

## CHAPTER NINE

### ARTICLE I Motor and Other Vehicles

#### 9.1.1 Definitions

(a) The term “public street” as used in this Article shall include any public street, highway, alley, or bridge in the Town.

(b) Other terms used in this Article shall be defined in accordance with the definitions contained in Article I, Chapter 17A of the Code of West Virginia, as amended.

9.1.2 General Requirements as to Speed – No person shall drive a vehicle on a public street in the Town at a speed greater than is reasonable and prudent under the conditions, and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the public street in compliance with legal requirements and the duty of all persons to use due care.

#### 9.1.3 Special Speed Restrictions

(a) Where no special hazard exists that requires lower speed for compliance with Section 9.1.2 of this Article, the speed of any vehicle on a public street other than U. S. Route No. 60 not in excess of limits specified in this section shall be lawful, but any speed on a public street other than U. S. Route No. 60 in excess of the limits specified in this section shall be unlawful.

(b) The speed limit throughout the Town for all motor vehicles, except on U. S. Route No. 60 shall be 15 miles per hour.

(c) Notwithstanding the speed permitted under subdivision (b) of this section, and consistent with the requirements of Section 9.1.2 of this Article, the driver of every vehicle shall drive the same at an appropriately reduced speed when approaching and crossing an intersection or railroad grade crossing, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or the conditions of public streets.

9.1.4 State Law Applicable -- So far as the same are applicable, and so far as the same are not in conflict with the provisions of this Code or of any ordinance of the Town, the provisions of Chapter 17C of the Code of West Virginia of 1931, as amended, shall be applicable throughout The Town of Glasgow and are hereby adopted by reference as ordinances of this Town. The violation by any person of any such provision of the said Chapter 17C of the Code of West Virginia shall constitute a violation of an ordinance of the Town. Any provision of Chapter 17C of the Code of West Virginia of 1931, as amended, shall be conclusively presumed to be applicable to The Town of Glasgow unless it is found unequivocally to be inapplicable to the Town.

9.1.5 Unsafe Motor Vehicles

(a) Purpose – The purpose of this Ordinance is to ensure the public safety of the resident of the Town of Glasgow by prohibiting the use of unsafe motor vehicles on the public streets, right of ways and the alleyways. The amended Ordinance reads as follows:

(b) Findings of Facts

(1) The Town Council is responsible for the protection of the residents of the Town of Glasgow.

(2) To ensure the public safety the Town Council finds that all unsafe motor vehicles should be prohibited from using the public streets, rights of ways and alleyways in the corporate limits of the Town of Glasgow.

(3) Since the original ordinance was adopted the Town Council has been faced with the operation of gas and battery powered scooters and gas and battery powered skateboards being operated on Town streets, right of ways and alleyways. The Town Council has determined that these are unsafe motor vehicles as defined by the Ordinance.

(c) Definitions

(1) Motor Vehicle means for the purpose of this ordinance any automobile, truck, motorcycle, moped, all terrain vehicles (ATV's), farm machinery, gas or battery powered scooters and gas or battery powered skateboards.

(2) Driver means every person who drives or is in actual physical control of a vehicle.

(3) Owner means a person who holds legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee.

(4) Residential street, right of way or alley way means the entire width between the boundary lines of every way, whether publicly or privately maintained, located within any subdivision, development, or other similar area used

primarily for residential purposes when any part thereof is open to the common use of those living in said area for the purpose of vehicular travel and located within the corporate boundaries of the Town of Glasgow.

(d) Violation

(1) It shall be unlawful to drive or move any unsafe vehicle on any public street, right of way or alleyway within the corporate limits of the Town of Glasgow.

(2) It shall be unlawful to operate any motor vehicle within the corporate limits of the Town of Glasgow on any public street, right of way or alley way without a valid driver's license.

(3) It shall be unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any public street, highway, right of way or alley way within the corporate limits of the Town of Glasgow any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in W. Va. Code Chapter 17C-15-1 et. seq.

(e) Exceptions – The exceptions that are incorporated into this ordinance as to motor vehicles shall include motor driven wheelchairs, children's battery driven riding toys that cannot exceed 5 miles per hour, and any and all vehicles and machinery used in the maintenance or operations of the Town of Glasgow.

(f) Penalty – Any violation of this ordinance shall be punishable as a misdemeanor and said person violating the aforesaid provisions shall be fined no more than \$200.00 plus court costs.

## ARTICLE II- Parking of Motor Vehicles

9.2.1 Definition of “Motor Vehicles”—Within the meaning of this Article, the term “motor vehicle” shall mean an automobile, truck, tractor, trailer, motorcycle, camper and other motor-propelled or motor-drawn vehicle.

