

**CHAPTER SEVEN - Parking**  
**Art. 361. Parking Generally.**

---

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

- |        |   |        |   |
|--------|---|--------|---|
| 361.01 | Prohibition against parking on streets or highways. | 361.06 | Handicapped parking.                                      |
| 361.02 | Police may remove illegally stopped vehicles.       | 361.07 | Abandoned motor vehicles.                                 |
| 361.03 | Prohibited stopping, standing or parking places.    | 361.08 | Parking for certain purposes prohibited.                  |
| 361.04 | Vehicles parked on private property.                | 361.09 | Truck loading zones.                                      |
| 361.05 | Manner of angle and parallel parking.               | 361.10 | Bus stops and taxicab stands.                             |
|        |   | 361.11 | Parking in alleys and narrow streets; exceptions.         |
|        |   | 361.12 | Registered owner prima-facie liable for unlawful parking. |
|        |   | 361.13 | Parking privileges and "no parking spaces".               |
|        |   | 361.99 | Penalty.  |

**CROSS REFERENCES**

See sectional histories for similar State law  
 Authority to regulate the standing or parking of vehicles - see W. Va. Code 17C-2-8(a)(1)  
 Authority to regulate parallel and angle parking - see W. Va. Code 17C-13-4  
 Impounding of abandoned vehicles - see TRAF. 303.07  
 Duty to stop engine, set brake on grade and remove key - see TRAF. 349.01

**361.01 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.**

(a) Upon any street or highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the street or highway when it is practicable to stop, park or so leave such vehicle off such part of the street or highway, but in every event an unobstructed width of the street or highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of 200 feet in each direction upon such highway or street.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a street or highway in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (WVaC 17C-13-1)

**361.02 POLICE MAY REMOVE ILLEGALLY STOPPED VEHICLES.**

(a) Whenever any police officer finds a vehicle standing upon a street or highway in violation of Section 361.01, such officer is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such street or highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety. (WVaC 17C-13-2)

**361.03 PROHIBITED STOPPING, STANDING OR PARKING PLACES.**

(a) No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet of a fire hydrant;
- (5) In a properly designated fire lane;
- (6) On a crosswalk;
- (7) Within twenty feet of a crosswalk at an intersection;
- (8) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (9) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (10) Within fifty feet of the nearest rail of a railroad crossing;

- (11) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of such entrance (when properly signposted);
- (12) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (13) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (14) Upon any bridge or other elevated structure upon a street or highway or within a street or highway tunnel;
- (15) At any place where signs 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;
- (16) Within twenty feet of any mail receptacle served regularly by a carrier using a motor vehicle for daily deliveries, if such parking interferes with or causes delay in the carrier's schedule;
- (17) Upon any controlled-access highway;
- (18) At any place on any street or highway where the safety and convenience of the traveling public is thereby endangered;
- (19) Over or across any lines or marks established by the Municipality to indicate parking spaces.
- (20) In front of a wheelchair accessible ramp or curb cut which is part of a sidewalk designed for use by the general public when the ramp or curb cut is properly marked with blue paint.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.  
(WVaC 17C-13-3)

#### **361.04 VEHICLES PARKED ON PRIVATE PROPERTY.**

No driver of a vehicle shall stop, park or leave standing unattended any vehicle on a private road or driveway or on private property without having express or implied permission from the owner, tenant or lessee of such land. The owner, tenant or lessee of such private road or driveway or private property may move, or have moved, any vehicle stopped, parked or left standing unattended on his or her private road, driveway or private property as above prohibited without any liability for the cost of moving any vehicle, nor shall he or she be liable to the owner of the vehicle for any damage done to such vehicle in moving it, unless the owner, tenant or lessee of such private road or driveway or private property was negligent in removing or authorizing the removal of the vehicle. The owner of such vehicle shall be responsible to the persons removing such vehicle for paying all removal costs. Any person who removes any vehicle under the provisions of this section shall notify the State Police of such action, and, in addition notify the Police Department.

(WVaC 17C-14-13)

**361.05 MANNER OF ANGLE AND PARALLEL PARKING.**

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb-side wheels of such vehicle parallel with and not more than eighteen inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

(b) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a State or Federal-aid route unless approved by the State Commissioner of Highways.

(c) Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or marks.

(d) No vehicle shall be stopped or parked on a road or street with the vehicle facing in a direction other than the direction of travel on that side of the road or street.

**361.06 HANDICAPPED PARKING.**

(a) As used in this section, the following terms have the meanings ascribed to them in this subsection:

- (1) A person with a "mobility impairment" means a person who, as determined by a licensed physician:
  - A. Cannot walk two hundred feet without stopping to rest;
  - B. Cannot walk without the use of or assistance from a brace, cane, crutch, prosthetic device, wheelchair, other assistive device or another person;
  - C. Is restricted by lung disease to such an extent that the person's force (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
  - D. Uses portable oxygen;
  - E. Has a cardiac condition to such an extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards established by the American heart association; or
  - F. Is severely limited in his or her ability to walk because of an arthritic, neurological, orthopedic or other physical condition.
- (2) "Special registration plate" means a registration plate that displays the international symbol of access in a color that contrasts with the background, in letters and numbers the same size as those on the plate, and which may be used in lieu of a regular registration plate.

