

1        **AN ORDINANCE OF THE CITY OF WESTON, WEST VIRGINIA TO AMEND ITS**  
2        **TRAFFIC CODE BY REPEALING ITS CURRENT TRAFFIC CODE AND ADOPTING**  
3        **A COMPREHENSIVE TRAFFIC CODE, PURSUANT TO POWERS GRANTED TO**  
4        **THE CITY OF WESTON BY WEST VIRGINIA CODE 8-12-5 AND THE CHARTER OF**  
5        **THE CITY OF WESTON, WEST VIRGINIA**

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6  
7        WHEREAS, the City of Weston, West Virginia, pursuant to the provisions of West Virginia Code  
8        §8-12-5, does regulate public streets, avenues, roads, alleys, ways, sidewalks, crosswalks and  
9        public spaces belonging to the municipality; and,

10  
11        WHEREAS, the City has historically regulated the use of the same, also pursuant to the  
12        provisions of said Code, to impose traditional regulations upon the signage and use of said public  
13        streets, etc...; and,

14  
15        WHEREAS, the City, acting by and through its Council as provided for by the laws of the State  
16        of West Virginia and the Charter of said city, does now desire to amend its Traffic Code.

17  
18        NOW, BE IT ENACTED BY THE COMMON COUNCIL OF THE CITY OF WESTON AS  
19        FOLLOWS:

20        **PART I – TRAFFIC CODE**

21                THAT, as of the effective date of this Ordinance, the Traffic Code of the City of Weston,  
22        as codified in Chapter 28 in the codified ordinances of the City of Weston, is amended and  
23        reenacted to read as follows:

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## CHAPTER 28 – TRAFFIC CODE

26

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## ARTICLE 1

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### DEFINITIONS

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99 **28.1.1 MEANING OF WORDS AND PHRASES.**

100 The following words and phrases when used in this Traffic Code shall, for the  
101 purpose of this Traffic Code, have the meanings respectively ascribed to them in this article.

102 (WV Code 17C-1-1)

103 **28.1.2 AUTHORIZED EMERGENCY VEHICLE.**

104 “Authorized emergency vehicle” means vehicles of the Fire Department, duly  
105 chartered rescue squad, Police Department, ambulance service, state, county or municipal agency  
106 and such privately owned ambulances, tow trucks, wreckers, flag car services, vehicles providing  
107 road service to disabled vehicles, service vehicles of a public service corporation, postal service  
108 vehicles, snow removal equipment, Class A vehicles of firefighters, Class A vehicles of members  
109 of ambulance services, and Class A vehicles of members of duly chartered rescue squads, and all  
110 other emergency vehicles as are designated by the agency responsible for the operation and  
111 control of these persons or organizations. Class A vehicles are as defined by West Virginia Code  
112 17A-10-1. Agency authorization and emergency equipment are defined in West Virginia Code  
113 17C-15-26. Agencies responsible for issuing authorization for emergency vehicle permits may  
114 promulgate such regulations that are necessary for the issuance of permits for emergency  
115 vehicles. (WV Code 17C-1-6)

116 **28.1.3 BICYCLE.**

117 “Bicycle” means every device which does not have a motor attached and which is  
118 propelled by human power upon which any person may ride, having two tandem wheels either of  
119 which is more than twenty inches in diameter. (WV Code 17C-1-8)

120 **28.1.4 BUS.**

121 “Bus” means every motor vehicle designed for carrying more than seven  
122 passengers and used for the transportation of persons; and every motor vehicle, other than a  
123 taxicab, designed and used for the transportation of persons for compensation. (WV Code 17C-  
124 1-13)

125 **28.1.5 BUSINESS DISTRICT.**

126 “Business district” means the territory contiguous to and including a street or  
127 highway when within any 600 feet along such highway there are buildings in use for business or  
128 industrial purposes, including but not limited to hotels, banks or office buildings, railroad  
129 stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet  
130 collectively on both sides of the street or highway. (WV Code 17C-1-45)

131 **28.1.6 CONTROLLED-ACCESS HIGHWAY.**

132 “Controlled-access highway” means every highway, street or roadway in respect  
133 to which owners or occupants of abutting lands and other persons have no legal right of access to  
134 or from the same except at such points only and in such manner as may be determined by the  
135 public authority having jurisdiction over such highway, street or roadway. (WV Code 17C-1-41)

136 **28.1.7 CROSSWALK.**

137 “Crosswalk” includes:

- 138 (a) That part of a roadway at an intersection included within the connections of the lateral  
139 lines of the sidewalks on opposite sides of the street or highway measured from the curbs  
140 or, in the absence of curbs, from the edges of the traversable roadway; and  
141 (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for  
142 pedestrian crossing by lines or other markings on the surface. (WV Code 17C-1-43)

143 **28.1.8 DRIVER.**

144 “Driver” means every person who drives or is in actual physical control of a  
145 vehicle. (WV Code 17C-1-31)

146 **28.1.9 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.**

147 “Electric personal assistive mobility device” or “EPAMD” means a self-  
148 balancing, two nontandem-wheeled device, designed to transport only one person, with an  
149 electric propulsion system with average power of seven hundred fifty watts (one horse power),  
150 whose maximum speed on a paved level surface, when powered solely by such a propulsion  
151 system while ridden by an operator who weighs one hundred seventy pounds, is less than twenty  
152 miles per hour. (WV Code 17C-1-66)

153 **28.1.10 EXPLOSIVES.**

154 “Explosives” means any chemical compound or mechanical mixture that is  
155 commonly used or intended for the purpose of producing an explosive and which contains any  
156 oxidizing and combustive units or other ingredients in such proportions, quantities or packing  
157 that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of  
158 the compound or mixture may cause such a sudden generation of highly heated gases that the  
159 resultant gaseous pressures are capable of producing destructive effects on contiguous objects or  
160 of destroying life or limb. (WV Code 17C-1-24).

