

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - WEST VIRGINIA**

### **Barber v. City of Charleston**

**Supreme Court of Appeals of West Virginia - April 4, 2014 - Not Reported in S.E.2d - 2014 WL 1345491**

Lawyer pulled into a no-parking zone, activated his blinkers, left the car idling and left the vehicle to drop off a prescription to another attorney. Dude got a parking ticket. Lawyer argued that he was not “parking.”

The Circuit Court held, after bench trial, that defendant was guilty of parking in a no parking zone in violation of the municipal code. Of course he appealed.

The Supreme Court of Appeals held that circuit court did not abuse its discretion in finding defendant guilty of parking in a no parking zone in violation of the city’s municipal code and fining him \$25.

Pursuant to municipal code, the term “park,” when prohibited, included the standing of a vehicle, municipal code provided that a person could park temporarily for the purpose of and while actually engaged in loading or unloading. Defendant left the vehicle’s motor running, activated the blinkers, and exited it briefly to deliver a prescription to another attorney, and defendant was not “loading or unloading” merely because he was bringing a prescription to a colleague.