

FAIRMONT CITY COUNCIL
WORK SESSION
TUESDAY, APRIL 12, 2016
5:00 P.M.
CITY COUNCIL CHAMBERS
PUBLIC SAFETY BUILDING
500 QUINCY STREET
FAIRMONT, WEST VIRGINIA

A G E N D A

- I. CALL WORK SESSION TO ORDER
Robin Gomez, City Manager

- II. CONSIDERATION OF WORK SESSION BUSINESS
 - 1. Introduction of Parking Authority Members

 - 2. Discussion of Parking Issues with the Fairmont Parking Authority:
 - a. Present Conditions-Diversity & Variables
 - (1) City metered – on/off street
 - (2) City Garage
 - (3) Residential – streets/alleys
 - (4) Commercial – streets
 - (5) School areas/zones
 - (6) Special Events-other uses

 - b. Potential Changes/Solutions
 - (1) Rates – parking & violations
 - (2) Pay by Phone
 - (3) Permit(s)
 - (4) City Ordinances – see enclosed EXHIBIT A
 - a. Article 361, Parking Generally
 - b. Article 363, Parking Meters
 - c. Article 365, Off-Street Parking Facilities

- III. ADJOURNMENT

EXHIBIT A

Article 361. Parking Generally

361.01 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

(a) Upon any street or highway outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the street or highway when it is practicable to stop, park or so leave such vehicle off such part of the street or highway, but in every event an unobstructed width of the street or highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of 200 feet in each direction upon such highway or street.

(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a street or highway in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

(WVaC 17C-13-1)

361.02 POLICE MAY REMOVE ILLEGALLY STOPPED VEHICLES.

(a) Whenever any police officer finds a vehicle standing upon a street or highway in violation of Section 361.01, such officer is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such street or highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(WVaC 17C-13-2)

361.03 PROHIBITED STOPPING, STANDING OR PARKING PLACES.

(a) No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet of a fire hydrant;
- (5) In a properly designated fire lane;
- (6) On a crosswalk;
- (7) Within twenty feet of a crosswalk at an intersection;
- (8) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- (9) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (10) Within fifty feet of the nearest rail of a railroad crossing;
- (11) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of such entrance (when properly signposted);

(12) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(13) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(14) Upon any bridge or other elevated structure upon a street or highway or within a street or highway tunnel;

(15) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow or red, or at any place in excess of the maximum time limited by signs;

(16) Within twenty feet of any mail receptacle served regularly by a carrier using a motor vehicle for daily deliveries, if such parking interferes with or causes delay in the carrier's schedule;

(17) Upon any controlled-access highway;

(18) At any place on any street or highway where the safety and convenience of the traveling public is thereby endangered;

(b) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such distance as is unlawful.

(Ord. 997. Passed 7-23-96.)

361.04 VEHICLES PARKED ON PRIVATE PROPERTY.

No driver of a vehicle shall stop, park or leave standing unattended any vehicle on a private road or driveway or on private property without having express or implied permission from the owner, tenant or lessee of such land. The owner, tenant or lessee of such private road or driveway or private property may move, or have moved, any vehicle stopped, parked or left standing unattended on his private road, driveway or private property as above prohibited without any liability for the cost of moving any vehicle, nor shall he be liable to the owner of the vehicle for any damage done to such vehicle in moving it, unless the owner, tenant or lessee of such private road or driveway or private property was negligent in removing or authorizing the removal of the vehicle. The owner of such vehicle shall be responsible to the persons removing such vehicle for paying all removal costs. Any person who removes any vehicle under the provisions of this section shall notify the State Department of Public Safety of such action, and, in addition notify the Police Department.

(WVaC 17C-14-13)

361.05 MANNER OF PARALLEL PARKING.

Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb. Where there is no curb, every vehicle shall be stopped or parked on the extreme right-hand side of the roadway so that the free flow of traffic will not be interrupted.

(WVaC 17C-13-4)

361.06 PARKING WHICH OBSTRUCTS TRAFFIC.

No person shall park any vehicle upon a street or highway other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(1968 Code Sec. 15-63)

361.07 PARKING ON LEFT SIDE OF STREET.

No person shall park or stop a vehicle with its left side to the curb, except on streets where there is one-way traffic; provided, that the City Manager has not erected signs upon the left-hand side of any one-way street prohibiting the standing or parking of vehicles, and when such signs are in place no person shall stand or park a vehicle upon such left-hand side in violation of any such sign or line painted on the curb.

