

**ORDINANCE NO. 462 OF THE CITY OF BUCKHANNON, AMENDING, MODIFYING, AND RE-ENACTING ORDINANCE NO. 409 (ALSO KNOWN AS ORDINANCE NO. 2016-008), ORDINANCE NO. 422, ORDINANCE NO. 435, ORDINANCE NO. 447, AND ORDINANCE NO. 454 OF THE CITY OF BUCKHANNON, REGARDING THE ENFORCEMENT OF THE CITY'S PUBLIC PARKING ORDINANCES**

---

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 enacted, from time to time, several ordinances regarding the regulation of parking of motor vehicles on the public streets, avenues, roads, ways, and public spaces within and belonging to the municipality; 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 to provide clarity in the measures which may be taken by the City's authorized personnel in the enforcement thereof.

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, Ordinance No. 447, and Ordinance No. 454 are deemed amended and reenacted as follows:

**ARTICLE I – ENFORCEMENT OF PARKING ORDINANCES**

The Mayor, or his or her designee, including any authorized member of the Buckhannon Police Department, may enforce the provisions of Ordinance No. 409 (also known as Ordinance No. 2016-008), Ordinance No. 422, Ordinance No. 435, and Ordinance No. 447, and Ordinance No. 454, through towing of the offending vehicle, including through the use of third-party towing services, or through other means including the use of vehicle immobilization devices (such as parking boots). 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.

**ARTICLE II – EFFECT UPON OTHER MUNICIPAL ORDINANCES:**

The provisions of Ordinance Nos. 409, 422, 435, 447, and 454 of the City of Buckhannon not amended hereby, or particular terms thereof not modified by the terms of this Ordinance, shall remain unchanged and in full force and legal effect.

**ARTICLE III – 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 IV – 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 4, 2023.

FIRST READING:

December 15, 2022

SECOND READING:  
PASSAGE AND ADOPTION

January 5, 2023

  
Robert N. Skinner, III, Mayor

CERTIFICATE OF ENACTMENT

I, Randall H. Sanders, City Recorder, do hereby certify that the foregoing Ordinance No.462 was lawfully ordained and enacted by the Council of the City of Buckhannon at a regular session of the said Council assembled on January 5, 2023.

  
Randall Sanders, City Recorder