

**2022 Ordinance Providing Supplemental Areas and Times
When Parking on City Property, in City Parking Lots, and on
City Streets Is Prohibited**

WHEREAS, Weston adopted a Traffic Code in September 2021;

WHEREAS, said Traffic Code indicates various places where parking a vehicle is forbidden;

WHEREAS, the City of Weston has determined that additional parking restrictions must be made;

WHEREAS, pursuant to West Virginia Code §8-12-2(a)(5), West Virginia Code §8-12-2(a)(9), West Virginia Code 8-12-5(4), West Virginia Code §8-12-5(23), West Virginia Code §8-12-5(36), West Virginia Code §8-12-5(44), the City of Weston now provides the following ordinance related to regulating its city property, city parking lots, and city streets:

WHEREAS, the City finds that cars parked on city property, in city parking lots, and on city streets during public events held on said city property and in city parking lots and city streets (such as, but not limited to fairs, festivals, celebrations) produce a public nuisance in that the logistics of the event must be altered and adapted to accommodate a vehicle parked in the city parking lot or city street being utilized;

WHEREAS, the City also finds that during events such as street cleaning, street paving, snow removal, and other general maintenance of the city property, city parking lots, and city streets, that parked cars hinder the City's ability to provide city services such as road maintenance and snow removal, among other things;

The City now promulgates the following Ordinance:

In the event that any city property, city parking lots, or city streets are to be accessed for public events and/or maintenance, any cars parked on said property, parking lots, and streets shall be required to be moved in a timely manner;

The City shall notify the owner of vehicles in question in one or more of the following manners:

- 1) Notice for removal placed on the car itself;
- 2) Notice for removal mailed via certified mail to Owner's last known address; or
- 3) In-person service of the notice

In conjunction with these notices, the City shall have the option of utilizing social media or other forms of media to announce the need for vehicles to be removed from relevant city property, city parking lots, and/or city streets. This form of notice is not intended to be the only form, or even "official" form, of notice for a vehicle to be moved.

The City shall provide notice no later than 48 hours prior to an public event or street maintenance. In the event 48 hours-notice cannot be accomplished, then the City shall notify the vehicle owner as soon as possible.

Vehicles must be moved no later than 2-hours prior to the beginning of a scheduled public event or street maintenance.

In the event that a vehicle is not moved, Weston is authorized to tow the vehicle (either by using Weston's own equipment or by utilizing a private towing company or other private means of removal) to a place that reasonably removes the vehicle from the area affected by the public event or maintenance, which may include a towing company's property. The owner of the vehicle shall be responsible for the costs of removing the vehicle.

In the event the Owner wishes to challenge the removal and/or the costs of removal, the Owner may ask the Weston Municipal Court to hear the issue. The Owner can institute Weston Municipal Court proceedings by contacting the Weston City Clerk's office. The Owner can appeal the Weston Municipal Court's decision to any Court of competent jurisdiction.

Owner may be represented at any and all stages of Weston Municipal Court.

Repeat offenders of this ordinance shall also be fined \$50 for every repeat offense.

In the event of non-payment of costs and/or fines, Owners shall be subject to all available legal avenues for Weston to acquire such costs/fine.

The Weston Police Department shall be charged with providing notice to relevant vehicle owners. The Weston Police Department may use other City departments or City resources to establish whether a vehicle(s) need to be moved relevant to this Ordinance.

In the event a portion of this Ordinance is deemed unconstitutional or deemed to have some other defect, the remaining portions of this Ordinance shall remain in force.

This Ordinance is not intended to usurp or otherwise repeal anything in the Weston Traffic Ordinance that was adopted in September 2021. If a conflict between this Ordinance and another Ordinance(s) arise, the more strict Ordinance shall apply.

First Reading: September 6, 2022

Second Reading: _____

Kim Harrison-Edwards, Mayor

Judy Piercy, City Clerk