(1968 Code Sec. 15-59)

361.08 SELLING OR REPAIRING VEHICLE UPON ROADWAY.

No person shall park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale.
 - (b) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
- (1968 Code Sec. 15-64)

361.09 ANGLE PARKING; OBEDIENCE TO SIGNS OR MARKINGS.

(a) No vehicle shall stop, stand or park backed up at an angle to the curb, except in parking places officially designated and marked to accommodate such parking or while actually engaged in loading or unloading.

The City Manager shall determine upon what streets angle parking shall be permitted and shall plainly mark such streets, but such angle parking shall not be indicated upon any federal or State highway within this City unless the State Highway Commission has determined by resolution or order, entered in its minutes, that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(1968 Code §15-60)

(b) Upon those streets which have been assigned or marked by the City Manager for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(1968 Code §15-61)

361.10 PARKING FOR MORE THAN THIRTY DAYS.

No person shall park any vehicle upon any street in the City for a continuous period of longer than thirty days.

(1968 Code §15-65)

361.11 PARKING VEHICLES, MOBILE HOMES OR BOATS BETWEEN 8:00 P.M. AND 6:00 A.M.

No person shall park a vehicle having a gross weight in excess of eight thousand pounds, or a trailer, mobile home or boat, upon any street or alley, or part thereof, within the City, for a period of time longer than one hour, between the hours of 8:00 p.m. and 6:00 a. m. of any day. Provided however, the City Manager shall, upon proper application, have the power to grant special exceptions to the foregoing prohibition.

(Ord. 574. Passed 9-7-82; Ord. 676. Passed 7-2-85.)

361.12 PERMITTING VEHICLE TO STAND OR PARK IN VIOLATION OF ARTICLE.

No person shall allow or permit any vehicle registered in his name to stand or park in any street in violation of any provision of this article or other ordinance or regulation of the City regarding the standing and parking of vehicles.

(1968 Code §15-67)

361.13 LOADING ZONES.

(a) Permit Required. Any owner or occupant of a building adjacent to a street or alley desiring a space for loading and unloading in front of the shipping entrance to such building may make application therefor to the City Manager. In case such application shall be granted, the City Manager shall issue to the applicant a permit setting forth the location of such curb loading zone; the number of foot frontage fixed therefor and such other limitations as may be pertinent. Such permit may, at any time, be withdrawn, or further limited by the City Manager. The fee for a loading zone permit used without limitation as described in subsection (c) hereof shall be ten dollars (\$10.00) per month.

(1968 Code §15-71; Ord. 715. Passed 5-6-86.)

(b) "No Parking" Signs Required. The holder of the permit provided for herein shall, at his own expense, place "No Parking" signs on the sidewalk, marking the limits indicated by such permit. Such signs shall be of the exact size and description required by the City Manager.

(1968 Code §15-72)

(c) Use of Freight Loading Zones.

(1) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading or pickup and loading of materials in any place marked as a freight curb loading zone, during the hours when the provisions applicable to such zone are in effect.

(2) The driver of a passenger vehicle may stop temporarily at a place marked as a freight loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of material which is waiting to or about to enter such zone.

(1968 Code §15-73)

(3) Notwithstanding subsection (c)(1) and (2) hereof, any permit holder shall be permitted to stop, stand or park a vehicle for any purpose without limitation during the hours of business of the permit holder in such loading zone for which a permit has been obtained under subsection (a) hereof.

(Ord. 715. Passed 5-6-86.)

361.14 STOPPING, STANDING OR PARKING IN BUS STOPS.

No person shall stop, stand or park a vehicle other than a bus or public carrier in any bus or public carrier stop, when any such bus or public carrier stop has been officially designated and appropriately signed or marked.

(1968 Code §15-75)

361.15 ABANDONMENT OF VEHICLES.

No person shall have, leave or deposit an abandoned motor vehicle, or any part thereof on private or public property.

