

ORDINANCE NO. 454 OF THE CITY OF BUCKHANNON, PROVIDING FOR THE PROHIBITION OF MOTOR VEHICLE PARKING DURING CERTAIN TIMES ALONG ROUTES OF AUTHORIZED PARADES WITHIN THE CITY OF BUCKHANNON

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 the enforcement of its parking ordinances, with respect to the practice of on-street motor vehicle parking during authorized parades within the corporate limits; and,

WHEREAS, the Council of the City of Buckhannon, in the interest of public safety during parades taking place within the corporate limits, wishes to exercise enforcement powers in the prohibition and clearing of motor vehicles parked on-street along designated parade routes during certain designated times; and,

WHEREAS, the Council of the City of Buckhannon deems it to be reasonable and appropriate to clarify the authority of its parking enforcement officer to enforce certain on-street parking prohibitions during parades, to include the use of third-party towing of motor vehicles which are in violation of this ordinance.

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

That the provisions of Ordinance No. 409 (also known as Ordinance No. 2016-008), Ordinance No. 422, Ordinance No. 435, and Ordinance No. 447 are deemed amended and reenacted as follows:

ARTICLE I – ON-STREET PARKING PROHIBITED AT CERTAIN TIMES

(a) No motor vehicle shall be parked on-street along any street, way, alley, or route which is designated as a parade or procession route, or designated as a public or private event venue, by either the City Council or the Consolidated Public Works Board.

(b) The prohibition contained in subsection (a) of this Article shall only be in effect during the time beginning one hour prior to the scheduled commencement of a parade, procession, or event approved or permitted by the City Council or Consolidated Public Works Board, and ending upon the later of the scheduled or actual time at which such parade, procession, or event concludes at the location where the on-street parking takes place.

(c) No violation of this Ordinance, or any other Ordinance amended hereby, shall be punishable by any term of imprisonment or incarceration.

ARTICLE II – VIOLATIONS

(a) Violations of this Ordinance are punishable by such fine as may be established in Ordinance No. 447 for violations of the City's ordinances with respect to parking within the municipal limits. Any citation issued under this ordinance shall be

served upon the owner or operator of the motor vehicle as provided for in Ordinance No. 447.

(b) The Mayor, or his or her designee, including any authorized member of the Buckhannon Police Department, may immediately remove any motor vehicle parked on-street in violation of Article I of this Ordinance, including through the use of third-party towing services. The make, model, color, state license number, or other identifying information, together with the identity of any person or firm who shall have towed the vehicle pursuant to this subsection, shall be recorded to facilitate the return of any towed vehicle to its rightful owner. The owner of the towed vehicle, and not the City of Buckhannon, shall be responsible for the payment of any towing or impoundment fees charged for the relocation of the violating motor vehicle.

(c) A Certificate of Service executed by the Parking Enforcement Officer, or other duly appointed enforcement official, including an authorized member of the Buckhannon Police Department, and included within the citation file shall be sufficient evidence of service upon the violator.

ARTICLE III – EFFECT UPON OTHER MUNICIPAL ORDINANCES:

The provisions of any ordinance not amended hereby, or particular terms thereof not modified by the terms of this Ordinance, shall otherwise remain in full force and legal effect.

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 thirty (30) days following the third (3rd) reading, passage and adoption by the Council of the City of Buckhannon, i.e., March 19, 2022.

FIRST READING:	January 20, 2022
SECOND READING,	February 3, 2022
THIRD READING, PASSAGE AND ADOPTION:	February 17, 2022


Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No. 454 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on February 17, 2022.


Randall H. Sanders, City Recorder