

CHARLESTON CITY COUNCIL

Regular Meeting

December 2, 2024

at 7:00 PM



THIS MEETING WILL TAKE PLACE IN PERSON AND CAN BE VIEWED LIVE VIA

<https://charlestonwv.civicclerk.com/web/home.aspx>

Council Chambers, Third Floor
City Hall, 501 Virginia St. E.
Charleston, WV

AGENDA

CALL TO ORDER BY THE MAYOR

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC SPEAKERS AND CLAIMS

1. **INTERESTED PUBLIC SPEAKERS MUST REGISTER AT THE CLERK'S HALLWAY TABLE IN PERSON NO EARLIER THAN 15 MINUTES BEFORE THE MEETING STARTS. FIVE (5) SPEAKERS WILL BE PERMITTED (RULE NO. 22 (B)).**
2. Claims 12-2-2024

PROCLAMATIONS

1. 12-2-2024

COMMUNICATIONS

1. 12-2-2024

REPORTS OF STANDING COMMITTEES

FINANCE

REPORTS OF OFFICERS

1. 12-2-2024

NEW BILLS

1. 12-2-2024

UNFINISHED BUSINESS AND/OR MISCELLANEOUS BUSINESS

REMARKS BY MEMBERS

ROLL CALL

ADJOURNMENT

THE NEXT REGULAR MEETING OF COUNCIL WILL BE DECEMBER 16, 2024 AT 7:00 PM.

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

Bill No. 8048

Introduced in Council:

December 2, 2024

Introduced by:

Chad Robinson

Adopted by Council:

Referred to:

**Ordinance & Rules and
Public Safety**

Bill No. 8048 - A BILL to amend the Municipal Code of the City of Charleston, as amended, by adding thereto a new section, designated Sec. 114-25, relating to regulating and eliminating hazards to public health and safety by prohibiting certain conduct by pedestrians and vehicle operators within areas of concern.

WHEREAS, West Virginia Code § 8-12-5 grants municipalities plenary power and the authority to regulate or eliminate hazards to public health and safety by enacting ordinances or resolutions; and

WHEREAS, West Virginia Code § 17C-10-1(b) grants local authorities the power to enact ordinances prohibiting pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk; and

WHEREAS, the City Council for the City of Charleston hereby declares that this ordinance is necessary to regulate and eliminate hazards to public health and safety relating to pedestrian and vehicle safety.

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

That the Municipal Code of the City of Charleston, as amended, be amended by adding thereto a new section, designated Sec. 114-25, to read as follows:

CHAPTER 114 – TRAFFIC ORDINANCE.

ARTICLE I – IN GENERAL.

Sec. 114-25 – Public Safety and Areas of Concern.

(a) Findings. The City Council for the City of Charleston, West Virginia, finds that public safety is a compelling and significant governmental interest. The City Council for the City of Charleston, West Virginia, further finds a significant safety risk exists to both pedestrians and occupants of vehicles in areas possessing any, some, or all of the following characteristics:

(1) Roadways or highways with speed limits of at least 30 miles an hour;

(2) Medians of roadways or highways that are less than 10 feet wide;

(3) Roadways or highways with poor or no lighting at night;

(4) Roadways or highways during inclement weather conditions that limit

the visibility of both pedestrians and occupants of vehicles; or

(5) Roadways or highways under construction or repair.

The City Council for the City of Charleston, West Virginia, finds that areas possessing any, some, or all of those characteristics are deemed “Areas of Concern” for the purpose of this section of Code. The City of Charleston may publish a list of the Areas of Concern on the City of Charleston website and generally through other means, which it may update from time to time.

The City Council for the City of Charleston, West Virginia, finds that the interaction or exchanging of items between pedestrians and occupants of vehicles hinders the flow of traffic of roadways and increases the risk of single-vehicle, vehicle-on-vehicle, or vehicle-on-pedestrian accidents, which the City Council finds to be a hazard to public safety.

The City Council for the City of Charleston, West Virginia, finds that the interaction or exchanging of items between occupants of vehicles and occupants of other vehicles hinders the flow of traffic on roadways and increases the risk of single-vehicle, vehicle-on-vehicle, or vehicle-on-pedestrian accidents, which the City Council finds to be a hazard to public safety.

Consequently, the City Council for the City of Charleston, West Virginia, finds that the issues of pedestrian and vehicle safety are significant and compelling as to justify the enactment of this Ordinance under the statutory authorities set forth in the title to this Bill, the laws of West Virginia, and the laws of the United States.

(b) *Prohibitions.* Within any Area of Concern, it shall be unlawful:

(1) For any person to make any use of the public right-of-way in a manner that interferes with the safe and efficient movement of people and property from place to place on a public roadway, highway, or right-of-way.

(2) For any person to stop, stand, or otherwise occupy or remain in a median on any public roadway, highway, or right-of-way when that person is not in the process of lawfully crossing the road in accordance with applicable traffic safety laws. The median is the area separating traffic lanes on a roadway and includes, but is not limited to, any paved or unpaved, marked or unmarked, landscaped or non-landscaped, portions of a roadway which exist between lanes of traffic.

(3) For any person to engage in any physical interaction between a pedestrian and an occupant of a motor vehicle, including but not limited to the transfer of any product or material, while the motor vehicle is not legally parked and is located on the traveled portion of a public roadway or highway. The traveled portion of a public roadway or highway includes travel lanes, turn lanes, bike lanes, and shoulders that are normally used by moving motor vehicle traffic and are not an area designated for or routinely used as a parking area of the general public.

(4) For any person within a roadway or highway to reach out to interact with or exchange items with any occupant of a vehicle entering, on, or departing a roadway.

(5) For any occupant of a vehicle entering, on, or departing a roadway to reach out of or attempt to reach out of his or her vehicle to interact with or exchange items with another occupant of a vehicle or any person within a roadway, highway, or right-of-way.

82 (6) For any person to stand, sit, or otherwise physically remain within the
83 roadway, in the median of a roadway or highway where the median is not wider than 10
84 feet, or in the neutral ground, shoulder, or other part of a roadway or highway deemed
85 an Area of Concern by this section for any reason apart from the lawful crossing of a
86 roadway or highway.

87
88 (c) *Enforcement.* This section of Municipal Code may be enforced by the City of
89 Charleston, West Virginia, Police Department as the municipal law enforcement agency
90 by issuing citations, making arrests if necessary, or issuing charges if necessary. The
91 City of Charleston may provide public signs directed toward drivers or pedestrians to
92 provide greater notice of the prohibitions contained in this section.

93
94 (d) *Penalties.* Any violation of the prohibitions in this section is a misdemeanor
95 and, upon conviction, a person shall be subject to a fine of up to \$100.00 or community
96 service substituted in lieu thereof, in the discretion of the Municipal Court. Charleston
97 Police Department officers are encouraged to offer warnings for violations of this section
98 of code unless the offender is known to have repeatedly violated this section of code.

99
100 (e) *Interpretation.* Nothing in this section shall be construed to prevent, hinder, or
101 otherwise impair a person's rights under the Constitution and laws of the United States
102 and the State of West Virginia.

103
104 (f) *Official Duties Exempted.* Any Federal, State, County, Municipal, Local, or
105 other personnel affiliated with a governmental authority or duly licensed public safety
106 agency, and serving in the performance of official duties, shall not be in violation of this
107 ordinance.