(a) Definition.

(1) "Abandoned motor vehicle" means any motor vehicle, or major part thereof which is inoperative and which has been abandoned on public or private property for any period of time over five days, other than in an enclosed area or in a licensed salvage yard or at the business establishment of a demolisher, or at an auto repair facility; or any motor vehicle, or major part thereof, which has remained illegally on public or private property without the consent of the owner or person in control of the property for any period of time over three days.

(2) "Demolisher" means any person licensed by the Commissioner of the Department of Highways whose business, to any extent or degree, is to convert a motor vehicle or any part thereof into process scrap or scrap metal, or into saleable parts, or otherwise to wreck or dismantle the same.

(3) "Licensed salvage yard" means a salvage yard licensed under West Virginia Code 17-23-1 et seq.

(4) "Auto repair facility" means a business establishment which is licensed as a business license from the City and performs major and/or minor repairs on motor vehicles.

(5) "Enclosed area" means a garage, or an area which is fenced in, in such a manner that such abandoned motor vehicles cannot be seen from the street or roadway.

(b) Removal of Abandoned Motor Vehicles.

(1) When the City Police Department has knowledge of or discovers or finds any abandoned motor vehicles, the Police Department shall take the same into its custody and possession and make arrangements for the immediate removal thereof.

(2) The Police Department shall call a garage keeper or other person to remove such vehicle to a safe place of storage. The cost of such removal and storage shall be paid by the owner of such vehicle to the person so removing and storing the same.

(c) Notice and Appeal. Prior to taking possession of an abandoned motor vehicle, the Police Department shall give notice to the owner/lienholder and the State Department of Motor Vehicles in accordance with West Virginia Code 17-24-7 and 17-24-8.

Upon notice being received by the owner and/or lienholder, the owner and/or lienholder has a right to appeal the Police Department decision to take possession of such abandoned motor vehicle or part thereof to the Municipal Court for the City. Such appeal has taken within five days of receipt of the notice.

(Ord. 795. Passed 10-11-88.)

361.16 DESIGNATED PARKING SPACES FOR MOBILITY IMPAIRED PERSONS.

(a) Definitions. As used in this section, the following terms have the meanings ascribed to them in this section:

(1) A person or applicant with a “mobility impairment” means a person who is a citizen of West Virginia and as determined by a physician, allopath or osteopath licensed to practice in West Virginia:

- A. Cannot walk two hundred feet without stopping to rest;
- B. Cannot walk without the use of or assistance from a brace, cane, crutch, prosthetic device, wheelchair, other assistive device or another person;
- C. Is restricted by lung disease to such an extent that the person’s force (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- D. Uses portable oxygen;
- E. Has a cardiac condition to such an extent that the person’s functional limitations are classified in severity as Class III or Class IV according to standards established by the American heart association; or
- F. Is severely limited in his or her ability to walk because of an arthritic, neurological or other orthopedic condition;

(2) “Special registration plate” means a registration plate that display the international symbol of access in a color that contrasts with the background, in letters and numbers the same size as those on the plate, and which may be used in lieu of a regular registration plate;

(3) “Removable windshield placard” (permanent or temporary) means a two- sided, hanger-style placard measuring three inches by nine and one-half inches, with all of the following on each side:

- A. The international symbol of access, measuring at least three inches in height, centered on the placard, in white on a blue background for permanent designations and in white on a red background for temporary designations;
- B. An identification number measuring one inch in height;
- C. An expiration date in numbers measuring one inch in height; and
- D. The seal or other identifying symbol of the issuing authority;

(4) “Regular registration fee” means the standard registration fee for a vehicle of the same class as the applicant’s vehicle;

(5) “Public entity” means state or local government or any department, agency, special purpose district or other instrumentality of a state or local government;

(6) “Public facility” means all or any part of any buildings, structures, sites, complexes, roads, parking lots or other real or personal property, including the site where the facility is located;

(7) “Place or places of public accommodation” means a facility or facilities operated by a private entity whose operations affect commerce and fall within at least one of the following categories:

