



# CITY OF CHARLESTON West Virginia



Council Member – 12<sup>th</sup> WARD

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Finance Committee, Chair  
Parking Committee, Chair  
Public Safety Committee

**AGENDA**  
**PARKING FACILITIES COMMITTEE MEETING**  
**Monday, May 6, 2019**  
**6:00 PM**

**I. BILLS:**

- a. Bill No. 7815 - A bill to amend and reenact Chapter 114, Article VII, Sections 114-565, 114-575, 114-576, 114-578, 114-602, 114-622, and 114-628 of the Code of the City of Charleston, as amended, relating to providing a specific exemption for parking building no. 2; updating terminology and certain requirements regarding parking and traffic; and clarifying the authority of the director of parking and director of traffic.

**II. DISCUSSION:**

**\*Meetings may be recorded and broadcast via internet <https://charlestonwv.civicclerk.com>**

**Bill No. 7815 Committee Substitute:**

**Introduced in Council:**

**April 15, 2019**

**Introduced by:**

**Joseph Jenkins**

**Adopted by Council:**

**Referred to:**

**Parking Facilities  
Committee**

1 **Bill No. 7815 Committee Substitute** - A BILL to amend and reenact Chapter 114,  
2 Article VII, Sections 114-565, 114-575, 114-576, 114-578, 114-602, 114-622, and 114-  
3 628 of the Code of the City of Charleston, as amended, relating to providing a specific  
4 exemption for parking building no. 2; updating terminology and certain requirements  
5 regarding parking and traffic; and clarifying the authority of the director of parking and  
6 director of traffic.

7  
8 **Now, therefore, be it ordained by the Council of the City of Charleston:**

9  
10 That Chapter 114, Article VII, Sections 114-565, 114-575, 114-576, 114-578, 114-602,  
11 114-622, and 114-628 of the Code of the City of Charleston, as amended, is hereby  
12 amended and reenacted to read as follows:

13  
14 **Chapter 114 – Traffic Ordinance**

15 **Article VII. STOPPING, STANDING AND PARKING**

16  
17 **Sec. 114-565. - No parking at entrances to certain buildings.**

18  
19 The chief of police, with the approval of the city council planning/streets and  
20 traffic committee, may establish no parking areas appropriately marked at the principal  
21 street entrances to all schools, hospitals, post offices, churches, theaters, hotels,  
22 libraries, passenger transportation depots, government-owned and -occupied buildings,  
23 and ~~eleemosynary-charitable~~ institutions, with such conditions as may be considered  
24 proper by the chief of police approved by the city council planning/streets and traffic  
25 committee.

26  
27 **Sec. 114-575. – Procedure for establishment of loading zones; conditions**  
28 **governing; loading zone record.**

29  
30 (a) The director of ~~the traffic, parking and transportation department~~ shall have  
31 authority, in the manner provided in this section, to establish and lay off loading zones  
32 upon the streets of the city.

33 (b) Loading zones may be established by the director of ~~the traffic, parking and~~  
34 ~~transportation department~~ upon approval by the city council planning/streets and traffic  
35 committee. Such zones shall be for the sole purpose of providing on-street facilities for

36 the loading and unloading of commodities and equipment in the conduct of business  
37 and where no adequate off-street loading facilities are available.

38 (c) The director of ~~the traffic, parking, and transportation department~~, with the  
39 approval of the city council planning/streets and traffic committee, may, with respect to  
40 the establishment of any such loading zone, prescribe limitations as to curb space and  
41 the time of day within which such loading zone may be used, which shall be designated  
42 by appropriate signs.

43 (d) Any citizen may apply for the establishment of a loading zone. Such  
44 application shall be submitted in writing to the director of ~~the traffic, parking, and~~  
45 ~~transportation department~~ on a form to be prescribed by him or her and approved by  
46 the city council planning/streets and traffic committee.

47 (e) All loading zones established under this section may be abolished by the  
48 director of ~~the traffic, parking, and transportation department~~ by and with the approval  
49 of the city council planning/streets and traffic committee.

50 (f) Any applicant for the establishment of a loading zone whose application has  
51 been denied by the abolition of any such loading zone may appeal such action to the  
52 city council, whose action on such appeal shall be final.

