CITY OF CHARLES TOWN

ORDINANCE COMMITTEE
AGENDA • AUGUST 15, 2024

Committee Meeting **COUNCIL CHAMBERS** **6:00 PM**
101 E Washington Street, Charles Town, WV 25414

1. CALL TO ORDER

2. UNFINISHED BUSINESS

: **2024-851 Outdoor Dining Update**

: **2024-852 Parking Revisions**
Ord. 2022-013 Article 365 Charles Town Parking District Redline Version 7-18.pdf

3. NEW BUSINESS

4. ADJOURNMENT

5. NOTICE: The Public May View the Meeting Live by Clicking on the Event Link at: https://www.charlestownwv.us/government/agendas-and-minutes/

Ordinance Committee
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 08/15/24
Department: Ordinance Committee
Category: Ordinance
Initiator:

2024-851 Outdoor Dining Update

Outdoor Dining Update

ATTACHMENTS:

Ordinance Committee
101 East Washington Street
Charles Town, WV 25414

SCHEDULED

AGENDA ITEM (ID #)

Meeting: 08/15/24
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2024-852 Parking Revisions

Parking Revisions

ATTACHMENTS:

- Ord. 2022-013 Article 365 Charles Town Parking District Redline Version 7-18.pdf

ARTICLE 365
Charles Town Parking District

365.01 Parking District established.

365.02 Parking district zones.

365.03 Parking fee rates and parking permits.

365.04 Days and hours of operation.

365.045 December exceptions.

365.05 Manner of parking.

365.055 Ten minute take away parking.

365.06 Parking and permit violations.

365.07 Tampering/slugs.

365.08 Commercial vehicles.

365.09 Purpose and use of revenue.

365.10 Disposition of parking meter revenue.

365.11 Authority of law enforcement and parking enforcement officers; parking citations.

365.12 Immobilization device (booting).

365.13 Other violations.

365.14 Accessible parking.

365.15 Severability.

365.99 Penalty.

CROSS REFERENCES

Registered owner prima-facie liable for unlawful parking - see TRAF. 361.12

365.01 PARKING DISTRICT ESTABLISHED.

The Charles Town parking district is bounded by the outside corners of:

(a) N West Street and W North Street

(b) E North Street and N Mildred Street

(c) S Mildred Street and E Congress Street

(d) W Congress Street and S West Street (Ord. 2022-013. Passed 12-5-22.)

365.02 PARKING DISTRICT ZONES.

The following zones are established within the Charles Town parking district:

(a) On-Street Metered Parking Zone. The parking meter zone is established on both sides of the following streets:

(1) Liberty Street - 200 block W Liberty Street through 100 block E Liberty Street

(2) Congress Street - 200 block W Congress Street through 100 block E Congress Street

(3) Lawrence Street-100 block S Lawrence Street through 100 block N Lawrence Street

(4) Charles Street -100 block S Charles Street through 200 block N Charles Street

(5) George Street - 200 block N George Street

(6) Samuel Street -100 block S Samuel Street through ~~200~~ 100 block N Samuel Street

(b) Off-Street Permit/Metered Parking Lot Zones.

(1) Charles Street Lot - metered, applicable mobile pay app, or City parking permit - corner of W Congress and S Charles Streets

(2) Lawrence Street (American Legion) Lot 1 - metered, applicable mobile pay app, or City parking permit - corner of W Congress and S Lawrence Streets.

(3) Lawrence Street (American Legion) Lot 2 - metered, applicable mobile pay app, or City parking permit - Lawrence Street, North of Lawrence Street Lot 1. Note: This lot is leased to the City of Charles Town and as such may not always be administered by the City.

(4) Liberty Street Lot - applicable mobile pay app or City parking permit- adjacent to North 100 block of W Liberty Street

(c) On-Street Two (2) Hour Free Parking Zone.

(1) Washington Street - 300 block W Washington Street through the 100 block E Washington Street.

(2) George Street - 100 block S George Street through 100 block of N George Street

(d) On-Street Non-Meter Parking Zone.

(1) North Street

(2) Liberty Street - 300 block W Liberty & 200 block E Liberty

(3) Congress Street - 300 block W Congress

(4) West Street

(5) Lawrence Street - 200 block N Lawrence

(6) Mildred Street

365.03 PARKING FEE RATES AND PARKING PERMITS.

(a) The parking fee rate during days and times specified in Section 365.04(a) shall be twenty-five cents ($.25) per sixty (60) minutes or any fraction thereof for a vehicle parked in the zones specified in Section 365.02(a) and (b).