- A. Inns, hotels, motels and other places of lodging;
- B. Restaurants; bars or other establishments serving food or drink;
- C. Motion picture houses, theaters, concert halls, stadiums or other places of exhibition or entertainment;
- D. Auditoriums, convention centers, lecture halls or other places of public gatherings;
- E. Bakeries, grocery stores, clothing stores, hardware stores, shopping centers or other sales or rental establishments;
- F. Laundromats, dry cleaners, bank, barber and beauty shops, travel agencies, shoe repair shops, funeral parlors, gas or service stations, offices of accountants and attorneys, pharmacies, insurance offices, offices of professional health care providers, hospitals or other service establishments;
- G. Terminals, depots or other stations used for public transportation;
- H. Museums, libraries, galleries or other places of public display or collection;
- I. Parks, zoos, amusement parks or other places of recreation;

J. Public or private nursery, elementary, secondary, undergraduate or post-graduate schools or other places of learning and day care centers, senior citizen centers, homeless shelters, food banks, adoption agencies or other social services establishments; and

K. Gymnasiums, health spas, bowling alleys, golf courses or other places of exercise or recreation.

(8) "Commercial facility" means a facility whose operations affect commerce and which are intended for nonresidential use by a private entity.

(9) "Accessible parking" formerly known as "handicapped parking" is the present phrase consistent with language within the Americans with Disabilities Act (ADA).

(b) Fraudulently Obtaining Plate or Placard Prohibited. Any person who falsely or fraudulently obtains or seeks to obtain the special plate or the removable windshield placard and any person who falsely certifies that a person is mobility impaired in order that an applicant may be issued the special registration plate or windshield placard under this section is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars. Any person who fabricates, uses or sells unofficially issued windshield placards to any person or organization is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars per placard fabricated, used or sold. Any person who fabricates, uses or sells unofficially issued identification cards to any person or organization is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars per identification card fabricated, used or sold. Any person who fabricates, uses or sells unofficially issued labels imprinted with a future expiration date to any person or organization is committing a fraudulent act and is guilty of a misdemeanor and, upon conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars (\$500.00).

(c) Foreign Plate, Decal or Placard. A vehicle from any other state, United States territory or foreign country displaying an officially issued special registration plate, placard or decal bearing the international symbol of access shall be recognized and accepted as meeting the requirements of this section, regardless of where the plate, placard or decal is mounted or displayed on the vehicle.

(d) Designation of Parking Spaces. Free stopping, standing or parking places marked with the international symbol of access shall be designated in close proximity to all public entities, including state, county and municipal buildings and facilities, places of public accommodation and commercial facilities. These parking places shall be reserved solely for persons with mobility impairment at all times.

(e) Permitted Parking/Unauthorized Use/Penalty.

(1) Any person whose vehicle properly displays a valid, unexpired special registration plate or removable windshield placard issued by the State of West Virginia pursuant to the provisions of West Virginia Code §17C-13-6 may park the vehicle for unlimited periods of time in parking zones unrestricted as to length of parking time permitted. Provided, that this privilege does not mean that the vehicle may park in any zone where stopping, standing or parking is prohibited or which creates parking zones for special types of vehicles or which prohibits parking during heavy traffic periods during specified rush hours or where parking would clearly present a traffic hazard. To the extent any provision of any ordinance of any political subdivision of this state is contrary to the provisions of this section, the provisions of this section take precedence and apply.

(2) The parking privileges provided for in this subsection apply only during those times when the vehicle is being used for the loading or unloading of a person with a mobility impairment. Any person who knowingly exercises, or attempts to exercise, these privileges at a time when the vehicle is not being used for the loading or unloading of a person with a mobility impairment is guilty of a misdemeanor and, upon first conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined one hundred dollars; upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined three hundred dollars; and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars.

(f) Prohibited Parking/Enforcement/Penalty.

(1) Any person whose vehicle does not display a valid, special registration plate or removable windshield placard shall not stop, stand or park a motor vehicle in an area designated, zoned or marked for accessible

parking with signs or instructions displaying the international symbol of access, either by itself or with explanatory text. The signs may be mounted on a post or a wall in front of the accessible parking space and instructions may appear on the ground or pavement, but use of both methods is preferred. Accessible parking spaces for vans having an eight-foot adjacent access aisle should be designated as "van accessible" but may be used by any vehicle displaying a valid special registration plate or removable windshield placard. These spaces are intended solely for persons with a mobility impairment, as defined in this section; provided, that any person in the act of transporting a person with a mobility impairment as defined in this section, may stop, stand or park a motor vehicle not displaying a special registration plate or removable windshield placard in the area designated for accessible parking by the international symbol of access for the limited purposes of loading or unloading a passenger with a mobility impairment; provided, however, that the vehicle shall be promptly moved after the completion of this limited purpose.