53 (g) The ~~traffic, parking and transportation~~ department shall keep an accurate  
54 record of all loading zones established under this section, ~~showing the date when such~~  
55 ~~loading zone was established~~, its location, and the special limitations, if any, attached to  
56 the zone.

57

#### 58 **Sec. 114-576. – Permitted uses of loading zones.**

59

60 No person shall stop, stand or park any vehicle for any purpose or any length of  
61 time in any space designated as a loading zone by the Director of the ~~Traffic, Parking~~  
62 ~~and Transportation Department~~ under and pursuant to the provisions of section 114-  
63 575, except while such vehicle is being used in the business of loading or unloading as  
64 provided in section 114-575 and has a loading zone permit. In no case shall a lawful  
65 stop within a loading zone exceed one-half hour, except where special permission from  
66 the Director of ~~the Traffic, Parking and Transportation Department~~ has been obtained  
67 for such extension. Any vehicle stopping, standing or parking in a loading zone  
68 established by the Director of ~~the Traffic, Parking and Transportation Department~~  
69 pursuant to section 114-575, for any purpose other than loading or unloading as  
70 provided in section 114-575 of this Code may be impounded by the police department  
71 pursuant to the provisions of section 114-552.

72

#### 73 **Sec. 114-578. – Residential permit parking.**

74

75 (a) *Residential permit parking area designation:* A residential permit parking area  
76 may only be established in areas of the city zoned R-O, R-2, R-4, R-6, and R-8. A  
77 residential permit parking area may be established by filing a petition with the city traffic  
78 engineering department upon a form to be prescribed by the traffic engineering  
79 department and approved by the city council planning/streets and traffic committee. The  
80 cost of the permits must be stated on the form.

81 (1) The petition must contain the boundaries of the area sought for residential  
82 permit parking, the number of residential units in the area, the address of each  
83 residential unit in the area, the license numbers for all vehicles owned by the residents  
84 of each residential unit in the proposed area, and the reason that the residential permit  
85 parking area is requested. The petition must be signed by at least one resident of a  
86 minimum of 67 percent of the residential units in the proposed area. The petition must  
87 set forth the hours during which the applicant is seeking restricted residential permit  
88 parking.

89 (2) Residential permit parking may be sought for day time hours (8:00 a.m. to  
90 6:00 p.m.), night time hours (6:00 p.m. to 8:00 a.m.), or on a 24-hour basis. A  
91 nonrefundable filing fee of \$100.00 must accompany the petition. Upon filing, a copy of  
92 the petition shall be promptly provided to the ward councilperson.

93 (3) Upon receipt of the petition and the filing fee, the City of Charleston Traffic  
94 Engineering Department shall verify the names, addresses, and vehicle information on  
95 the petition. The traffic engineering department shall then cause appropriate traffic  
96 surveys to be conducted in the area sought for residential permit parking. If the traffic  
97 engineering surveys find that on average 80 percent of the available on street parking  
98 spaces are occupied and more than 50 percent of the vehicles parked in the area  
99 belong to nonresidents, then the area is eligible for designation as a residential permit  
100 parking area, and the petition and the results of the survey shall be transmitted to the  
101 ward councilperson. The ward councilperson shall submit a bill to designate the area as  
102 a residential permit parking area to city council for consideration. The bill shall be  
103 referred to council's committee on planning/streets and traffic which will report to  
104 council its recommendation. City council shall make its decision on whether to  
105 designate area based upon the recommendation from its committee on planning/streets  
106 and traffic, the recommendation from the traffic engineering department, input from  
107 members of the public and any other material information.

108 (b) *Authorized permits:* If a residential permit parking area is established by city  
109 council, each residential unit in the residential permit parking area may obtain a  
110 maximum of two permits for specific vehicles owned by the residents. One visitor permit  
111 per residential unit may also be obtained. Owners of nonresidential buildings within the  
112 designated areas may purchase one visitor permit to be used by the owner or his or her  
113 designee. Exception: A resident experiencing a health condition or disability which  
114 substantially impairs the resident and results in a need for special in-home medical care  
115 and attention, including, but not limited to, assistance by family members or other  
116 caregivers, may request up to three additional visitor permits. The request shall be  
117 made by the resident to the ~~Traffic Commander of the Charleston Police Department~~  
118 director of parking. Additional permits shall not be issued unless the resident is able to  
119 provide credible evidence satisfactory to the city of the qualifying health condition or  
120 disability and the necessity of special in-home medical care, attention and assistance;  
121 said evidence shall, at a minimum, consist of a signed statement from a physician  
122 verifying the health condition or disability and the necessity of the special in-home  
123 medical care, attention and assistance. The issuance of additional permits shall be at  
124 the discretion of the ~~Traffic Commander of the Charleston Police Department~~ director of  
125 parking, in consultation with the director of traffic, based on the circumstances and  
126 evidence provided by the resident. Any additional permits issued pursuant to this

