

CHAPTER 43

AN ORDINANCE, AMENDING CHAPTER XXIV OF THE LAWS AND ORDINANCES OF THE TOWN OF LUMBERPORT, PROVIDING FOR THE REGULATION OF PARKING ON CERTAIN STREETS: PROVIDING FOR INSTALLATION OF PARKING METERS AND RULES AND REGULATIONS GOVERNING THE USE OF THE SAME: PROVIDING FOR THE DESIGNATION OF CERTAIN AREAS AS PARKING FOR HANDICAP PERSONS: PROVIDING FOR COMPLIANCE WITH ALL STATE LAWS AND DEPARTMENT OF HIGHWAY'S RULES, REGULATIONS AND ORDERS; PROVIDING FOR RESPONSIBILITY OF OWNER; PROVIDING FOR PENALTIES FOR THE VIOLATION OF PARKING RULES AND REGULATIONS AND THE PROVISIONS OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT OR IN CONSISTENT WITH THIS ORDINANCE AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LUMBERPORT:

SECTION I: MARKING SPACES ON CERTAIN STREETS AND INSTALLATION OF PARKING METERS.

From and after the adoption of this ordinance parking on the following street of said Town of Lumberport shall be limited: Main Street between First Street and Chestnut Street. On said streets, the Mayor may cause parking spaces, approximately twenty (20) feet in length, to be marked by lines on the curb or pavement, and on the sidewalk adjacent to each such parking space may, with the consent of council, cause to be erected a parking meter, which upon the deposit of a coin as hereinafter provided, will indicate the duration of the legal parking period and the time when such period has elapsed.

SECTION II: ON-STREET PARKING; RATES; LIMITS.

Between the hours of 9:00 A. M. , and 6:00 P. M., every day except Sunday, when any vehicle shall be parked in any space along side of a parking meter, the person parking such vehicle shall immediately deposit, in the meter within the parking space, a coin of the United States, as indicated by the parking meter, in payment of the fee imposed for such parking privilege, and failure to do so shall constitute a violation of this article. Such vehicle shall not be permitted to remain parked in any such parking space beyond the parking time limit fixed for such space. Whenever a parking meter shall display a sign or signal showing illegal parking of a vehicle in such parking space, it shall be prima facie evidence that such vehicle has been parked in violation of this ordinance.

The rates to be charged for parking in any space along the side of an on-street parking meter shall be as follows: five cents (5) for thirty minutes and ten cents (10) for sixty minutes or any combination thereof for a maximum of two (2) hours.

SECTION III: SLUGS, TAMPERING, NOT PARKING IN SPACE PROHIBITED.

No person shall deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for such required coin of the United States. No person shall injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under the terms of this article and no person, other than those duly authorized, shall remove coins from any parking meters. No person shall park any vehicle across any line or marking designating a parking space, or park such vehicle in any way that it is not wholly within the parking space as designated by such lines or markings.

SECTION IV: PAYMENT OF PARKING TICKETS.

When a police officer has placed on any vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the provisions of Section II and instructing such owner or operator to report in person, or by United States mail to the Town Hall in regard to such violation, each such owner or operator may, within seventy two (72) hours of the time when such notice was attached to such vehicle, pay to the Town in person or by mailing such penalty to the Town, postmarked not later than seventy two (72) hours from the time of such violation, or depositing such penalty in a fine collection box, the sum of Two Dollars (2.00). The failure of such owner or operator to make such payment within seventy two (72) hours shall render such owner or operator subject to the penalties provided for a violation of the provisions of this ordinance. For the purposes of the enforcement of the provisions of this article, each hour which shall elapse after the expiration of the time paid for any parking without additional payment being made shall constitute a separate offense for the purpose of determining violations of the provisions of this article and a police officer shall place on any vehicle remaining at a parking meter location after the time paid has expired a separate notice for each hour, or part thereof, which shall elapse after the expiration of the time paid for, and each notice shall constitute notice of a separate offense for which a separate payment shall be required under the provisions of this section.

SECTION V: PARKING FOR HANDICAP PERSONS.

- (a) The Mayor, with the consent of council, may cause certain parking spaces to be marked by lines on the curb or pavement and by other appropriate markings and/or signs as parking for handicap persons.
- (b) No person, other than a handicap person, shall stop, stand or park a vehicle at any time in any parking area that has been officially marked or designated for such use.

SECTION VI: ADOPTION OF STATE LAWS.

All of the laws of the state and all rules, regulations and orders made by the State Department of Highways, in effect on the effective date of this Section, insofar as such laws, rules, regulations and orders relate

or apply to the parking of motor vehicles upon the streets, highways and public ways of incorporated towns and cities, are hereby adopted and made a part of this ordinance.

SECTION VII: RESPONSIBILITY OF OWNER.

It shall not be a defense to the owner of a vehicle that his vehicle was not being driven or operated by him at the time of the alleged violation; but rather it shall be the duty of the owner not to allow or permit any vehicle registered in his name to stand or park in violation of this ordinance.

SECTION VIII: PENALTY

Whoever violates any provision of this ordinance for which another penalty is not provided shall be fined not less than Five Dollars (\$5.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned not more than thirty (30) days or both and costs.

SECTION IX: REPEALING CONFLICTION ORDINANCES.

All ordinances or parts of ordinances in conflict or inconsistent with the foregoing, are hereby repealed, to the extent that the same are in conflict or inconsistent with the purposes hereof.

SECTION X: SEVERABILITY.

If any section or provision, or part thereof, of this ordinance, shall be adjudged, invalid or unconstitutional by a Court of competent jurisdiction, such adjudication shall not effect the validity of the ordinance as a whole, or of any section, provision or part thereof, not adjudged, invalid or unconstitutional.

PASSED by the Council of the Town of Lumberport, West Virginia, on First Reading this 19th day of April, 1983.

PASSED by the Council of the Town of Lumberport, West Virginia, on Second and Final Reading this 2nd day of May, 1983.

ATTEST:

Boyd A. Shurtel, Recorder
Recorder

Mayor

TOWN OF LUMBERPORT

LUMBERPORT, WV 26386

February 6, 1984

To: Members of Lumberport Town Council:

In conjunction with final passage of Lumberport Ordinance, Chapter #44, it is my pleasure to appoint the following people to the Lumberport Historic Landmarks Commission:

1. Mrs. Lorna Hill - 5 years
P. O. Box 338
Lumberport, WV 26386
Phone: Office - 584-4545
Res. - 584-4024
2. Mr. Vernard N. Brackenrich - 4 years
P. O. Box 432
Lumberport, WV 26386
Phone: 584-4999
3. Mr. J. Fred Early - 3 years
P. O. Box 425
Lumberport, WV 26386
Phone: 584-4160
4. Mr. Charles Miller 2 years
P. O. Box 391
Lumberport, WV 26386
Phone: 584-4271
5. Mr. R. G. Wright - 1 year
P. O. Box 262
Lumberport, WV 26386
Phone: Office - 584-4370
Res. - 584-4663


R. G. Wright, Mayor