Any person who violates the provisions of this subsection is guilty of a misdemeanor, and upon conviction thereof, shall be fined one hundred dollars (\$100.00); upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined three hundred dollars; and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars.

(2) All signs that designate areas as "accessible parking" or that display the international symbol of access shall also include the words "Up to \$500 fine".

(3) No person may stop, stand or park a motor vehicle in an area designated or marked off as an access aisle adjacent to a van-accessible parking space or regular accessible parking space. Any person, including a driver of a vehicle displaying a valid removable windshield placard or special registration plate, who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined one hundred dollars; upon second conviction thereof, in addition to any other penalty he or she may otherwise incur, shall be fined three hundred dollars; and upon third and subsequent convictions thereof, in addition to any other penalty he or she may otherwise incur, shall be fined five hundred dollars (\$500.00).

(4) Parking enforcement personnel who otherwise enforce parking violations may issue citations for violations of this section and shall reference the number on the vehicle's license plate, since the driver normally will not be present.

(5) The City of Fairmont may establish a program to use trained volunteers to collect information necessary to issue citations to persons who illegally park in designated accessible parking spaces. If the City of Fairmont establishes a program shall provide for workers' compensation and liability coverage. The volunteers shall photograph the illegally parked vehicle and complete a form, to be developed by the City of Fairmont Police Department that includes the vehicle's license plate number, date, time and location of the illegally parked vehicle. The photographs must show the vehicle in the accessible space and a readable view of the license plate. Within the discretion of the City of Fairmont Police Department, the volunteers may issue citations or the volunteers may submit the photographs of the illegally parked vehicle and the form to the City of Fairmont Police Department, who may issue a citation, which includes the photographs and the form, to the owner of the illegally parked vehicle. Volunteers shall be trained on the requirements for citations for vehicles parked in marked, zoned or designated accessible parking areas by the City of Fairmont Police Department.

(6) The City of Fairmont shall retain all fines and associated late fees. These revenues shall be used first to fund the provisions of subsection (e) of this section, if such a program is established by the City of Fairmont, or otherwise shall go into the local authorities' general revenue fund. Otherwise any moneys collected as fined shall be collected for and remitted to the state.

(Ord. 1235. Passed 8-8-03.)

361.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty.)

Whoever violates Section 361.15 shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or imprisoned not more than thirty days or both.

(Ord. 795. Passed 10-11-88.)

ARTICLE 363. Parking Meters.

363.01 DEFINITIONS.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

(a) "Parking meter" means a mechanical device installed for the regulation of parking by lawful authority. Each parking meter shall contain a slot for the deposit of lawful coin of the United States and a receptacle for receiving and storing such coin. Each parking meter shall display brief directions as to its operation and the value of lawful coin required to be deposited. Each parking meter shall contain a timing mechanism which shall indicate either a balance of legal parking time or overtime parking by an appropriate signal at the expiration of such lawful time.

(b) "Parking meter space" means a space within a parking meter area, which is designated for the parking of a single vehicle by marked lines on the curb or paved surface area adjacent to a parking meter. Posted notice on the meter or on signs shall indicate the maximum consecutive parking time limit during which a vehicle may be legally parked in a particular parking meter space and the days and hours when the requirement to deposit lawful coin shall apply.

363.02 PARKING WITHIN MARKED LINES OF METER SPACE.

No person shall park a vehicle in a parking meter space in such a way that the vehicle shall not be entirely within the limits of the space so designated by marked lines.

