

**Town of Nutter fort**  
**Ordinance 2021-08**

**AN ORDINANCE OF THE TOWN OF NUTTER FORT, WEST VIRGINIA,  
RESCINDING ORDINANCE §361.17 HANDICAPPED PARKING; RESIDENTIAL  
PERMITS; SPACES.**

**NOW, THEREFORE, BE IT HEREBY ENACTED BY THE TOWN COUNCIL OF  
NUTTER FORT, WEST VIRGINIA, AS FOLLOWS:**

**WHEREAS**, Members of the governing body of the Town of Nutter Fort have taken under consideration the issue of Handicapped Parking; Residential Permits; Spaces; and

**WHEREAS**, Members of the governing body of the Town of Nutter Fort have been advised that Ordinance §361.17 states as follows:

*(a) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.*

**OFF-STREET PARKING.** *Includes, but is not limited to, private driveways, garage entrances, and the presence of an empty lot adjacent or in close proximity to the person's property.*

**PERSON WITH DISABILITY.** *A person entitled to consideration for a residential handicapped parking permit/space means any person who:*

*(a) Meets the criteria for receipt of a handicapped license plate and/or placard from the State of West Virginia Division of Motor Vehicles; and*

*(b) Has received such a license plate and/or placard from the State of West Virginia Division of Motor Vehicles, which plate and/or placard, along with identification verifying he or she is the person entitled to use of the plate and/or placard.*

**QUALIFIED HEALTH-CARE PROVIDER.** *Entitled to consideration for a residential handicapped parking permit means any person which is:*

*(a) A licensed registered nurse, practical nurse, aide or other home-health-care provider who certifies in writing to the Town of Nutter Fort Traffic Commission that he or she is currently providing life support services, rather than custodial services, to a resident of the Town of Nutter Fort at that resident's home; and*

*(b) Using an authorized handicapped license plate and/or placard provided by the State of West Virginia Division of Motor Vehicles.*

*(b) No person with disability shall be entitled to a residential handicapped parking permit/space unless the Town of Nutter Fort Traffic Commission determines, via an on-site inspection by the liaison staff person at the WV Division of Rehabilitation Services. A West Virginia state agency providing services to persons with disabilities and with whom the Town of Nutter Fort Traffic Commission has entered into a cooperative agreement, that all four of the following criteria are met:*

*(1) No adequate off-street parking is available which accommodates that person's disability;*

*(2) The resident lives in a heavily populated area such that inadequate parking exists to accommodate the person's disability, absent provision of a handicapped permit/space;*

*(3) No other alternative method of parking exists to accommodate the person's need, absent provision of a handicapped permit/space; and*

*(4) No other handicapped permit/space is already available in proximity to the person's property.*

*(c) No qualified health care provider shall be entitled to utilize handicapped permit/space unless such provider is in the process of providing life support services to a person with disability and displays in his or her vehicle the permit allowing appropriate usage of the residential handicapped space. Medical verification is required.*

*(d) At all times, any person with a disability utilizing a residential handicapped space must display the permit allowing appropriate usage of the residential handicapped space. A current handicapped license*

*plate and/or placard provided by the State of West Virginia Division of Motor Vehicles shall be a sufficient permit.*

*(e) In any event, no person with disability or qualified health care provider shall park in a designated residential handicapped parking space for longer than 72 consecutive hours. Vehicles which are parked in such spaces for longer than 72 consecutive hours may be ticketed and/or towed.*

*(f) After a request for a handicapped parking space has been reviewed and the WV Department of Rehabilitation has notified the Town of Nutter Fort, action should be taken within ten days by the Nutter Fort Traffic Commission. This action will be reported to the Nutter Fort Council for its approval or denial at the next regularly scheduled meeting.*

*(Ord. passed 9-28-1999; Ord. passed 3-28-2000)*

**NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE TOWN OF  
NUTTER FORT:**

SECTION 1. Ordinance **§361.17**, as adopted on March 28, 2000 is hereby RESCINDED in its entirety.

SECTION 2. Any pending requests, as of the date of passage, of this ordinance shall be considered denied upon passage.

SECTION 3. All current residential handicap parking permits, as of date of passage, shall remain intact until the permit holder no longer resides at the permitted location.

SECTION 4. This Ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public peace, health, and safety.

Passed by Council of the Town of Nutter Fort on the 10<sup>th</sup> Day of August, 2021

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MAYOR

ATTEST:

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TOWN RECORDER