

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

<b>361.01</b>	<b>Prohibition against parking on streets or highways</b>	<b>361.08</b>	<b>Parking for certain purposes prohibited</b>
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<b>361.03</b>	<b>Prohibited stopping, standing or parking places</b>	<b>361.10</b>	<b>Bus stops and taxicab stands</b>
<b>361.04</b>	<b>Vehicles parked on private property</b>	<b>361.11</b>	<b>Parking in alleys and narrow streets; exceptions</b>
<b>361.05</b>	<b>Manner of angle and parallel parking</b>	<b>361.12</b>	<b>Registered owner prima-facie liable for unlawful parking</b>
<b>361.06</b>	<b>Handicapped parking</b>	<b>361.13</b>	<b>Storing vehicle on street</b>
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		<b>361.15</b>	<b>Stopping, standing or parking near hazardous or congested places</b>
		<b>351.99</b>	<b>Penalty</b>

**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.  
(WVC 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.  
(WVC 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. (WVC 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. (WVC 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, except in the last block of a road or street that ends in a dead end. (Amended 4/18/2000)

### **361.06 HANDICAPPED PARKING**

(a) As used in this section:

- (1) "Physically handicapped person" with limited mobility means any person who suffers from a permanent physical condition making it unduly difficult and burdensome for such person to walk.
- (2) "Physically disabled person" means any person who has sustained a temporary disability rendering it unduly difficult and burdensome for him to walk.

(b) Free stopping, standing or parking places marked "reserved for disabled persons" shall be designated in close proximity to all State, County and Municipal buildings and other public facilities. Such places shall be reserved solely for physically disabled and handicapped persons during the hours that such buildings are open for business.

Any person whose vehicle properly displays a valid special registration plate, mobile windshield placard or decal, 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. 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.

The privileges provided for in this subsection shall apply only during those times when the vehicle is being used for the transportation of a physically handicapped or disabled person. No person

shall knowingly exercise, or attempt to exercise, such privileges at a time when the vehicle is not being used for the transportation of a physically handicapped or disabled person.

(c) No person shall stop, stand or park a motor vehicle in an area designated, zoned or marked for the handicapped or physically disabled, and no person shall stop, stand or park any motor vehicle at special, clearly marked, parking locations provided for the handicapped or physically disabled in or on privately owned parking lots, parking garages or other parking areas, when such person is not physically disabled or handicapped and does not have displayed upon his vehicle a distinguishing insignia for the handicapped issued by the Commissioner of Highways: provided, that any person in the act of transporting a handicapped or physically disabled person, as defined by this section, may stop, stand or park a motor vehicle not displaying a distinguishing insignia for the handicapped in an area designated, zoned or marked for the handicapped or physically disabled for the limited purposes of loading or unloading his handicapped or physically disabled passenger: provided, however, that such vehicle shall be promptly moved after the completion of such limited purposes. (WVC 17C-13-6)

### **361.07 ABANDONED AND JUNK 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 or private 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 illegally on public or private property for any period of time over five days, 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 three 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 demolisher.
- (2) "Junked motor vehicle" means a motor vehicle or any part thereof, other than an on-premise farm utility vehicle, which:
  - A. Is discarded, wrecked, ruined, scrapped or dismantled;
  - B. Cannot pass the State inspection required by West Virginia Code 17C-16-1 et seq;
  - C. Is either not serving a functional purpose or use or is not in an enclosed building, a licensed salvage yard or the actual possession of a demolisher.
- (3) "Motor vehicle" means a vehicle which is or was self-propelled, including but not limited to automobiles, trucks, buses and motorcycles.  
(WVC 17-24-2)

#### **(b) Abandoning or Depositing Prohibited.**

- (1) No person shall abandon a motor vehicle upon the right-of-way of any public street or highway, upon any other public property, or upon any private property which he does not own, lease, rent or otherwise control unless it be at a licensed salvage yard or at the business establishment of a demolisher. (WVC 17-24-3)
- (2) No person shall place or deposit any junked motor vehicle upon the right-of-way of any public street or highway or upon any other public property; nor shall any person place or deposit any junked motor vehicle upon any private property which he does not

own, lease, rent or otherwise control unless it be at a licensed salvage yard or at the business establishment of a demolisher. (WVC 17-24-4)

### **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 STORING VEHICLE ON STREET**

(a) For the purposes of this section, the term "store" means:

- (1) To leave a vehicle on a street, sidewalk, or public alley unattended for a period longer than twenty-four hours;
- (2) To stop or park a vehicle on a street, sidewalk or public alley for the purpose of making repairs or adjustments thereon by a garage or mechanic, other than emergency repairs necessary to move a vehicle which has been temporarily stopped by a mechanical failure;
- (3) The placing on a street, sidewalk, or public alley of a vehicle constituting a part of the inventory or a stock of or under the control of a person in the business of dealing or trading in vehicles, for longer than one hour; or
- (4) The placing on a street, sidewalk, or public alley of any bus; any disabled or wrecked vehicle; or any vehicle not self-propelled and not actually in use for pick up or delivery, for a period of longer than one hour.

(b) No person shall store any vehicle on the streets, sidewalks, lanes or public alleys within the Town; provided nothing in this section shall prohibit the owner of a passenger automobile from leaving the same in front of his residence as a part of the normal use thereof so long as it shall not be in violation of this article.

(c) Any vehicle stored in violation of this section may at the discretion of the Chief of Police be removed from the streets, sidewalks or public alleys and impounded.  
(Ord. 168, Passed 12/6/1983)

### **361.14 STREET CLEANING OR OTHER GOVERNMENTAL FUNCTION**

(a) No person shall park upon any street or alley after signs forbidding such parking, shall have been placed thereon by any employee of the Town at the direction of the Town Recorder, advising the public that the street or alley shall be left clear for the purpose of cleaning, sweeping or repairing the same, or for any other governmental function of the Town.

(b) If such signs designate a time for removal of vehicles, all vehicles parked upon any street or alley after the time prescribed by such signs, shall be considered in violation of this section.  
(Ord. 13, Passed 10/7/1959)

### **361.15 STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES**

(a) The Chief of Police, with the approval of Council is hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(b) When any such no stopping, standing, or parking places are designated on the Traffic Control Map and Files and further when official signs are erected at any such hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place. (Ord. 58, Passed 1/10/1961)

**361.99 PENALTY**

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