

CHAPTER SEVEN – Parking  
Art. 361. Parking Generally.

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**ARTICLE 361**  
**Parking Generally**

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| 361.01 | Prohibition against parking on streets or highways. | 361.09 | Truck loading zones.  |
| 361.02 | Police may remove illegally stopped vehicles.       | 361.10 | Bus stops and taxicab stands.                                     |
| 361.03 | Prohibited stopping, standing or parking places.    | 361.11 | Parking in alleys and narrow streets; exceptions.                 |
| 361.04 | Vehicles parked on private property.                | 361.12 | Registered owner prima-facie liable for unlawful parking.         |
| 361.05 | Manner of angle and parallel parking.               | 361.13 | Storing vehicle on street.  |
| 361.06 | Handicapped parking.                                | 361.14 | Street cleaning or other governmental function.                   |
| 361.07 | Abandoned and junk vehicles.                        | 351.15 | Stopping, standing or parking near hazardous or congested places. |
| 361.08 | Parking for certain purposes prohibited.            | 351.99 | Penalty.  |

**CROSS REFERENCES**

See sectional histories for similar State law  
 Authority to regulate the standing or parking of vehicles – see W. Va. Code 17C-2-8(a)(1)  
 Authority to regulate parallel and angle parking – see W. Va. Code 17C-13-4  
 Impounding of abandoned vehicles – see TRAF. 303.07  
 Duty to stop engine, set brake on grade and remove key – see TRAF. 349.01

- (10) 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);
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a street or highway or within a street or highway tunnel;
- (14) 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;
- (15) 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;
- (16) Upon any controlled-access highway;
- (17) At any place on any street or highway where the safety and convenience of the traveling public is thereby endangered;
- (18) Over or across any lines or marks established by the Municipality to indicate parking spaces.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.  
(WVaC 17C-13-3)

#### **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)

(c) No person shall stop, stand or park a motor vehicle in an area designated, zoned or marked for the handicapped or physically disabled, when such person is not physically disabled or handicapped and does not have displayed upon his vehicle a distinguishing insignia for the handicapped issued by the Commissioner of Highways: provided, that any person in the act of transporting a handicapped or physically disabled person, as defined by this section, may stop, stand or park a motor vehicle not displaying a distinguishing insignia for the handicapped in an area designated, zoned or marked for the handicapped or physically disabled for the limited purposes of loading or unloading his handicapped or physically disabled passenger: provided, however, that such vehicle shall be promptly moved after the completion of such limited purposes. (WVaC 17C-13-6)

### 361.07 ABANDONED AND JUNK VEHICLES.

#### (a) Definitions.

- (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 building or in a licensed salvage yard or at the business establishment of a demolisher, or any motor vehicle, or major part thereof, which has remained illegally on public or private property for any period of time over five days, or any motor vehicle, or major part thereof, which has remained on private property without consent of the owner or person in control of the property for any period of time over three days, or any motor vehicle, or major part thereof, which is unattended, discarded, deserted and unlicensed and is not in an enclosed building, a licensed salvage yard or the actual possession of demolisher.
- (2) "Junked motor vehicle" means a motor vehicle or any part thereof, other than an on-premise farm utility vehicle, which:
  - A. Is discarded, wrecked, ruined, scrapped or dismantled;
  - B. Cannot pass the State inspection required by West Virginia Code 17C-16-1 et seq;
  - C. Is either not serving a functional purpose or use or is not in an enclosed building, a licensed salvage yard or the actual possession of a demolisher.
- (3) "Motor vehicle" means a vehicle which is or was self-propelled, including but not limited to automobiles, trucks, buses and motorcycles.  
(WVaC 17-24-2)

#### (b) Abandoning or Depositing Prohibited.

- (1) No person shall abandon a motor vehicle upon the right-of-way of any public street or highway, upon any other public property, or upon any private property which he does not own, lease, rent or otherwise control unless it be at a licensed salvage yard or at the business establishment of a demolisher.  
(WVaC 17-24-3)

(d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

**361.11 PARKING IN ALLEYS AND NARROW STREETS;  
EXCEPTIONS.**

No person shall stop, stand or park any vehicle upon a street, 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, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal.

Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed thirty minutes.

**361.12 REGISTERED OWNER PRIMA-FACIE LIABLE FOR  
UNLAWFUL PARKING.**

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the records of the Department of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked was so parked by the defendant. A certified copy of registration from the Department of Motor Vehicles shall be proof of such ownership.

**361.13 STORING VEHICLE ON STREET.**

(a) For the purposes of this section, the term "store" means:

- (1) To leave a vehicle on a street, sidewalk, or public alley unattended for a period longer than twenty-four hours;
- (2) To stop or park a vehicle on a street, sidewalk or public alley for the purpose of making repairs or adjustments thereon by a garage or mechanic, other than emergency repairs necessary to move a vehicle which has been temporarily stopped by a mechanical failure;
- (3) The placing on a street, sidewalk, or public alley of a vehicle constituting a part of the inventory or a stock of or under the control of a person in the business of dealing or trading in vehicles, for longer than one hour; or
- (4) The placing on a street, sidewalk, or public alley of any bus; any disabled or wrecked vehicle; or any vehicle not self-propelled and not actually in use for pick up or delivery, for a period of longer than one hour.

(b) No person shall store any vehicle on the streets, sidewalks, lanes or public alleys within the Town; provided nothing in this section shall prohibit the owner of a passenger automobile from leaving the same in front of his residence as a part of the normal use thereof so long as it shall not be in violation of this article.