
PART THREE — TRAFFIC CODE

ARTICLE 320 General Parking

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- 320.99 Penalty.

CROSS REFERENCES

See sectional histories for similar State law.

Authority to regulate the standing or parking of vehicles—see WV Code 17C-2-8(a)(1)

Authority to regulate parallel and angle parking—see WV Code 17C-13-4

Impounding of abandoned vehicles—see Ord. 302.07

Duty to stop engine, set brake on grade and remove key—see Ord. 313.01

320.01 Prohibition against parking on streets or highways.

- (a) Upon any street or highway no person shall stop, park or leave standing any vehicle whether attended or unattended, upon any portion of 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 no less than 10 feet 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 vehicle 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 any 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. (WV Code 17C-13-1. Ord. 2013-01, passed 02-11-2013.)
[320.01]

320.02 Police may remove illegally-stopped vehicles.

- (a) Whenever any police officer finds a vehicle standing upon a street or highway in violation of Section 320.07, 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

FOOTNOTES:

- 320.01 This section was previously codified as 361.01.

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or in a 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. (WV Code 17C-13-2. Ord. 2013-01, passed 02-11-2013.) ^[320.02]

320.03 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 direction 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 the 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 any 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 Corporation to indicate parking spaces; or
 - (19) Within a space designated for residential parking unless properly displaying a valid permit to do so.
- (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 it unlawful. (WV Code 17C-13-3. Ord. 2013-01, passed 02-11-2013.) ^[320.03]

FOOTNOTES:

- 320.02 This section was previously codified as 361.02.
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320.04 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 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 action shall notify the State Department of Public Safety (State Police) of such action, and, in addition, notify the Police Department. (WV Code 17C-14-13. Ord. 2013-01, passed 02-11-2013.) ^[320.04]

320.05 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. (Ord. 2013-01, passed 02-11-2013.) ^[320.05]

320.06 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 or her 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,

FOOTNOTES:

- 320.04 This section was previously codified as 361.04.
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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 Corporation of Harpers Ferry is contrary to the provisions of any ordinance of the Corporation 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, 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 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. (WV Code 17C-13-6. Ord. 2013-01, passed 02-11-2013.) ^[320.06]

320.07 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 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, does not have a valid registration and inspection sticker 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 on any part thereof, other than an on-premise farm utility vehicle, which:
- A. Is discarded, inoperable, wrecked, ruined, scrapped or dismantled;
 - B. Cannot pass the State inspection required by the West Virginia Code 17C-16-1 *et seq.*; and
 - C. Is either not serving a functional purpose or use, is not moved every five days under its own power, 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. (WV Code 17-24-2.)

(b) Abandoning or depositing prohibited.

FOOTNOTES:

320.06 This section was previously codified as 361.06.

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- (1) No person shall abandon a motor vehicle upon any portion of the full public right-of-way width 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 a licensed salvage yard or at the business establishment of a demolisher. (WV Code 17-24-3.)
- (2) No person shall place or deposit any junked, abandoned or inoperable motor vehicle upon the full public right-of-way width 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. (WV Code 17-24-4. Ord. 2013-01, passed 02-11-2013.)^[320.07]

320.08 Parking for certain purposes prohibited.

No person shall park any vehicle upon any street within the Corporation 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. (Ord. 2013-01, passed 02-11-2013.)^[320.08]

320.09 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. (Ord. 2013-01, passed 02-11-2013.)^[320.09]

320.10 Bus stops and taxi cab 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.

FOOTNOTES:

- 320.07 This section was previously codified as 361.07.
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320.09 This section was previously codified as 361.09.
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- (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. (Ord. 2013-01, passed 02-11-2013.)^[320.10]

320.11 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. (Ord. 2013-01, passed 02-11-2013.)^[320.11]

320.12 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 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. (Ord. 2013-01, passed 02-11-2013.)^[320.12]

320.13 Parking on Shenandoah Street for church attendance.

There shall be no parking allowed on Shenandoah Street except for church attendance. (Ord. 2013-01, passed 02-11-2013.)^[320.13]

320.14 Designated parking reserved for residential permit holders only.

- (a) Town Council or its designee is hereby authorized to designate, regulate and mark as reserved certain parking spaces for permitted residential use only.
- (b) Town Council or its designee is hereby authorized to issue residential parking permits to qualified residents of the Town pursuant to the policy and procedures enacted by Town Council.
- (c) No person shall stop, stand or park any vehicle within or obstructing a parking space designated for residential use without displaying a valid residential parking permit in accordance with policy and procedures for such permits. Such policy and procedures shall be made available at the Police Department.
- (d) Any vehicle parked in violation of the provisions of this section shall be subject to citation and penalties pursuant to this Code. A separate violation shall occur for each day a vehicle without a valid parking permit is left in a designated space or upon return to such a space at any time.
- (e) It shall be a violation of this section for any person to submit incorrect information on an application for a permit or in seeking a renewal thereof.