(b) Annual parking permits, available through the City Treasurer, are valid for the duration of the Fiscal Year (July 1 through June 30) in which they were issued.

(1) Annual parking permit fee shall be $180.00

(2) The fee for annual parking permits issued after July shall be prorated as follows:

A. August - $164.00

B. September - $149.00

C. October - $134.00

D. November - $119.00

E. December - $104.00

F. January - $89.00

G. February - $73.00

H. March - $60.00

I. April through June - $44.00

(3) The number of annual parking permits issued each year, including those parking permits issued to residents as cited in this Section, shall not exceed 180.

(4) Parking permits are valid at on-street metered parking spaces cited in Section 365.02(a), except at meters ~~with a parking time limit of less than eight (8) hours~~ that are not Daily Twelve (12) hour parking; and at all off-street parking spaces cited in Section 365.02(b) that are operated by the City.

(5) Parking permits do not negate the two (2) or four (4) hour limit in the parking zone cited in section 365.02(c).

(c) The City may issue residential annual parking permits for homeowner-occupants and residents whose confirmed address is within the parking zones cited in Section 365.02(a), (b), or (c) and where an alternate parking space, of which the City does not charge a parking fee, is not reasonable available or accessible. The aforementioned parking permits will be available through the City Treasurer and are valid for the duration of the Fiscal Year (July 1 through June 30) in which they were issued.

(1) Persons who reside in the parking zone, but who do not own the property in which they reside and where an alternate parking space, of which the City does not charge a parking fee, is not reasonably available or accessible, as verified by City staff, are eligible to purchase a maximum of one (1) residential annual parking permit per residence, for a fee of ninety dollars ($90.00).

(2) Owner-occupied properties located within the parking zone in which at least one resident is the property owner and where an alternate parking space, of which the City does not charge a parking fee, is not reasonably available or accessible, as verified by City, are eligible for:

A. Maximum of one (1) no-cost residential annual parking permit; and

B. Maximum of one (1) residential annual parking permit per residence, for a fee of ninety dollars ($90.00).

C. Since there is a maximum number of available parking passes per paragraph (f) of this Section, no-cost residential annual parking permits will be reserved yearly until the first Monday in August, at such time, if not claimed, will be released into the pool of available parking permits.

(3) The fee for residential annual parking permits issued after July 31 shall be prorated as follows:

A. August - $82.00

B. September - $74.00

C. October - $67.00

D. November - $59.00

E. December - $52.00

F. January - $44.00

G. February - $37.00

H. March - $30.00

I. April through June - $22.00

(4) Additional parking permits, beyond those referenced in subsections 365.03(c)(1) and (2) may be available for purchase at the rates specified in subsection 365.03(b).

(d) Juror parking permits, issued by the Jefferson County Circuit Court, are only valid at eight (8) hour meters or designated City parking lots (Section 365.02(b)) and only for the dates of active jury duty service, as noted on the permit.

(e) Parking permits are valid only when they are conspicuously displayed at the front windshield of the parked vehicle, so as to be viewed from outside the aforementioned vehicle.

(f) The total number of Annual Parking Permits cited in Section 365.03, issued each year shall not exceed 180. All permits, other than those specified in Section 365.03(c)(2)A. and (c)(2)C., are issued on a first come-first served basis.

365.04 DAYS AND HOURS OF OPERATION.

(a) Parking rates in Section 365.03 apply to parking zones specified in Sections 365.02(a) through (c) are in effect on all weekdays between the hours of ~~8~~6:00 a.m. to ~~5~~6:00 p.m., excluding legal holidays cited in West Virginia State Code §2-2-1, City-wide election or voting day(s), or as amended or modified from time to time by the City Council.

(b) Parking lots designated in Section 365.02(b) are open twenty-four (24)-hours a day; rates apply as cited in Section 365.04(a).

365.045 ~~DECEMBER~~ HOLIDAY EXCEPTIONS.

To encourage visitors and promote economic opportunity for our small businesses, from ~~December 1~~Thanksgiving ~~through December 31~~to New Years Day each year, the City will waive the paid portion of the parking program at all ~~two~~four-hour and daily (12) hour street-metered parking spaces as described herein.

(a) All ~~two~~ four (~~2~~4)-hour street-metered parking spaces will retain their ~~two~~four(~~2~~4)-hour parking time limit, with the paid portion waived. The ~~two~~four-hour ~~l~~imits will be noted on the meter covers; and will be monitored and enforced.

