within the time period cited in Section 365.04 that fail to display a valid parking permit or pay for parking via a mobile pay app shall constitute a violation of this article.

365.07 TAMPERING/SLUGS

No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter; or deposit or cause to be deposited in any parking meter, any slug, device or metallic substance, or any other substitute, for a coin of the United States.

365.08 COMMERCIAL VEHICLES

(a) Commercial/delivery trucks or vehicles parking pursuant to Section 365.04 may park, for a period of time not to exceed 15 minutes, in any vacant metered parking space within the parking district cited in 365.01, for onloading and offloading, without paying the appropriate parking fee cited in Section 365.03. Any vehicle under this section parked in a metered parking space in excess of 15 minutes shall constitute a violation of this article.

(b) Loading/unloading zone violations within the designated parking district are subject to the rules and procedures as cited in Article 361 – Parking Generally – of the Charles Town Codified Code.

365.09 PURPOSE AND USE OF REVENUE

Revenue received from parking meters and permits are hereby levied and assessed as fees to provide for the proper operation, enforcement, and maintenance of the parking program within the Charles Town parking district, described in Section 365.01.

365.10 DISPOSITION OF PARKING METER REVENUE

Parking meter revenue will be deposited in such bank, and to the credit of such account, as prescribed by ordinance or resolution of the City of Charles Town City Council.

365.11 AUTHORITY OF LAW ENFORCEMENT AND PARKING ENFORCEMENT OFFICERS; PARKING CITATIONS

(a) It shall be the duty of law enforcement and parking enforcement Officers acting in accordance with West Virginia Codes §8-14-3, §8-14-5a, and the instructions issued by the Mayor to report:

- (1) The state registration number of vehicles parked in violation of the provisions of this article.
- (2) Any other facts, a knowledge of which is necessary for a thorough understanding of the circumstances surrounding a violation.

(b) Law enforcement and parking enforcement Officers shall attach the citation to the vehicle in violation of this article, which shall serve as a notice to the vehicle's owner/operator of the violation.

(c) The owner/operator shall, within 5 days of the date noted on the citation, pay the fine in the amount of ten dollars (\$10.00) by:

- (1) Directly paying it to the City of Charles Town cashier during regular office hours;
- (2) depositing a check, cash, or money order in the designated drop box located at the entrance of the City Municipal Building, or;
- (3) paying on-line through the City's Website, or;
- (4) paying on-line through an authorized internet payment site.

(d) Failure of such owner/operator to affect such payment within five days of the date noted on the citation shall render the owner/operator liable for the penalty of the sum of thirty

dollars (\$30.00) for satisfaction of such violation. If such violation(s) continues to remain unpaid for thirty (30) days, a Notice of Delinquent Parking Citation shall be mailed to the owner of such vehicle in violation allowing a twenty (20) day grace period in which to pay the penalty of the sum of sixty dollars (\$60.00) for satisfaction of such violation.

365.12 IMMOBILIZATION DEVICE (BOOTING)

(a) Any vehicle for which three (3) or more violations have remained outstanding and unpaid after the twenty (20) day grace period cited in Section 365.10(d) will be subjected to “booting”, which is a wheel restraint that immobilizes the vehicle.

(b) Whenever any vehicle is immobilized by this method, a written notice will be conspicuously affixed to the vehicle notifying the owner/operator that the vehicle has been immobilized for the violation of unpaid parking citations.

(1) The notice will also include the procedure to obtain the release of the immobilizer and

(2) a forty-eight (48) hour sticker will be affixed to the driver’s side window advising the owner/operator that the vehicle must be removed from the street within 48 hours of the date and time indicated on the sticker. Failure to remove the vehicle from the street will result in the vehicle being towed/impounded by the authority of Article 361.03 – FORTY-EIGHT HOUR LIMIT – of the Charles Town Codified Code.

(c) In addition to the payment in full of all unpaid parking citations, the owner/operator of any vehicle, which has been immobilized shall pay an additional fee of fifty dollars (\$50.00) for the removal of the boot from the vehicle.

(d) It shall be unlawful for any unauthorized person to attempt to remove the booting device or move any vehicle immobilized prior to obtaining such release.

365.13 OTHER VIOLATIONS

Other parking violations within the designated parking district are subject to the rules and procedures as cited in Article 361 – Parking Generally – of the Charles Town Codified Code.

365.14 ACCESSIBLE PARKING

(a) Accessible parking within the Parking District shall conform with Article 361 – Parking Generally – of the Charles Town Codified Code.

(b) Parking rates cited in Section 365.03 apply in parking zones cited in Section 365.02.

365.15 RESIDENTIAL PARKING SPACES AND PERMITS

The City may issue residential parking permits for residents whose confirmed address is within parking zones cited in Section 365(02)(a), (b), or (c).

(a) Annual residential parking permits, available through the City Treasurer, are valid for the duration of the Fiscal Year (July through June) in which they were issued.

(b) Annual residential parking permit fee shall be \$90.00

(c) The fee for annual parking permits issued after July shall be prorated as follows:

- (1) August - \$82
- (2) September - \$74
- (3) October - \$67
- (4) November - \$59
- (5) December - \$52
- (6) January - \$44
- (7) February - \$37
- (8) March - \$30
- (9) April through June - \$22

(d) Residential Parking Permits are limited to one per residential address

(e) The total number of Residential Parking Permits coupled with Annual Parking Permits cited in Section 365.03, sold each year shall not exceed 170.

(f) Parking permits are valid at parking meters within Section 365.02(a) and (b) except those meters with a parking time limit of less than eight (8) hours.

365.16 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.

365.99 PENALTY

Refer to Article 361 – Parking Generally – of the Charles Town Codified Code for any violation penalties not specifically cited in this Article.

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 3rd day of APRIL, 2020

City of Charles Town


Robert M. Trainor
Mayor

Attest:


Daryl Hennessy
City Manager/Clerk