127 exception shall be valid for the period of time approved by the ~~traffic commander~~  
128 director of parking not to exceed a year. Additional permits shall cost \$25.00 per year. A  
129 resident may apply hereunder each year.

130 (1) Each permit will be valid for one year. The cost for each residential parking  
131 permit and visitor permit is \$25.00 per permit annually.

132 (2) The permits shall be issued and used in accordance with the residential  
133 permit parking policy established by council.

134 Notwithstanding the foregoing provisions, the ~~Traffic Commander of the~~  
135 ~~Charleston Police Department~~ director of parking, in consultation with the director of  
136 traffic, shall have discretion to issue a temporary permit, at no cost and not to exceed  
137 one calendar year unless thereafter renewed, to a licensed health care provider,  
138 including, but not limited to, a hospital, Hospice, doctor, nurse, or physical therapist,  
139 upon request by the provider and upon sufficient proof satisfactory to the city that the  
140 certified health care provider is administering necessary in-home medical care,  
141 attention or assistance to a person who resides in a residential permit parking area.

142 (c) *Violations:* Any vehicle parking in a residential permit parking area in violation  
143 of the terms of this ordinance shall be subject to a fine of \$75.00 and/or shall be  
144 impounded in accordance with the provisions of section 31-209 114-121 through 114-  
145 131 and any associated rules or regulations. Vehicles of persons making deliveries or  
146 providing service, including but not limited to, home maintenance or repair, utility  
147 installation or repair, medical treatment or care, yard maintenance, or other similar  
148 services, to residential units within the permit area may be parked without a permit for  
149 the duration of the delivery or the provision of service.

150 ~~(1) Any residential permit parking area in the City of Charleston established prior~~  
151 ~~to the adoption of this ordinance shall be subject to the provisions of subparagraphs (b)~~  
152 ~~and (c).~~

153 (d) *Decertification procedure:* A residential parking area may be decertified if at  
154 least one resident of a minimum of 67 percent of the residential units in the designated  
155 area sign and file a petition with the city traffic engineering department requesting  
156 elimination of the residential permit parking area designation. Such an application for  
157 decertification must be accompanied by a nonrefundable filing fee of \$100.00. Upon  
158 receipt of the petition and the filing fee, the city traffic ~~engineering~~ department shall  
159 verify the names and addresses on the petition. Once the names and addresses are  
160 verified as area residential unit owners, a copy of the petition shall be promptly provided  
161 to the ward councilperson. The ward councilperson shall submit a bill to decertify the  
162 area as a residential permit parking area to city council for consideration. The bill shall  
163 be referred to council's committee on planning/streets and traffic which will report to  
164 council its recommendation. City council shall make its decision on whether to decertify  
165 the area based upon the recommendation from its committee on planning/streets and  
166 traffic, the recommendation from the traffic engineering department, input from  
167 members of the public and any other material information.

168

169 **Sec. 114-602. - Management of and regulations governing city-owned lots and**  
170 **buildings.**

171

172 (a) Unless otherwise provided herein, all parking lots and parking buildings  
173 owned or operated by the city shall be operated under the control and management of  
174 the parking facilities committee, who are hereby authorized to promulgate rules and  
175 regulations governing such usage not inconsistent herewith. There shall be a Director of  
176 ~~Traffic, Parking, and Transportation~~, who shall be the department head with the  
177 ~~responsibility and authority to carry out the efficient administration of the provisions of~~  
178 this section and the any associated rules and regulations, promulgated by the parking  
179 facilities committee, including but not limited to the authority and discretion to enter into  
180 and suspend agreements to lease parking spaces on a month to month basis, set days  
181 and hours of operation, collect and adjust parking fees and fines, and to make  
182 provisions for special events or open rent-free parking when deemed in the best interest  
183 of the city.

