ENROLLED

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

Acquire Real Property by Lease for the Establishment

and/or Maintenance and Operation of Parking Facility. —

Any municipality in this state, however created, whether

operating under a municipal home rule charter or not,

and notwithstanding the provisions of section eleven, ar-

ticle one, chapter eight-a of this code or any other pro-

visions of law to the contrary, shall have the power and

authority to enter into a lease with the owner or owners

of any real property situate within the corporate limits of

such municipality by which such real property is demised,

leased and let to such municipality for an off-street park-

ing facility (including parking lots, buildings, ramps,

parking meters and other appurtenances deemed neces-

sary, appropriate or incidental to the regulation, control

and parking of motor vehicles), which off-street parking

facility is hereby declared to be a municipal public work,

and any such municipality shall have full power and au-

thority to establish and/or maintain and operate such

parking facility. Every such lease shall be authorized by

an ordinance adopted by the municipality. Any munici-
pality shall have this power and authority whether such
real property is at the time of the execution of such lease
already equipped, maintained and operated, in whole or
in part, as a parking facility or whether such real property
is at such time unimproved and is to be, under the terms
of the lease, improved by the installation of parking
meters, lighting equipment, pavement or other equipment
necessary, appropriate or incidental to the use of such
property for such purpose.

Any such ordinance may provide that the police force
of such municipality shall police the parking facility; and
that overtime parking at the facility or other violations
of the ordinance shall be a misdemeanor punishable as
provided in said ordinance. Any such ordinance shall also
provide for the collection of reasonable charges for the
use of such parking facility by the public generally, and
any such ordinance may be amended from time to time.
The lease entered into by and between any such munici-
pality and the owner or owners of any such real property
may contain such terms and conditions as may be agreed
upon between the parties, not inconsistent with any of
The ordinance authorizing any such lease may also specify terms and conditions which must be contained in such lease.

Under no circumstances whatever shall any obligation incurred under the provisions of this section or any such lease be deemed to be or create an indebtedness of the municipality, the governing body or any member thereof, any officer thereof, or other municipal officer, and all of the expenses of whatever kind, nature or character incident to the establishment, and/or maintenance and operation of such parking facility, including but not limited to such rental payments as are provided for in the lease and the cost of policing the facility, shall be paid solely from revenues derived from such parking facility, and from revenues derived from other parking facilities or meters not pledged to pay for such other parking facilities or meters. No member of the governing body of any such municipality, or any officer thereof, or other municipal official, shall under any circumstances be personally liable under any such lease or upon any obligation of any kind,
The power and authority herein granted shall be in addition to and not in derogation of any power and authority vested in any municipality under any constitutional, statutory or charter provisions which it may now have, or may hereafter acquire or adopt. This section shall, without reference to any other provisions of this code or any other statute, be deemed full authority for the acquisition of any such real property by lease for a parking facility, for the establishment and/or maintenance and operation of any such parking facility and for the enactment of an ordinance as hereinbefore specified. The section shall be construed as an additional alternative method for providing off-street parking facilities, and shall not in any way limit the provisions of article four-a of this chapter authorizing the establishment, operation and financing of such facilities by the issuance of revenue bonds.

This section, being necessary for the public safety and welfare, shall be liberally construed to effectuate its purposes.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect

Passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within Approved this the Seventh day of February, 1966.

Governor
PRESENTED TO THE GOVERNOR

Date  Feb. 3, 1966
Time  10:47 AM