(b) All spaces in the municipal lots on Charles, Lawrence, and Liberty Streets~~, as well as all eight (8)-hour street-metered parking spaces,~~ will retain their full functionality as paid parking and/or permit parking spaces.

(c) All free two (2)-hour and four (4)-hour with Handicapp placard parking spaces along Washington and George Streets, all painted curb restrictions, all handicap parking spaces, all loading zones, and any other restricted parking zones will continue to be monitored and enforced pursuant to this article.

365.05 MANNER OF PARKING.

(a) Whenever a parking meter space is designated, any vehicle parked in such space shall be parked so that the foremost part of such vehicle shall be nearest the parking meter; or in the case of a double meter on a single pole the rearmost part of the vehicle as appropriate.

(b) When any vehicle is parked in a metered parking space, the operator thereof shall be responsible for:

(1) Depositing the appropriate United States coin(s) in the parking meter associated with that space or;

(2) Paying the appropriate parking fee using an applicable mobile pay app, or;

(3) Displaying in the front window a valid parking permit pursuant to Sections 365.03.

(c) Vehicle operators who have parked a vehicle in either one of the four (4) or two (2)-hour only parking space, whether paid or free, are required to completely move the aforementioned vehicle from that parking space before four (2) or two (2)-hours have elapsed.

365.055 TEN MINUTE TAKE AWAY PARKING

(a) Within the parking district established in Section 365.01, the City may establish designated parking spaces for ten (10) minute take away parking. Ten (10) minute take away parking is defined as a dedicated space for short-term customer parking to pick up goods or services that have been pre- ordered from a downtown commercial business.

(b) The City may designate up to fifteen (15) spaces for ten (10) minute take away parking.

(c) The City Manager will designate the location of the ten (10) minute take away parking spaces with special attention given to geographic distribution, which will be reviewed annually. Designated spaces will be identified with City-approved signage and other markings.

(d) The designated parking spaces will be used exclusively for ten (10) minute take away parking between the hours of 8:00 a.m. and 8:00 p.m. daily and available for general parking at all other times.

(e) Any vehicle parked in a designated ten (10) minute take away parking space is limited to using the space for no more than ten (10) minutes. Any violation of this time restriction shall constitute a violation of Section 361.99 (a)(1)F. and the vehicle owner will be subject to the fines therein.

365.06 PARKING AND PERMIT VIOLATIONS.

(a) A vehicle parked in a space within parking zones cited in Section 365.02(a), (b)(l), (b)(2), and (b)(3) for longer than the time allotted at the parking meter within the time period cited in Section 365.04 shall constitute a violation of this article; except those vehicles parked in metered spaces with ~~an~~ a ~~eight~~ Daily (~~8~~12) hours or greater time limit displaying a valid parking permit.

(b) A vehicle parked in a space within a parking zone cited in Section 365.02(c) - two (2)-hour free parking - for longer than two (2) hours (four 4 hours with a handicap placard) within the time period cited in Section 365.04 shall constitute a violation of this article.

(c) A vehicle parked in any space in the Liberty Street parking lot (Section 365.02(b)(4)) within the time period cited in Section 365.04 that fails to display a valid parking permit or pay for parking via a mobile pay app shall constitute a violation of this article.

(d) A parking permit is not a valid payment option at any metered spaces ~~with a meter time limit of less than~~not marked as "Daily" ~~eight~~ twelve (~~8~~12) hours within the time period cited in Section 365.04. Any vehicle parked in a metered space, with a meter time limit of less than ~~eight~~ twelve (~~8~~12) hours within the time period cited in Section 365.04 and has not paid the meter as specified in section 365.05(a) or (b) shall constitute a violation of this article.

(e) A vehicle otherwise failing to follow the provisions of Section 365.05 of this article shall constitute a violation of this article.

365.07 TAMPERING/SLUGS.

No person shall deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter; or deposit or cause to be deposited in any parking meter, any slug, device or metallic substance, or any other substitute, for a coin of the United States.

365.08 COMMERCIAL VEHICLES.

(a) Commercial/delivery trucks or vehicles parking during the hours pursuant to Section 365.04 may park, for a period of time not to exceed fifteen (15) minutes, in any vacant metered parking space within the parking district cited in Section 365.01, for onloading and offloading only, without paying the appropriate parking fee cited in Section 365.03. Any vehicle under this section parked in a metered parking space in excess of fifteen (15) minutes without paying the appropriate parking fee cited in Section 365.03 shall constitute a violation of this article.