184 (b) Motor vehicles shall be parked, placed, handled and driven into, from, in and  
185 on such parking lots and such parking buildings in accordance with the applicable laws  
186 and ordinances of the city relative to traffic upon the streets in the city, and in  
187 accordance with the any rules and regulations respecting usage of such parking lots  
188 and parking buildings which are adopted and promulgated by the parking facilities  
189 committee and ~~in accordance with the directions, instructions and order of the Director~~  
190 of ~~Traffic, Parking and Transportation~~ or official city attendants at any such lot or  
191 building.

192 (c) It shall be unlawful for any person or vehicle to block any driveway or  
193 passageway in or upon such parking lots or parking buildings, or for persons to leave or  
194 park cars therein contrary to the applicable ordinances, rules and regulations and  
195 instructions of attendants, as aforesaid, or without paying the required rental fees.

196 (d) No fees or charges shall be required for metered or unmetered spaces in  
197 such lots or buildings at times other than those expressly posted at the site, or when  
198 provisions have been made for event parking, or as expressly provided herein.

199 (1) Specific unmetered spaces may be reserved from 7:00 a.m. through 5:00  
200 p.m., Monday through Friday, by paid-up lease on a month to month basis according to  
201 the rates identified in this section; provided, nothing herein shall preclude the Director  
202 for good cause from designating spaces as assigned or reserved at other times.

203 (2) All fees for monthly rentals shall be paid in advance prior to the first day of  
204 the month; provided, the rental fee for the initial month of any newly activated account  
205 may be prorated based upon the date of activation.

206 (3) An administration fee of \$15.00 per space shall be charged to any account  
207 that is delinquent past the tenth day of the month. The director of parking shall provide  
208 notice of the assessment of the administrative fee with the further statement that if the  
209 account is delinquent past the twentieth day of the month, then the account will be  
210 considered closed and the vehicle associated with the account will be treated as a  
211 typical vehicle without a monthly account.

212 (4) An administration fee of \$10.00 per space shall apply for the activation of any  
213 monthly rental agreement, or the replacement of an electronic entry key or any placard  
214 or decal provided to identify license or assignment of a reserved space. ~~or in addition to~~  
215 ~~any accrued late charges to reactivate an account that has remained delinquent past~~  
216 ~~the last day of the month.~~

217 (5) Nothing herein shall preclude the immediate revocation and/or reassignment  
218 of parking privileges in the event of nonpayment or a violation of the rules.

219 (6) Unless otherwise provided herein, Event Parking at any city-operated lot or  
220 building shall be at the minimum rate of \$3.00 per vehicle.

221 (e) *City Off-Street Lots*. The daily rental fee for each separate usage of any  
222 single parking space on any city owned or operated parking lot not specifically set forth  
223 below shall be at the rate of \$3.00 per day. The monthly rental fee for reserved usage  
224 of any unmetered space in a city owned or operated lot not otherwise expressly set  
225 forth below shall be \$50.00 per month. The rental fee for each separate usage of a  
226 single metered parking space in a city owned or operated off-street parking lot, not  
227 otherwise expressly set forth below, shall be at the rate of \$0.25 per hour.

228 (1) *Municipal Auditorium*. The rental fee for each separate usage of any single  
229 metered parking space in the city-owned lot behind the municipal auditorium shall be  
230 \$0.50 per hour and the rental fee for the reserved usage of any unmetered space shall  
231 be \$40.00 per month.

232 (2) *Summers Street Alley*. The rental fee for the reserved usage of any  
233 unmetered space in the Summers Street alley shall be \$80.00 per month.

234 (3) *West Side Lots*. The rental fee for each separate usage of any single  
235 metered parking space in city owned or operated lots on the West Side, Elk City district,  
236 shall be \$0.25 per hour and the rental fee for the reserved usage of any unmetered  
237 space shall be \$35.00 per month.

238 (4) *Morris Street Lot*. The rental for each separate usage of any space that is not  
239 otherwise made available for metered parking in the city-owned Morris Street lot shall  
240 be \$40.00 per month; provided, any such rented space which is unoccupied at the  
241 commencement of an event parking period shall be available for event parking on a first  
242 come first served basis and subject to the event parking rate.

