

# ORDINANCE 2005-10

An ordinance to amend Ordinance 94-1 to include the following changes

1. This ordinance will include all state maintained roads within the Town of Bath limits.
2. Any person violating any of the provisions of the ordinance shall be guilty of a misdemeanor and be fined a minimum of \$75.00 for each offense.
3. During a snow emergency, parking is prohibited on either side Washington Street/Route 522 and Fairfax Street. A snow emergency is defined as an accumulation of four (4) inches or more of snow,
4. For all streets running east/west (Route 9, Independence St., Congress St., etc.) parking is prohibited on the south side of the street (or the side closest to Sheetz). *Note this is not a change to the original ordinance but should be mentioned at the reading.*
5. For all streets running north/south (Wilkes, Mercer, Green Streets, etc.) parking is prohibited on the east side of the street (or the side closest to the hospital).

## Ordinance 94-1 (original)

### An Ordinance to Provide a Snow Removal Plan for the Town of Bath

Be it ordained by the Council of the Town of Bath that the following snow removal plan be implemented by the Chief of Police within town limits after a four inch snowfall has occurred.

Parking shall be banned on the south side of all east/west streets, except Fairfax Street from Route 522 to the town limits.

Parking shall be banned on the west side of all north/south streets.

Once in effect, prohibition under this section shall remain in effect until terminated by announcement of the Police Chief. While prohibition is in effect, no person shall park or allow to remain parked, any vehicle on any portion of a snow emergency route to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

Whenever a vehicle becomes stalled for any reason, whether or not in violation of this ordinance, on any part of a snow removal area on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the roadway of such snow removal area. No person shall abandon or leave the vehicle unattended in the roadway of a snow removal area, except for the purpose of securing assistance within a reasonable time and by contacting the Town of Bath Police Department immediately.

Any provision of this ordinance which becomes effective by declaration of the Chief of Police or upon the occurrence of certain weather conditions shall, while temporarily in effect, take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of law relating to traffic accidents, emergency travel of authorized emergency vehicles or emergency traffic directions by a


police officer, nor shall it take precedence over provisions of the Code of the State of West Virginia.

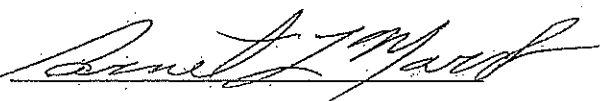
Members of the Police Department are hereby authorized to remove or have removed a vehicle from a street and take necessary traffic enforcement action when:

- a. The vehicle is improperly parked in a snow removal area in which parking is prohibited.
- b. The vehicle is stalled on a part of a snow removal area on which there is a covering of snow, sleet or ice or on which there is a parking prohibition in effect and the person who was operating such vehicle does not appear to be removing it in accordance with the provisions of this ordinance.
- c. The vehicle is parked in violation of any parking ordinance or provision of law and is interfering or about to interfere with snow removal operations.
- d. Whenever an officer removes or has removed a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the place to which such vehicle has been removed. In the event any such vehicle is stored, a copy of such notice shall be given to the proprietor of the storage area.
- e. No person shall recover any vehicle removed in accordance with this section except as provided herein. Before the owner or person in charge of such vehicle shall be allowed to recover it from the police where it has been placed or impounded, he shall present to a member of the Police Department evidence of his identity and right to possession of the vehicle, shall sign a receipt for its return, shall pay the cost of removal and shall pay any cost of storage accrued.
- f. The record shall include a description of the vehicle; its license number; the date and time of its removal; where it was removed from; its location; the name and address of its owner and last operator, if known, its final disposition; and the parking violation, if any.
- g. This section shall be supplemental to any other provisions of law granting members of the Police Department authority to remove vehicles.

FIRST READING Nov. 7, 2005

SECOND READING Dec. 5, 2005

  
Susan Webster, Mayor

  
Garnet Marsh, Recorder

ADOPTED This 5<sup>th</sup> Day of December, 2005.