(b) Loading/unloading zone violations within the designated parking district are subject to the rules and procedures as cited in Article 361 - Parking Generally - of the Charles Town Codified Code.

(c) Commercial vehicle as used in this section shall mean any motor vehicle, truck, bus, tractor- trailer, or other tandem vehicle licensed or used for the transportation of property and/or people, delivery of goods, wares, merchandise, or any other commercial-related service.

365.09 PURPOSE AND USE OF REVENUE.

Revenue and penalties received from parking meters, permits, and violations are hereby levied and assessed as fees to provide for the proper operation, enforcement, and maintenance of the parking program within the Charles Town parking district, described in Section 365.01.

365.10 DISPOSITION OF PARKING METER REVENUE.

All parking meter revenue and penalties will be deposited in such bank, and to the credit of such account, as prescribed by ordinance or resolution of the City of Charles Town City Council.

365.11 AUTHORITY OF LAW ENFORCEMENT AND PARKING ENFORCEMENT OFFICERS; PARKING CITATIONS.

(a) It shall be the duty of law enforcement and parking enforcement officers acting in accordance with West Virginia Codes §8-14-3, §8-14-5a to report:

(1) The state registration number of vehicles parked in violation of the provisions of this article.

(2) Any other facts, a knowledge of which is necessary for a thorough understanding of the circumstances surrounding a violation.

(b) Law enforcement and parking enforcement officers shall attach the citation to the vehicle in violation of this article, which shall serve as a notice to the vehicle's owner/operator of the violation.

(c) The owner/operator shall, within five (5) days of the date noted on the citation, pay the fine in the amount of ten dollars ($10.00) by:

(1) Paying it directly to the City of Charles Town cashier during regular office hours;

(2) Depositing a check, cash, or money order in the designated drop box located at the entrance of the City Municipal Building, or;

(3) Paying on-line through the City's website address, or;

(4) Paying via the U.S. Postal Service (U.S. Mail) or other delivery service directly to the City of Charles Town. The City will recognize the post date of a valid payment to determine late payment penalties.

(d) Failure of such owner/operator to submit payment within five (5) days of the date and time noted on the citation shall render the owner/operator liable for a late fee penalty of an additional twenty dollars ($20.00), for a total fine and penalty amount of thirty dollars ($30.00) for satisfaction of such violation. If such violation(s) continues to remain unpaid for thirty (30) days, a Notice of Delinquent Parking Citation will be mailed to the owner of such vehicle in violation requiring the owner/operator to pay an additional penalty of thirty dollars ($30.00) for a total fine amount of sixty dollars ($60.00), which includes the fine amount of the original citation, for the satisfaction of such violation.

365.12 IMMOBILIZATION DEVICE (BOOTING).

(a) The owner/operator of any vehicle that has accumulated three (3) or more unpaid parking violations will receive written notice advising them that they will have twenty days (20) to settle all outstanding tickets and applicable fines and penalties. Failure to comply will result in an immobilization device (boot), which is a wheel restraint that immobilizes the vehicle, being affixed to the aforementioned vehicle.

(b) Whenever a vehicle is immobilized by this method, a written notice will be conspicuously affixed to the vehicle notifying the owner/operator that the vehicle has been immobilized for the violation of unpaid parking citations and that the vehicle is subject to impoundment at the owner's expense per Section 361.04 of the Charles Town Codified Code.

(c) In addition to the payment in full of all unpaid parking citations, fines and penalties, the owner/operator of any vehicle, which has been immobilized shall pay an additional fee of fifty dollars ($50.00) for the removal of the boot from the vehicle.

(d) It shall be unlawful for any unauthorized person to attempt to remove the booting device or move any vehicle immobilized prior to obtaining such release.

365.13 OTHER VIOLATIONS.

Other parking violations within the designated parking district are subject to the rules and procedures as cited in Article 361- Parking Generally - of the Charles Town Codified Code.

365.14 ACCESSIBLE PARKING.

(a) Accessible parking within the Parking District shall conform with Article 361 - Parking Generally- of the Charles Town Codified Code.

(b) Parking rates cited in Section 365.03 apply in parking zones cited in Section 365.02.

365.15 SEVERABILITY.

The provisions of this article shall be liberally construed.to accomplish its objective and purposes. If any provision of this article is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not otherwise affect or invalidate the other provisions hereto, all of which are hereby declared, and shall be construed, to be separate and severable.

365.99 PENALTY.

Refer to Article 361- Parking Generally- of the Charles Town Codified Code for any violation penalties not specifically cited in this Article.