243 (5) *Smith Street Lot*. The rental for each separate usage of any space that is not  
244 otherwise made available for metered parking in the city-owned Smith Street lot shall be  
245 \$30.00 per month; provided, any such rented space which is unoccupied at the  
246 commencement of an event parking period shall be available for event parking on a first  
247 come first served basis and subject to the event parking rate.

248 (6) *Union Building Parking Lot*. The monthly rental rate for each parking space at  
249 the city-owned Union Building Parking Lot located between Kanawha Boulevard and  
250 the Kanawha River just east of the Union Building shall be at a rate of \$70.00 per  
251 month; provided, any such rented space which is unoccupied at the commencement of  
252 an event parking period shall be available for event parking on a first come first served  
253 basis and subject to the event parking rate.

254 (f) *City Parking Buildings*. Unless otherwise provided herein, the following  
255 provisions of this section shall apply to city-owned parking buildings.

256 (1) *Parking Building No. 1—McFarland Street Garage*. The rental fee for the  
257 reserved usage of any unmetered space on Floor 6 or above in Building No. 1 shall be  
258 \$45.00 per month; on all other floors, the rental fee shall be \$65.00 per month.

259 (2) *Parking Building No. 2—Washington Street Garage*. The rental fee for the  
260 reserved usage of any unmetered space in Parking Building No. 2 shall be \$35.00 per  
261 month.

262 (3) *Parking Building No. 3—Convention Center North/Greyhound Garage.*  
263 Parking Building No. 3 shall be under the control and management of the Charleston  
264 Coliseum and Convention Center. Unless a Charleston Coliseum and Convention  
265 Center Rate Ordinance provides for other or additional fees for parking in Building No.  
266 3, event or daily parking shall be the rate of \$3.00 per vehicle; monthly parking shall be  
267 at the rate of \$25.00 per vehicle.

268 (4) *Parking Building No. 4—Convention Center South/Quarrier Street Garage.*  
269 Parking Building No. 4 shall be under the control and management of the Charleston  
270 Coliseum and Convention Center. Unless the Charleston Coliseum and Convention  
271 Center Rate Ordinance provides for other or additional fees for parking in Building No.  
272 4, event or daily parking shall be the rate of \$3.00 per vehicle; monthly parking shall be  
273 at the rate of \$25.00 per vehicle.

274 (5) *Parking Building No. 5—Shanklin/City Hall Garage.* The rental fee for the  
275 reserved usage of any unmetered space on Floor 4 and above in Parking Building No. 5  
276 shall be \$45.00 per month; on all other floors, the rental fee shall be \$65.00 per month.

277 (6) *Parking Building No. 6—Summers Street Garage.* The rental fee for the  
278 reserved usage of any unmetered space in Parking Building No. 6 shall be \$80.00 per  
279 month.

280 (7) The Director shall designate no fewer than 20 spaces at the lowest or most  
281 convenient level practical within each city-owned parking building and equip the same  
282 with SMART meters for the use of daily or itinerate parkers, and shall designate as  
283 many spaces as practical on the unsheltered rooftop of each building and equip the  
284 same with mechanical meters for the use of daily or itinerate parkers; provided, this  
285 provision shall not apply to Buildings No. 3 or No. 4 which shall be controlled and  
286 operated by the Charleston Coliseum and Convention Center; provided further, that this  
287 provision shall not apply to Building No. 2, which shall be controlled and operated by  
288 the director of parking consistent with the provisions of subdivision (10) of this  
289 subsection.

290 (8) The rental fee for each separate usage of a SMART metered parking space  
291 in a city-owned parking building shall be \$1.00 per hour between the hours of 7:00 a.m.  
292 and 5:00 p.m., Monday through Friday.

293 (9) The rental fee for each separate usage of a single metered parking space on  
294 the rooftop of a city-owned parking building shall be at the rate of \$0.25 per hour, from  
295 7:00 a.m. through 5:00 p.m., Monday through Friday.