### 9.2.2 Parking of Motor Vehicles Generally

(a) Any motor vehicle parked on any public street of the Town shall be parked only in an area of said street which has been declared by the Council of the Town to be, and which is plainly marked as, a parking area.

(b) All parking areas on the streets of the Town shall be marked with appropriate lines indicating the specific areas within which parking is permitted. The Council shall, from time to time, determine the sizes of the parking areas so to be marked, but in no event shall such a parking space be less than 6-1/2 feet in width, measured from the nearest curb or pavement edge, and less than 21 feet in length.

(c) Any motor vehicle parked on any public street of the Town shall be so parked that the wheels on the side of each vehicle nearest the curb or pavement edge are located within four (4) inches of such curb or pavement edge, and so parked that the entire exterior of the vehicle shall be within the marked lines mentioned in subsection (b) of this section.

(d) It shall be unlawful to park any motor vehicle on any public street of the Town in any manner other than as in this section provided.

9.2.3 Parking of Unlicensed or Improperly Licensed Motor Vehicle

Prohibited – It shall be unlawful for any person to park on any public street or in any public alley of the Town any unlicensed motor vehicle or any motor vehicle which bears a license which is not of current date or which otherwise does not comply with the requirements of state law.

9.2.4 Parking Motor Vehicle so as to Obstruct or Impede Traffic

Prohibited; Exceptions – It shall be unlawful for any person, except as temporarily shall be necessitated by the conditions of traffic and except as may be required temporarily to permit passengers to enter or alight from a vehicle, to stop or park a motor vehicle on any public street or in any public alley of the Town in such manner as to obstruct or impede the normal and reasonable flow of traffic along such street or alley.

9.2.5 Obstructing Street or Alley by Structure, Appliance, etc., Without

Permit Prohibited; Removal and Expense Thereof – It shall be unlawful for any person to place and leave, or permit to be placed and left, on any public street or in any public alley of the Town any structure, appliance, object, material, collection of materials, or debris in such manner as to obstruct or impede the normal and reasonable flow of traffic along such street or alley, without having first obtained from the Mayor or from the Chief of Police of the Town a written permit so to do. In any case of a violation of the provisions of this Section, the Mayor or the Chief of Police may cause the obstruction or the Impediment to be removed and stored or destroyed, and the cost of such removal, storage, and destruction shall, upon written demand of the Town or an

official thereof, be paid to the Town by the person placing or leaving such obstruction or impediment or permitting the same to be placed or left or participating in any way in such placing or leaving.

9.2.6 Removal of Motor Vehicles Which are in Violation of Sections 9.2.2, 9.2.3, or 9.2.4; Expenses; Lien – In any case of a violation of the provisions of Section 9.2.4 of this Article and such motor vehicle, while so stopped or parked, shall have been unattended by a licensed driver, or in case of a violation of the provisions of Section 9.2.2 or Section 9.2.3 of this Article, the Mayor or the Chief of Police may cause such motor vehicle to be removed and towed to a public garage in the Town, or, if there be no public garage in the Town willing and able to receive and store such vehicle, then to a public garage within reasonably close proximity to the Town, and there stored. The owner of any such vehicle shall be liable to the Town and to the owner of such public garage for the costs of such removal, towing, and storage of said motor vehicle, and the owner of such vehicle for the cost of such removal, towing, and storage of the same character, to the same extent, and which may be enforced in like manner, as liens for the storage charges of motor vehicles stored privately in such garage.

9.2.7 Parking Motor Vehicles on Sidewalks

(a) Except as otherwise provided in subdivision (b) of this Section, it shall be unlawful for any person to park, wholly or partially, any motor vehicle on any sidewalk in the Town.

(b) In the event a police officer, the Mayor, or the Recorder of the Town determines that special circumstances require, and in the event such officer or

official gives appropriate notice thereof by posted sign or otherwise, a motor vehicle may, to the extent permitted by such notice, be temporarily parked on a sidewalk in the Town.

9.2.8 Penalties for Violation of Article – Any person violating any provision of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, may be fined not less than \$25.00 or more than \$100.00 for each offense. In addition thereto, in case monetary charges shall have been accrued against such convicted person for the cost of removal, storage, or destruction under the provisions of Section 9.2.4 of this Article and such charges shall not have been paid by such person, there may also be concurrently imposed upon such convicted person an additional fine in the amount of such unpaid charges, the payment of which additional fine shall constitute satisfaction of the liability of such convicted person for such monetary charges as shall have been accrued under the provisions of Section 9.2.5 or Section 9.2.6 of this Article, as the case may be.