- (3) "Removable windshield placard" (permanent or temporary) means a two-sided, hanger style placard measuring three inches by nine and one half inches, with all of the following on each side:
- A. The international symbol of access, measuring at least three inches in height, centered on the placard, in white on a blue background for permanent designations and in white on a red background for temporary designations;
  - B. An identification number measuring one inch in height;
  - C. An expiration date in numbers measuring one inch in height; and
  - D. The seal or other identifying symbol of the issuing authority.
- (4) "Public entity" means state or local government or any department, agency, special purpose district or other instrumentality of a state or local government.
- (5) "Public facility" means all or any part of any buildings, structures, sites, complexes, roads, parking lots or other real or personal property, including the site where the facility is located.
- (6) "Place(s) of public accommodation" means a facility or facilities operated by a private entity whose operations affect commerce and fall within at least one of the following categories:
- A. Inns, hotels, motels and other places of lodging;
  - B. Restaurants, bars or other establishments serving food or drink;
  - C. Motion picture houses, theaters, concert halls, stadiums or other places of exhibition or entertainment;
  - D. Auditoriums, convention centers, lecture halls or other places of public gatherings;
  - E. Bakeries, grocery stores, clothing stores, hardware stores, shopping centers or other sales or rental establishments;
  - F. Laundromats, dry cleaners, banks, barber and beauty shops, travel agencies, shoe repair shops, funeral parlors, gas or service stations, offices of accountants and attorneys, pharmacies, insurance offices, offices of professional health care providers, hospitals or other service establishments;
  - G. Terminals, depots or other stations used for public transportation;
  - H. Museums, libraries, galleries or other places of public display or collection;
  - I. Parks, zoos, amusement parks or other places of recreation;
  - J. Public or private nursery, elementary, secondary, undergraduate or post-graduate schools or other places of learning and day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies or other social service establishments; and
  - K. Gymnasiums, health spas, bowling alleys, golf courses or other places of exercise or recreation.
- (7) "Commercial facility" means a facility whose operations affect commerce and which are intended for nonresidential use by a private entity.

(b) A handicapped parking space should comply with the provisions of the Americans with Disabilities Act Guidelines, contained in 28 C.F.R. 36, Appendix A, section 4.6. In particular, the parking space should be a minimum of eight feet wide with an adjacent access aisle for vans having side mounted handicap lifts. Access aisles should be marked using diagonal stripes or other appropriate markings denoting that the space is a no-parking zone. Lines or markings on the pavement or curbs for parking spaces and access aisles may be in any color, although blue is the generally accepted color for handicapped parking.

(c) A vehicle from any other state, United States territory or foreign country displaying an officially issued special registration plate, placard or decal bearing the international symbol of access, shall be recognized and accepted as meeting the requirements of this section, regardless of where the plate, placard or decal is mounted or displayed on the vehicle.

(d) Free stopping, standing or parking places marked with the international symbol of access shall be designated in close proximity to all public entities, including state, county and municipal buildings and facilities, places of public accommodation and commercial facilities. These parking places shall be reserved solely for persons with a mobility impairment during the hours that those buildings are open for business.

(e) Any person whose vehicle properly displays a valid, unexpired special registration plate or removable windshield placard may park the vehicle for unlimited periods of time in parking zones unrestricted as to length of parking time permitted: provided, that this privilege does not mean that the vehicle may park in any zone where stopping, standing or parking is prohibited or which creates parking zones for special types of vehicles or which prohibits parking during heavy traffic periods during specified rush hours or where parking would clearly present a traffic hazard.

The privileges provided for in this subsection apply only during those times when the vehicle is being used for the transportation of a person with a mobility impairment. Any person who knowingly exercises, or attempts to exercise, these privileges at a time when the vehicle is not being used for the transportation of a person with a mobility impairment, in addition to any other penalty he or she may otherwise incur, shall be fined one hundred dollars (\$100.00).

(f) Any person whose vehicle does not display a valid, special registration plate or removable windshield placard may not stop, stand or park a motor vehicle in an area designated, zoned or marked for handicapped parking with signs or instructions displaying the international symbol of access, either by itself or with explanatory text. Such signs may be mounted on a post or a wall in front of the handicapped parking space and instructions may appear on the ground or pavement, but use of both methods is preferred. Handicapped parking spaces for vans having an eight-foot adjacent access aisle should be designated as "van accessible" but may be used by any vehicle displaying a valid special registration plate or removable windshield placard. These spaces are intended solely for persons with a mobility impairment, as defined in this section: provided, that any person in the act of transporting a person with a mobility impairment as defined in this section, may stop, stand or park a motor vehicle not displaying a special registration plate or removable windshield placard in the area designated for handicapped parking by the international symbol of access for the limited purposes of loading or unloading a passenger with a mobility impairment: provided, however, that the vehicle shall be promptly moved after the completion of this limited purpose.

Any person who violates the provisions of this subsection shall be fined one hundred dollars (\$100.00).