296 (10) Parking Building No. 2 will continue to be operated with an electronic entry  
297 key and ticketed system at the direction of the director of parking. Parking in Parking  
298 Building No. 2 shall be free on Saturdays, Sundays, and holidays. The director of  
299 parking has the authority to set parking rates for the building and to set hours during  
300 which parking rates are charged and collected on Monday through Friday, excluding  
301 holidays, provided that the hours during which parking rates are charged shall begin no  
302 later than 9:00 a.m. and end no earlier than 5:00 p.m. The hours during which the  
303 parking booth may be attended and actively collecting parking fees may be set at the  
304 discretion of the director of parking. The discretion given to the director of parking in this  
305 subdivision is subject to active lease agreements maintained by the City with tenants of  
306 Parking Building No. 2.

307

308 **Sec. 114-622. - Per-hour parking fees established.**

309

310 In the areas bounded by Leon Sullivan Way on the east, Kanawha Boulevard on  
311 the south, Elk River on the west, and Piedmont Road on the north, the rental fee for use  
312 of any single on-street metered parking meters at the rate of \$0.50 per hour as required  
313 by the instructions printed upon each meter. Beginning on February 5, 2018, and  
314 continuing thereafter, the rental fee for use of single on-street metered parking in the  
315 following areas will be according to the following schedule with no maximum parking  
316 time, as required by the instructions printed upon each meter:

317

318 *Rate of \$1.00 per hour:*

319 400 block of Laidley Street

320 500 and 600 block of Donnally Street

321

322 *Rate of \$.25 per hour:*

323 500 block of Summers Street

324 700 and 800 block of Donnally Street

325 500 and 600 block of Capitol Street

326 600 block of Eagan Street

327 700 and 800 block of Christopher Street

328 300, 400 and 500 block of Dickenson St.

329 300, 400 and 500 block of Leon Sullivan Way

330 300, 400, 500, 600 block of Morris Street

331 1200 block of Lewis Street

332 1000, 1100, and 1200 block of Washington Street

333 1100 and 1200 block of Virginia Street East

334

335 Beginning on May 21, 2018, or upon installation of web-based parking meters,  
336 whichever occurs later, and continuing thereafter, the rental fee for use of single on-  
337 street metered parking, and maximum parking times in the following areas will be  
338 according to the following schedule, as required by the instructions printed upon each  
339 meter:

340

341 Rate of \$1.00 for first hour, \$1.50 for second hour, and an additional \$1.50 for the third  
342 hour with a 3-hour maximum time:

343 100 and 200 block of Hale Street

344 Unit block of Dunbar Street

345 200 block of Leon Sullivan Way

346 Unit block to 400 block of Capital Street

347 Unit block to 300 block of Summers Street

348 Unit block to 300 block of Laidley

349 800 block of Kanawha Blvd.

350 1000 block of Virginia Street East

351 500 to 1000 block of Quarrier Street

352

353            Provided, where it is determined by the planning/streets and traffic committee  
354 that there is a need for further regulation and control of vehicles parking within this  
355 area, the city may designate individual on-street metered parking spaces within this  
356 area to allow for less than the maximum of three hours at a rate of not more than \$0.50  
357 per 15-minute increments. Any such parking space shall have the time restrictions and  
358 rates printed upon each meter.

359

360            If the city consents to temporarily bagging or removing a meter to accommodate  
361 construction or other activity, the rental fee shall be \$15.00 per day or any portion of a  
362 day for each such meter.

363

364 **Sec. 114-628. - Parking spaces; erecting and relocating meters.**

365

366            The director of traffic engineer shall have authority, upon the approval of the  
367 planning/streets and traffic committee of the city council, to designate all the streets  
368 where parking meters shall be permitted; and on all such streets or parts so designated  
369 or as shall be made available and designated for parking, the director of traffic,  
370 engineer, with the approval of the committee, may:

371            (1) Cause parking spaces approximately 20 feet in length to be marked by lines  
372 on the curb or pavement or by other appropriate markings;

373            (2) On the sidewalks adjacent to each such parking space, cause to be erected  
374 parking meters upon which the deposit of a coin will indicate the duration of the legal  
375 parking period and the time when such period has elapsed; and

376            (3) Change the location of the parking space and meters on such streets where  
377 they are erected and located and cause such parking meters as located to be moved,  
378 transferred and erected on the sidewalks opposite from where such parking spaces are  
379 located.