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STATE OF WEST VIRGINIA

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1966

ENROLLED

SENATE BILL NO. 55

(By Mr. Moulton)

PASSED January 31, 1966

In Effect from Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-8-66

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Senate Bill No. 55
(By MR. MORELAND)

[Passed January 31, 1966: in effect from passage.]

AN ACT to amend article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-eight, relating to municipal public works and authorizing municipalities to acquire real property by lease for off-street parking facilities.

Be it enacted by the Legislature of West Virginia:

That article four, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-eight, to read as follows:

Article 4. Powers, Duties and Allied Relations of Municipal Corporations, Councils or Officers.

**Section 28. Municipal Public Works and Authority to
2 Acquire Real Property by Lease for the Establishment
3 and/or Maintenance and Operation of Parking Facility.—**

4 Any municipality in this state, however created, whether
5 operating under a municipal home rule charter or not,
6 and notwithstanding the provisions of section eleven, ar-
7 ticle one, chapter eight-a of this code or any other pro-
8 visions of law to the contrary, shall have the power and
9 authority to enter into a lease with the owner or owners
10 of any real property situate within the corporate limits of
11 such municipality by which such real property is demised,
12 leased and let to such municipality for an off-street park-
13 ing facility (including parking lots, buildings, ramps,
14 parking meters and other appurtenances deemed neces-
15 sary, appropriate or incidental to the regulation, control
16 and parking of motor vehicles), which off-street parking
17 facility is hereby declared to be a municipal public work,
18 and any such municipality shall have full power and au-
19 thority to establish and/or maintain and operate such
20 parking facility. Every such lease shall be authorized by
21 an ordinance adopted by the municipality. Any municipi-

22 pality shall have this power and authority whether such
23 real property is at the time of the execution of such lease
24 already equipped, maintained and operated, in whole or
25 in part, as a parking facility or whether such real property
26 is at such time unimproved and is to be, under the terms
27 of the lease, improved by the installation of parking
28 meters, lighting equipment, pavement or other equipment
29 necessary, appropriate or incidental to the use of such
30 property for such purpose.

31 Any such ordinance may provide that the police force
32 of such municipality shall police the parking facility; and
33 that overtime parking at the facility or other violations
34 of the ordinance shall be a misdemeanor punishable as
35 provided in said ordinance. Any such ordinance shall also
36 provide for the collection of reasonable charges for the
37 use of such parking facility by the public generally, and
38 any such ordinance may be amended from time to time.
39 The lease entered into by and between any such munic-
40 ipality and the owner or owners of any such real property
41 may contain such terms and conditions as may be agreed
42 upon between the parties, not inconsistent with any of

43 the provisions of this section or other provisions of law.
44 The ordinance authorizing any such lease may also specify
45 terms and conditions which must be contained in such
46 lease.

47 Under no circumstances whatever shall any obligation
48 incurred under the provisions of this section or any such
49 lease be deemed to be or create an indebtedness of the
50 municipality, the governing body or any member thereof,
51 any officer thereof, or other municipal officer, and all of
52 the expenses of whatever kind, nature or character inci-
53 dent to the establishment, and/or maintenance and oper-
54 ation of such parking facility, including but not limited
55 to such rental payments as are provided for in the lease
56 and the cost of policing the facility, shall be paid solely
57 from revenues derived from such parking facility, and
58 from revenues derived from other parking facilities or
59 meters not pledged to pay for such other parking facilities
60 or meters. No member of the governing body of any such
61 municipality, or any officer thereof, or other municipal
62 official, shall under any circumstances be personally liable
63 under any such lease or upon any obligation of any kind,

64 nature or character arising under the provisions of this
65 section.

66 The power and authority herein granted shall be in
67 addition to and not in derogation of any power and au-
68 thority vested in any municipality under any constitu-
69 tional, statutory or charter provisions which it may now
70 have, or may hereafter acquire or adopt. This section
71 shall, without reference to any other provisions of this
72 code or any other statute, be deemed full authority for
73 the acquisition of any such real property by lease for a
74 parking facility, for the establishment and/or mainte-
75 nance and operation of any such parking facility and for
76 the enactment of an ordinance as hereinbefore specified.
77 The section shall be construed as an additional alternative
78 method for providing off-street parking facilities, and
79 shall not in any way limit the provisions of article four-a
80 of this chapter authorizing the establishment, operation
81 and financing of such facilities by the issuance of revenue
82 bonds.

83 This section, being necessary for the public safety and
84 welfare, shall be liberally construed to effectuate its pur-
85 poses.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O Roy Parker
Chairman Senate Committee

James W. Hoop
Chairman House Committee

Originated in the Senate.

Takes effect *from* _____ Passage.

Thomas Meyer
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Howard E. Barron
President of the Senate

H. Laban White
Speaker House of Delegates

The within *Approved* this the *Seventh*

day of *February*, 1966.

Walter C. Smith
Governor



**PRESENTED TO THE
GOVERNOR**

Date Feb. 3, 1966

Time 10:47 AM