

CHAPTER SEVEN – Parking
Art. 361. Parking Generally

ARTICLE 361
Parking Generally

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CROSS REFERENCES

See sectional histories for similar State law
 Authority to regulate the standing or parking or
 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) On a crosswalk;
- (6) Within twenty feet of a crosswalk at an intersection;
- (7) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (8) 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;
- (9) Within fifty feet of the nearest rail of a railroad crossing;
- (10) 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);

- (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a street or highway or within a street or highway tunnel;
- (14) 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;
- (15) 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;
- (16) Upon any controlled-access highway;
- (17) At any place on any street or highway where the safety and convenience of the traveling public is thereby endangered;
- (18) Over or across any lines or marks established by the Municipality to indicate parking spaces.

(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 private road, driveway or private property as above prohibited without any liability for the cost of moving any vehicle, nor shall he 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 Department of Public Safety 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 curbside 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; RESIDENTIAL PERMITS/SPACES.

- (a) As issued in this section:
 - (1) A “person with disability” entitled to consideration for a residential handicapped parking permit/space means any person who (a) meets the criteria for receipt of a handicapped licensed 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, along with identification verifying he/she is the person entitled to use of the plate and/or placard.
 - (2) A “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.
 - (3) “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.
- (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 LIASON 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 (4) of the following criteria are met:
 - (1) No adequate off-street parking is available which accommodates that person’s disability; and
 - (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; and
 - (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/her vehicle the permit allowing appropriate usage of the residential handicapped space. Medical verification is required.
- (d) At all times, any person with 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 of qualified health care provider shall park in a designated residential handicapped parking space for longer than seventy-two (72) consecutive hours. Vehicles that are parked in such spaces for longer than seventy-two (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 (10) days by the Nutter Fort Traffic Commission. This action will be reported to the Nutter Fort Council for their approval or denial at the next regularly scheduled meeting. (Passed 3-28-00)

361.07 SIDE STREET PARKING.

Except as otherwise provided, side street parking shall be allowed on all Town streets within the corporate limits of the Town. Council may upon recommendation of the Mayor and the Chief of Police, and by resolution, prohibit parking in such places and on such streets as it may designate and as may be necessary for the regulation of traffic thereon.
(1978 Code Sec. 12-74)

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 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 FIRE LANES.

- (a) The marking of fire lanes on private property devoted to public use shall be approved by the Fire and Police Chiefs.
- (b) Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times.
(1978 Code Sec. 12-78)

361.14 UNREGISTERED OR UNLICENSED VEHICLES.

No person shall park any vehicle on a Town street when such vehicle has not been properly registered and/or licensed by the State.

(Passed 11-8-83)

361.15 PARKING FOR SCHOOL BUS.

(a) This section shall permit parking for the School Bus for the Mother Goose Land Day Care. Parking will be for this school bus only and the parking space will be marked off by the Town. The parking space will be approximately forty-five feet in length and approximately ten feet wide.

(b) This parking area will be marked for loading and unloading of the Mother Goose Land Day Care Center children.

(Passed 8-27-91)

361.16 PARKING ON ROUTE 98 PROHIBITED.

No vehicles will be permitted to stop, stand, or park on the roadway of state Route 98 located inside the jurisdiction of the Town of Nutter Fort, except for emergency parking.

(Passed 11-28-95)

361.17 OBTAIN PERMIT TO BLOCK ALLEY OR ANY ROADWAY.

A permit must be obtained to partially or completely block an alley or any roadway located in the Town of Nutter Fort. This permit will notify the Fire Chief and the Police Chief of this blockage so that emergency vehicles, if needed in the area can be rerouted.

There will be no cost for this permit. This permit will be used for informational purposes only.

(Passed 9-24-96)

361.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for General Code penalty.)