### ARTICLE III Parking of Non Self-Propelled Vehicles

9.3.1 Purpose – The Common Council of the Town of Glasgow, West Virginia, recognizing the fact that the paved portions of the streets, avenues and alleys in the Town are, in the most part, narrower than those in many municipalities, and, after due study and consideration, having found that non self-propelled vehicles have previously been parked on such streets, avenues and alleys in the Town for extended periods of consecutive days and weeks thereby constituting a public nuisance as an impediment to the normal flow of vehicular traffic, it is hereby declared to be the purpose of this Article to eliminate such public nuisances by the removal of such non



self-propelled vehicles from such streets, avenues and alleys and thereby to avoid such impediment to normal traffic flow.

9.3.2 “Non Self-Propelled Vehicle” Defined – Within the meaning of this Article, a “non self-propelled vehicle” shall mean a camper, trailer, or other vehicle, whether supported by wheels or by other means, which is not equipped with an operable self-contained engine capable of propelling such camper, trailer, or other vehicle in traffic. As used in the next preceding sentence, “self-contained engine” means an engine contained within the camper, trailer, or other vehicle itself and not within some other and different vehicle.

9.3.3 Parking of Non Self-Propelled Vehicles on Streets, Avenues, and Alleys Prohibited – It shall be unlawful for any person, firm, or corporation to park and leave parked any non self-propelled vehicle on any street, avenue, or alley in the Town. To “leave parked,” within the meaning of this Section, means that, subsequent to the parking of the vehicle, the vehicle shall, at some time or from time to time, and while so parked not be personally occupied by an individual or individuals in the interior thereof.

9.3.4 Removal of Vehicle by Officer of Town; Expenses; Lien – In any case of a violation of the provisions of Section 9.3.3 of this Article, the Mayor or the Chief of Police may cause such non self-propelled vehicle to be removed and towed to a public garage in the Town, or, if there be no public garage in the Town willing and able to receive and store such vehicle, then to a public garage within reasonably close proximity to the Town, and there stored. The owner of any such vehicle shall be liable to the Town and to the owner of such public garage for the costs of such removal,

towing, and storage of said non self-propelled vehicle, and the owner of such public garage shall be entitled to hold and enforce a lien upon such vehicle for the cost of such removal, towing, and storage of the same character, to the same extent, and which may be enforced in like manner, as liens for the storage charges of motor vehicles stored privately in such garage.

9.3.5 Penalty for Violation of Article – Any person violating any provision of this Article shall be guilty of a misdemeanor, and, upon conviction thereof, may be fined not less than \$50.00 or more than \$100.00 for each offense. In addition thereto, in case monetary charges shall have accrued against such convicted person for the cost of removal, storage, or destruction under the provisions of Section 9.3.4 of this Article and such charges shall not have been paid by such person, there may also be concurrently imposed upon such convicted person an additional fine in the amount of such unpaid charges, the payment of which additional fine shall constitute satisfaction of the liability of such convicted person for such monetary charges as shall have accrued under the provisions of Section 9.3.4 of this Article. In the event of a violation of the provisions of Section 9.3.3 of this Article by any firm or corporation, the members and general manager of such firm and the officers and general manager of such corporation shall, in addition to the person parking or causing to be parked and left parked such non self-propelled vehicle, be guilty of the violation of Section 9.3.3 of this Article and be subject to the penalties imposed in this Section.

9.3.6 Conflict With Other Ordinances – If any conflict exists, or shall hereafter exist, between the provisions of this Article and the provisions of any other ordinance of the Town including, without limitation, the provisions of an ordinance of

the Town captioned “AN ORDINANCE DECLARING TO BE UNLAWFUL OFFENSES CERTAIN ACTIONS RELATIVE TO THE PARKING AND STOPPING OF MOTOR VEHICLES AND TO THE OBSTRUCTION AND IMPEDING OF TRAFFIC ON STREETS AND ALLEYS; DEFINING ‘MOTOR VEHICLES’; AND PROVIDING REMEDIES AND PRESCRIBING PENALTIES FOR THE VIOLATION HEREOF.”, which appears as Article II of this Chapter, the provisions of this Article shall prevail, and the fact that the parking of a vehicle constitutes a violation of this Article does not, if the facts of the case so justify, prevent such parking from concurrently constituting the violation of such other ordinance of the Town, and the person or persons responsible therefore from being guilty of the violation of both this and such other ordinance.