363.03 DEPOSIT OF COIN REQUIRED; ILLEGAL PARKING.

(a) No person shall cause, allow or permit a vehicle to occupy a parking meter space during the hours when the provisions applicable to such space are in effect, unless he shall deposit such lawful coin of the United States of appropriate denomination in the adjacent parking meter, as required by directions on the meter. Such person is not required to deposit a coin in a meter which indicates a balance of unused legal parking time left by the previous occupant of the space, so long as his occupancy of the space does not exceed the indicated unused parking time. The parking meter space may be lawfully occupied by such vehicle during the balance of legal parking time shown on the meter provided such occupancy does not exceed the established maximum time limit.

(b) No person shall fail to comply with directions displayed on the parking meter or fail to set the timing mechanism in operation when so required.

(c) No person shall cause, allow or permit a vehicle to occupy a meter space beyond the maximum consecutive parking time limit lawfully prescribed, for the particular space occupied, by appropriate notice on the meter or on posted signs, irrespective of the number or amount of coin deposited in such meter.

363.04 PARKING PROHIBITED IN METER SPACE.

Notwithstanding any provision of this article, no person shall park in a parking meter space when otherwise directed by a police officer or fireman or when parking is prohibited by properly posted signs.

363.05 RESPONSIBILITY OF VEHICLE OWNER.

No person shall cause, allow or permit any vehicle registered in the name of such person to park overtime, or beyond the period of legal parking time shown on any parking meter, as described in this article.

(1968 Code §15-148)

363.06 DEPOSITING SLUGS; INJURING OR TAMPERING WITH METERS.

No person shall deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for any coin of the United States, or injure, tamper with, open, willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this article or any other ordinances of the City.
(1968 Code §15-150)

363.07 NOTICE OF PARKING VIOLATION; DUTY TO REPORT AND PAY FINE.

(a) A police officer of the City of Fairmont, any parking enforcement officer, meter maid or other authorized officer shall attach a ticket to any illegally parked vehicle with a notice to the owner of such vehicle parking in violation of the provisions of this article, whether the meter is located on the street or in a municipal parking lot, instructing such owner to comply with the direction contained in or printed upon such ticket or report to the Police Department in regard to such violation.

(b) Any vehicle illegally parked under this article shall be ticketed and fined five dollars (\$5.00) when it is first observed and determined by the authorized officer to be in violation of this article. If at least one hour after the first ticketing the vehicle is still parked in violation of this article, it will be ticketed again with an additional fine of ten dollars (\$10.00). If at least one hour after the second ticketing the vehicle is still parked in violation of this article, it will be ticketed a third time with an additional fine of fifteen dollars (\$15.00). If at least one hour after the third ticketing the vehicle is still deemed to be in violation of this article, an authorized officer will have the power to have the car towed and impounded pursuant to Section 303.09 or immobilized pursuant to Section 363.11. Ticketing officers will note on all tickets the time at which such tickets are placed on the vehicle and the location of such vehicle.

(c) It shall be the duty of the owner of such vehicle to comply with the directions contained in or printed upon the aforesaid ticket or report to the Police Department within twenty-four hours after such ticket was attached to the vehicle, and to pay to the officer in charge, or his designee at the Police Department, as a penalty for such violation, the fines accumulated within the previous twenty-four hours or show cause why such penalty should not be levied.

(d) An additional penalty of twenty dollars (\$20.00) shall be added to each fine assessed pursuant to the provisions of this section for default in the payment thereof for a period of thirty days.

(e) Any violation of this section constitutes a misdemeanor offense and the fines and penalties assessed pursuant to the provisions of this section shall be enforceable in the Municipal Court for the City of Fairmont. In addition to any other remedy which may be available for the enforcement and collection of any fines and penalties assessed pursuant to the provisions of this section, said fines and penalties shall be a debt due and owing the City which may be collected through any and all civil methods provided by law.
(Ord. 1536. Passed 10-25-11.)

363.08 PARKING IN POSTED AREAS.

(a) Free parking shall be permitted in designated and properly posted areas and for such length of time as shall be designated by the City Manager.

(b) Metered parking shall be restricted in designated and properly posted areas and for such length of time as shall be designated by the City Manager.

