

**ORDINANCE NO. 430 OF THE CITY OF BUCKHANNON, PROVIDING FOR
RESIDENT-ONLY PARKING ON CERTAIN STREETS IN THE CITY OF
BUCKHANNON IN THE VICINITY OF WEST VIRGINIA WESLEYAN COLLEGE,
PROVIDING FOR SIGNAGE DESIGNATING “RESIDENTIAL PARKING ONLY”,
ESTABLISHING PENALTIES, AND PROVIDING FOR ENFORCEMENT**

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, West Virginia Wesleyan College (hereafter, the “College”) is an integral part of the great Buckhannon community’s vibrancy, economic wellbeing, and quality of life; and,

WHEREAS, the College is located within that zone known as “R-2” General Residential District A; and,

WHEREAS, many homes located on streets in the vicinity of the College have limited parking options, which include some necessary on-street parking; and,

WHEREAS, it has become apparent that students or other visitors to the campus of the College have, over time, come to utilize residential streets in certain areas near the College for parking; and,

WHEREAS, many municipal residents who live in proximity to the campus of the College have felt displaced by students and other visitors to campus in that finding regular, long-term parking near their own homes has become difficult; and,

WHEREAS, the Council of the City of Buckhannon has deemed it to be reasonable and appropriate to enact and ordinance regulating parking on residential streets in the vicinity of the College for the benefit of the residents of the municipality;

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

ARTICLE I – DEFINITIONS:

(1) “Resident” shall mean the owner or owners of any tract of real property, whether owner-occupied or not owner-occupied, fronting on any of the streets designated as “Residential-Only Parking Zones”, or a tenant thereof. For purposes of this Ordinance only, a tenant of an owner of any tract of real property within a Residential-Only Parking Zone required to provide off-street parking to its inhabitants under Ordinance No. 244, Article V, Section 502(D) is not deemed to be a Resident.

(2) “Dwelling” shall mean a single-family detached residence, a discrete unit of a multi-family residence, or an apartment within a structure subdivided for occupancy by multiple individuals or families; *Provided*, that any structure required to provide off-street parking to its inhabitants under Ordinance No. 244, Article V, Section 502(D) shall be deemed to be one Dwelling for purposes of this Ordinance.

(3) “Residential-Only Parking Zone” shall mean the following portions of the following city streets:

- a) College Avenue, between South Florida Street and Meade Street
- b) Barbour Street, between South Florida Street and Meade Street
- c) Fayette Street, between South Florida Street and Meade Street
- d) Pocahontas Street, between South Florida Street and Meade Street

(4) "Residential Parking Permit" or "Permit" shall mean a placard, card, sticker, or such other device as may be issued by the City of Buckhannon, which shall identify the bearer as a Resident or a guest of a Resident for purposes of this Ordinance. A Residential Parking Permit must be openly displayed on a vehicle as provided in this Ordinance when parked within the Residential-Only Parking Zone.

(5) "Motor vehicle" shall mean any means of conveyance recognized as a motor vehicle under the laws of the State of West Virginia.

ARTICLE II – DESIGNATION

Section 1. The parking of a motor vehicle for any period of time exceeding two consecutive hours, between the hours of 8:00 a.m. and 4:00 p.m., Mondays through Fridays, is prohibited in a Residential-Only Parking Zone, except by a Resident or their guest openly displaying a Residential Parking Permit on the dashboard of the motor vehicle.

Section 2. The Street Department of the City of Buckhannon will erect signage within the Residential-Only Parking Zone identifying the parking restrictions created by this Ordinance.

Section 3. Each Dwelling within the Residential-Only Parking Zone may be issued two Residential Parking Permits for on-street parking. The Permits will be issued at no cost to a Resident of the Dwelling and shall be valid for one year from the date of issue. Permits will be numbered and registered with the City of Buckhannon for tracking purposes. Applicants for Residential Parking Permits must provide proof of their residency within the Residential-Only Parking Zone prior to receiving a Residential Parking Permit. Residents may apply for renewals of their Permit within thirty days of the expiration of any current Permit, and must return any unexpired Permit upon receipt of a new Permit.

Section 4. In the event of loss or theft of a Permit, the City will issue a replacement Permit to a Resident and the lost or stolen Permit will be cancelled and invalid for purposes of this Ordinance, and the City will notate its lost or stolen status on any registry created to track permits under section three of this article. Any person using a Permit registered as lost or stolen will be guilty of a violation of this Ordinance and subject to the penalties established herein.

Section 5. The provisions of Section 1 of this Article shall not be in effect on any state or federal holiday, or on any day the City Council, by motion, may designate.

ARTICLE III –VIOLATIONS and NOTICE OF VIOLATIONS

Section 1. Any person parking a motor vehicle within the Residential-Only Parking Zone for a period of time longer than two consecutive hours without displaying a Residential Parking Permit on the motor vehicle is in violation of this Ordinance.

Section 2. 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.

Section 3. Violation of this Ordinance shall be punishable by a fine of twenty-five dollars (\$25.00). No violation of this Ordinance shall be punishable by any term of imprisonment or incarceration.

ARTICLE IV – 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 V – EFFECTIVE DATE: This Ordinance shall be deemed effective January 1, 2019.

FIRST READING:	October 18, 2018
SECOND READING, PASSAGE AND ADOPTION:	November 1, 2018

David W. McCauley, Mayor

CERTIFICATE OF ENACTMENT

I, Colin Reger, City Recorder, do hereby certify that the foregoing Ordinance No. 430 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on November 1, 2018.

Colin Reger, City Recorder