(g) Signs erected in the future that designate areas as "handicapped parking" or that display the international symbol of access shall also include the words "\$100 fine".

(h) No person may stop, stand or park a motor vehicle in an area designated or marked off as an access aisle adjacent to a van-accessible parking space or regular handicapped parking space. Any person, including a driver of a vehicle displaying a valid removable windshield placard or special registration plate, who violates the provisions of this subsection shall be fined one hundred dollars (\$100.00).

(i) Parking enforcement personnel who otherwise enforce parking violations are hereby authorized to issue citations for violations of this section.

(j) A grace period is hereby established for individuals who, on the date of adoption of this code section, hold special registration plates or removable windshield placard bearing no expiration date. Said grace period shall expire on the date as designated by the West Virginia Commissioner of Motor Vehicles, after which time any undated registration plate or windshield placard is invalid and subject to confiscation by any police officer of the Municipality.

(k) To the extent any provision of any ordinance of the Municipality is contrary to the provisions of this section, the provisions of this section shall take precedence and shall apply. (WVaC 17C-13-6)

### **361.07 ABANDONED MOTOR VEHICLES.**

(a) Definitions.

- (1) "Abandoned motor vehicle" means any motor vehicle, or major part thereof, which is inoperative and which has been abandoned on public property for any period of time over five days, other than in an enclosed building or in a licensed salvage yard or at the business establishment of a demolisher; or any motor vehicle, or major part thereof, which has remained on private property without consent of the owner or person in control of the property for any period of time over five days; or any motor vehicle, or major part thereof, which is unattended, discarded, deserted and unlicensed and is not in an enclosed building, a licensed salvage yard or the actual possession of a demolisher: Provided, that a motor vehicle, or major part thereof, shall not be considered an abandoned motor vehicle if:
  - A. The owner of the motor vehicle is storing the motor vehicle on the owner's property;
  - B. The motor vehicle is being stored for the purpose of using its parts on other motor vehicles owned by the owner;
  - C. The owner owns other motor vehicles similar to the motor vehicle being stored; and
  - D. The owner is a business licensed to do business in the State of West Virginia and not in the primary business of offering motor vehicles or parts thereof for sale.
- (2) "Enclosed building" means a structure surrounded by walls or one continuous wall and having a roof enclosing the entire structure and includes a permanent appendage thereto.

- (3) "Motor vehicle" means a vehicle which is or was self-propelled, including, but not limited to, automobiles, trucks, buses and motorcycles.
- (4) "Person" means a natural person, corporation, firm, partnership, association or society and the plural as well as the singular.  
(WVaC 17-24A-1)

(b) Abandonment of Motor Vehicle Prohibited. No person shall, within this Municipality, abandon a motor vehicle or major part thereof upon the right-of-way of any public highway, upon any other public property or upon any private property without the consent of the owner or person in control of the property, or upon property owned or controlled by that person, unless it be at a licensed salvage yard or at the business establishment of a demolisher, or a business licensed to do business in the State of West Virginia and not in the primary business of offering motor vehicles or parts thereof for sale.  
(WVaC 17-24A-2)

### **361.08 PARKING FOR CERTAIN PURPOSES PROHIBITED.**

No person shall park any vehicle upon any street within the Municipality for the principal purpose of:

- (a) Displaying such vehicle for sale.
- (b) Displaying advertising.
- (c) Washing, greasing or repairing such vehicle, except repairs made necessary by an emergency.
- (d) Relieving the crowded condition of any parking lot, used car lot, automobile sales lot, repair garage, automobile sales agency or used car sales agency.

### **361.09 TRUCK LOADING 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 truck loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

### **361.10 BUS STOPS AND TAXICAB STANDS.**

(a) No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand 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 or taxicab 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.

(b) 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.

(c) 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) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

**361.11 PARKING IN ALLEYS AND NARROW STREETS;  
EXCEPTIONS.**

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.

**361.12 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.

**361.13 PARKING PRIVILEGES AND "NO PARKING SPACES".**

(a) Parking privileges and spaces designated as "no parking spaces" may be granted upon consent of the Council and when granted must be definitely marked. No person shall, without the consent of Council, designate any space bordering along and parallel with the streets, alleys and highways of the Town as a "no parking space".

(b) Parking privileges upon the streets, alleys and highways of the Town may be temporarily suspended by any police officer in time of unusual congestion, but only upon the placement of official signs in conspicuous places upon said street, alley or highway sufficient to give timely notice of the temporary suspension of said privilege, to the recipient of such a privilege or upon the giving of oral or written notice to each affected individual recipient of such privilege, and the owner or person in charge of any vehicle parked in designated parking area.

(c) If the owner or person in charge of any vehicle shall fail or neglect to remove such vehicle before or between the time specified on the sign, or by the time specified in the oral or written notice, he shall be subject to the penalties prescribed in this Traffic Code.  
(1969 Code 17-3-43.)

**361.99 PENALTY.**

(a) General Article Penalty. Whoever violates any provision of this article for which no other penalty is provided shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).

(b) Abandoned and Junk Vehicles. Whoever violates Section 361.07 shall be fined not more than five hundred dollars (\$500.00).