(c) Any vehicle illegally parked under this section shall be ticketed and fined five dollars (\$5.00). A police officer, parking enforcement officer, meter maid, or other authorized person shall attach the ticket to the

illegally parked vehicle with a notice to the owner of such vehicle parked in violation of the provisions of this article, whether the vehicle is located on a street or in a municipal parking lot. If the vehicle remains illegally parked an additional period of time, as designated in the posted area, it shall be ticketed again with an additional fine of ten dollars (\$10.00). If the vehicle remains illegally parked a third period of time, as designated in the posted area, it shall be towed and impounded pursuant to Section 303.09 or immobilized pursuant to Section 363.11.

(d) Any violation of this section constitutes a misdemeanor offense and the fines and penalties assessed pursuant to the provisions of this section shall be enforceable in the Municipal Court for the City of Fairmont. In addition to any other remedy which may be available for the enforcement and collection of any fines and penalties assessed pursuant to the provisions of this section, said fines and penalties shall be a debt due and owing the City which may be collected through any and all civil methods provided by law. (Ord. 1535. Passed 10-11-11.)

363.09 STREET SWEEPING.

Notwithstanding any section of this article to the contrary, the City Manager is authorized to place and maintain traffic control devices and signs upon any street or highway under the City's jurisdiction as may be necessary to provide for street sweeping, and to restrict or prohibit parking thereon as may be fixed by such device or sign.

(Ord. 665. Passed 4-2-85.)

363.10 TOWING.

It is hereby found that street sweeping is necessary and appropriate to the public health, safety and welfare, and any vehicle parked or left unattended in violation of a traffic control device or sign restricting or prohibiting parking during hours for street sweeping shall be towed and taken into custody by the Police Department, or personnel and equipment designated by them for such purposes, and the owner of such vehicle shall pay all costs incident to such towing and custody.

(Ord. 665. Passed 4-2-85.)

363.11 IMMOBILIZATION AND/OR TOWING OF VEHICLES.

(a) When it appears to a police officer of the City of Fairmont, any parking enforcement officer or such other authorized person that any vehicle which is occupying any metered parking space under the jurisdiction of the City of Fairmont or the City of Fairmont Parking Authority in a manner that violates any of the provisions of this Traffic Code or has been so placed in the past so as to result in a citation, ticket, fine or penalty to the owner or driver and which citation, ticket, fine or penalty has not been properly disposed of in accordance with the ordinance pertaining thereto, such officer, parking enforcement officer, or other authorized person, may immobilize or cause the immobilization of such vehicle until the owner or driver has satisfied any existing and past violations in accordance with the ordinances pertaining thereto, or until such vehicle so immobilized by such officer has been towed and impounded; provided, however, that the City shall post signs that the possibility of immobilization and towing exists.

(b) The owner or driver of any vehicle which has been immobilized shall, in addition to the fines and penalties provided for under the provisions of the Traffic Code, pay the sum of forty-five dollars (\$45.00) as reimbursement to the City for the administrative costs associated with said immobilization and in addition thereto all towing and impoundment fees.

(c) No unauthorized person shall move any vehicle immobilized pursuant to this section prior to obtaining a release thereof from either the Judge or the Clerk of the Municipal Court or the officer in charge at the City Public Safety Building.

(d) Should any unauthorized person damage any property of the City while attempting to remove or removing an immobilization device, or moving a vehicle which has been immobilized pursuant to this section, that unauthorized person shall reimburse the City the cost of such damage.

(Ord. 1372. Passed 12-12-06.)

363.99 PENALTY.

Whoever violates Section 363.06 shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days, or both.

Article 365. Off-Street Parking Facilities

365.01 USE OF MUNICIPAL PARKING LOTS.

No person shall park any vehicle in any Municipal parking lot in violation of any ordinance, bonding or otherwise; or park contrary to any rules established by the Municipal Parking Authority for the use of such parking lot; or in any manner or place other than designated by the custodian of such lot.

(Ord. 518. Passed 1-6-81.)

365.02 FEE.

No person shall park in any Municipal parking lot where a fee is provided by ordinance without paying such fee; or, in any Municipal parking lot where metering devices are installed without first inserting a coin in the meter controlling the parking place used; or park for a longer period than that covered by such coin.

365.99 PENALTY.

Whoever violates any provision of this article shall be fined not more than ten dollars (\$10.00).

(Ord. 518. Passed 1-6-81.)