

**ORDINANCE NO. 422 OF THE CITY OF BUCKHANNON, AMENDING  
MODIFYING AND RE-ENACTING ORDINANCE NO. 409 (ALSO KNOWN AS  
ORDINANCE NO. 2016-008) OF THE CITY OF BUCKHANNON, KNOWN,  
CITED AND REFERRED TO AS THE "BUCKHANNON PARKING ORDINANCE"**

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WHEREAS, pursuant to Chapter 8, Article 12, Section 5 of the West Virginia Code, as amended, municipalities are granted plenary power and authority to regulate streets, avenues, roads, ways, sidewalks, crosswalks and public spaces belonging to the municipality and to regulate the conditions under which they may be made within the corporate limits; and,

WHEREAS, the Council of the City of Buckhannon has deemed it to be reasonable and appropriate to amend its ordinances regulating parking; and,

WHEREAS, the Council of the City of Buckhannon deems it to be reasonable and appropriate to make certain amendments and changes to the parking rules and regulations on certain public streets and in certain designated lots within the municipality.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF BUCKHANNON, AS FOLLOWS:

That the provisions of said Ordinance No. 409 (also known as Ordinance No. 2016-008) is deemed amended and reenacted as follows:

**ARTICLE I – PARKING WITHIN CITY LOTS AND CERTAIN DESIGNATED PARTS THEREOF:**

Section 1. The use of any of those spaces designated, comprising, and being known as "Section A" of Parking Lot 3 is on the basis of payment of \$0.25 per hour, at all times.

Section 2. The use of any of those spaces in Lot 3 not designated, comprising, or being known as "Section A" thereof, as well as any spaces within Lot 1, Lot 6 and Lot 7, is permissible at any time, other than between the hours of 3:00 a.m. through 6:00 a.m. daily, unless the owners of the vehicle has obtained an Overnight Parking Permit for said lot from the City, application for which shall be upon a form to be designated by the City. No parking is permitted in any city Parking Lot, excepting "Section A" of Parking Lot 3 and Parking Lot 6, between the hours of 3:00 a.m. and 6:00 a.m. daily.

Overnight Parking Permits for Parking Lot 6 shall be sold by the City at a rate of \$12.50 per month. The City shall designate how many parking stickers may be available for purchase at any given time.

Section 3. The use of Parking Lot 2 is limited to two-hours for any discrete vehicle.

Section 4. Any vehicles parked in any city Parking Lots, notwithstanding any other provision of this Ordinance or such previous Ordinances it may amend, must be moved from their location within seven days of parking for a minimum of thirty minutes.

Section 5. Any vehicles parked in any city Parking Lots, notwithstanding any other provision of this Ordinance or such previous Ordinances it may amend, shall be

lawfully registered and inspected under the laws of the state in which said vehicle is titled.

## ARTICLE II – PARKING ON CITY STREETS

Section 1. On public streets, avenues, roads, or ways within the municipal limits of the City of Buckhannon's C-1, Downtown Commercial District as defined in Ordinance No. 244, as amended by subsequent ordinances, no parking is permitted for any discreet vehicle for more than two hours.

## ARTICLE III – NOTICE OF VIOLATIONS

Section 1. Any violations of this Ordinance, or any Ordinance modified hereby, may be served upon violators by United States Mail, first class postage prepaid. A Certificate of Service executed by the Parking Enforcement Officer and included within the citation file shall be sufficient evidence of service upon the violator.

## ARTICLE IV – VIOLATIONS:

Section 1. No violation of this Ordinance, or any other Ordinance amended hereby, shall be punishable by any term of imprisonment or incarceration. Penalties shall be limited to those fines established in Section 361.07(e) of Ordinance No. 409.

## ARTICLE V – ACCESSIBLE PARKING SIGNS:

Section 1. All handicap-accessible parking spaces must have a signpost in front of or adjacent to the accessible parking space.

## ARTICLE VI – EFFECT UPON OTHER MUNICIPAL ORDINANCES:

Section 1. Any and all other ordinances of the City of Buckhannon not amended hereby, shall remain in full force and legal effect except for those provisions expressly amended pursuant to the provisions hereof.

ARTICLE VI – SEVERABILITY: In the event that any section(s) or provision(s) of this Ordinance is determined to be in violation of state or federal statute or court ruling, unconstitutional, invalid or otherwise unenforceable by a Court of competent jurisdiction, such determination shall not affect the validity of this Ordinance as a whole or the sections and provisions thereof which are not specifically held to be in violation of state or federal statute or court ruling, unconstitutional, invalid or otherwise unenforceable.

ARTICLE VII – EFFECTIVE DATE: This Ordinance shall be deemed effective thirty (30) days following the second (2<sup>nd</sup>) reading, passage and adoption by the Council of the City of Buckhannon, i.e., February 3, 2018.

FIRST READING:	December 21, 2017
SECOND READING, PASSAGE AND ADOPTION:	January 4, 2018

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David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Susan Aloi, City Recorder, do hereby certify that the foregoing Ordinance No. 422 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on January 4, 2018.

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Susan Aloi, City Recorder