FOOTNOTES:

- 320.10 This section was previously codified as 361.10.
320.11 This section was previously codified as 361.11.
320.12 This section was previously codified as 361.12.
320.13 This section was previously codified as 361.13 (Ord. 86-2, passed 05-22-1986).
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- (f) It shall be a violation of this section for any person to use or display a permit or to make available or allow its use or display, in or on a vehicle not authorized or entitled to use or display the same.
- (g) The Police Department may declare a residential parking permit to be forfeited for repeated violation of parking ordinances, policy or procedures by requiring, in writing, the permit be delivered to the Police Department within 30 days. Such notice may be appealed to the Town Council within the 30 days. Upon such notice and absent appeal within 30 days, the permit shall be considered invalid without refund.
- (h) Permit holders may not use permit spaces for storage of permitted vehicles for longer than five days, except by written permission of the Chief of Police (i.e., residents on vacation).
- (i) Any person found in violation to the provisions of this section shall be subject to a fine of not more than Fifty Dollars (\$50.00); Upon second conviction thereof, not more than One Hundred Dollars (\$100.00); Upon third violation thereof, not more than One Hundred and Fifty Dollars (\$150.00). Fines collected pursuant to this section shall be deposited in the Town's General Fund.
- (j) In any hearing on a charge of violation of this section, testimony that a vehicle bearing a certain license plate was found unlawfully parked, and further testimony or records from the West Virginia Department of Motor Vehicles or a similar agency in another state shows that the license plate is issued to the Defendant shall be prima facie evidence that the unlawfully parked vehicle was so parked by the Defendant.
- (k) The Chief of Police is hereby authorized to cause the removal of an unattended vehicle parked in violation of this section. Removal shall be to a garage or other place of safety. The owner of a removed vehicle shall be responsible to the persons removing said vehicle for all removal costs. The Chief of Police shall ensure notice of removal is shared with any and all interested law enforcement agencies. (Ord. 2013-01, passed 02-11-2013.)

320.15 Parking of Commercial and Recreational vehicles.

- (a) A Commercial vehicle as used in this section means any motor vehicle, truck, bus, tractor-trailer, or other tandem vehicle licensed or used for the transportation of property and / or people, delivery of goods, wares, merchandise, or any other commercial-related service upon any street of the Town.
- (b) A Recreational vehicle as used in this section means any motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy.
- (c) No person may park any Commercial or Recreational vehicle as defined in this section on any street of the Town except for the purpose of loading or unloading, and then only for the period of time which is spent in the actual loading or unloading of such vehicle or providing service to a residence or business only for the amount of time spent providing that service.
- (d) No person may park the trailer of any tractor-trailer or the property-carrying unit of any tandem vehicle upon any street in the Town unless the same is fully connected to the tractor or other regular propelling unit so that the same can be immediately moved when required.
- (e) A Commercial truck, or food truck, may be allowed temporary parking for a Town event with prior approval by and from the Town Council. (Ord. 2021-07, passed 10-11-2021.)

320.98 Parking enforcement and citations.

The Town police officers and the police department parking meter enforcement personnel

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shall leave on the windshield of a violating vehicle, a parking ticket in the form of an envelope setting forth thereon a notice to the owner or operator thereof that such vehicle has been stopped or parked in violation of the provisions of this Part and instructing the owner or operator to report to the Town in regard to such violation, or to pay the penalty herein provided. The parking ticket shall also notify the owner or operator that the full amount of the fine is to be placed in such envelope and deposited in the drop box located in the front door at the police station for that purpose or deliver the same to the Town within seven days of the date of violation as a penalty for and in full satisfaction of such violation.

It shall be the duty of the police officers and / or meter enforcement officers of the Town to report all violations of any provision of this Part indicating in each case:

- (a) The Section thereof violated;
- (b) The location where such violation took place, including the parking meter at which the vehicle was illegally parked;
- (c) The State and license number of such vehicle;
- (d) The date and time of violation;
- (e) The date and time of the issuance of the notice of the violation; and
- (f) Other facts deemed necessary for a clear understanding of the circumstances attending the violation. (Ord. 2019-02, passed 01-13-2020.) ^[320.98]

320.99 Penalty.

- (a) Any person who violates any provision of this section, or any person who aids, abets or assists in the violation thereof, shall, upon conviction, be sentenced to pay a fine of not more than fifty dollars (\$50.00) and costs.
- (b) If the applicable fine is not paid within seven days from the time the notice of violation was issued, prosecution will be initiated for said violation, and upon conviction thereof, the driver or operator shall be sentenced to pay a fine of fifty dollars (\$50.00), together with costs of prosecution.

FOOTNOTES:

320.98 This section was previously codified as 320.15.