161 **28.1.11 FLAMMABLE LIQUID.**

162 “Flammable liquid” means any liquid which has a flash point of seventy degrees  
163 Fahrenheit, or less, as determined by a tagliabue or equivalent closedcup test device. (WV Code  
164 17C-1-25)

165 **28.1.12 GROSS WEIGHT.**

166                   “Gross weight” means the weight of a vehicle without load plus the weight of any  
167 load thereon. (WV Code 17C-1-26)

168 **28.1.13 INTERSECTION.**

169                   “Intersection” includes:

170       (a) The area embraced within the prolongation or connection of the lateral curb lines or, if  
171           none, then the lateral boundary lines of the roadways of two streets or highways which  
172           join one another at, or approximately at, right angles, or the area within which vehicles  
173           traveling upon different streets or highways joining at any other angle may come in  
174           conflict; and

175       (b) Where a street or highway includes two roadways thirty feet or more apart, then every  
176           crossing of each roadway of such divided street or highway by an intersecting highway  
177           shall be regarded as a separate intersection. In the event such intersecting street or  
178           highway also includes two roadways thirty feet or more apart, then every crossing of two  
179           roadways of such streets or highways shall be regarded as a separate intersection. (WV  
180           Code 17C-1-42)

181 **28.1.14 LANED ROADWAY.**

182                   “Laned roadway” means a roadway which is divided into two or more clearly  
183 marked lanes for vehicular traffic. (WV Code 17C-1-39)

184 **28.1.15 MOPED.**

185                   “Moped” means every motorcycle or motor-driven cycle unless otherwise  
186 specified in this Traffic Code, which is equipped with two or three wheels, foot pedals to permit  
187 muscular propulsion and an independent power source providing a maximum of two brake  
188 horsepower. If a combustion engine is used, the maximum piston or rotor displacement shall be



189 fifty cubic centimeters regardless of the number of chambers in such power source. The power  
190 source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed thirty miles  
191 per hour on a level road surface and shall be equipped with a power drive system that functions  
192 directly or automatically only, not requiring clutching or shifting by the operator after the drive  
193 system is engaged. (WV Code 17C-1-5a)

194 **28.1.16 MOTORCYCLE.**

195 “Motorcycle” means every motor vehicle having a seat or saddle for the use of the  
196 rider and designed to travel on not more than three wheels in contact with the ground, but  
197 excluding a tractor. (WV Code 17C-1-4)

198 **28.1.17 MOTOR-DRIVEN CYCLE.**

199 “Motor-driven cycle” means every motorcycle having a piston displacement of  
200 more than fifty cubic centimeters but not more than 150 cubic centimeters, or with not more than  
201 five brake horsepower. (WV Code 17C-1-5)

202 **28.1.18 MOTOR VEHICLE.**

203 “Motor vehicle” means every vehicle which is self-propelled and every vehicle  
204 which is propelled by electric power obtained from overhead trolley wires, but not operated upon  
205 rails, except motorized wheelchairs. (WV Code 17C-1-3)

206 **28.1.19 OWNER.**

207 “Owner” means a person who holds the legal title of a vehicle or in the event a  
208 vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of  
209 purchase upon performance of the conditions stated in the agreement and with an immediate  
210 right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a  
211 vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be

212 deemed the owner for the purpose of this Traffic Code. (WV Code 17C-1-32)

213 **28.1.20 PARK.**

214 “Park” when prohibited, means the standing of a vehicle, whether occupied or  
215 not, otherwise than temporarily for the purpose of and while actually engaged in loading or  
216 unloading. (WV Code 17C-1-54)

217 **28.1.21 PARKING AREA.**

218 “Parking area” means lots, areas or other accommodations for the parking of  
219 vehicles off the street or highway and open to public use with or without charge. (WV Code  
220 17C-1-60)

221 **28.1.22 PASSENGER VAN.**

222 “Passenger van” means any van or other motor vehicle owned by any agency,  
223 business or other legal entity and operated for the purpose of transportation of children under the  
224 age of eighteen years, other than a van utilized for private use, taxicab, bus or school bus.  
225 Passenger vans include, but are not limited to, vehicles used by daycare centers, after-school  
226 centers and nursery schools: provided, that the term “passenger van” does not include any van or  
227 other motor vehicle which is utilized for the specific purpose of transporting children to medical  
228 facilities for the purpose of medical or dental treatment and which loads and unloads the children  
229 on private property, making no stops for loading or unloading along public roads or highways.  
230 (WV Code 17C-1-64)

231 **28.1.23 PEDESTRIAN.**

232 “Pedestrian” means any person afoot or any person using a wheelchair. (WV  
233 Code 17C-1-30)

234 **28.1.24 PERSON.**

235 “Person” means every natural person, firm, partnership, limited liability company,  
236 association or corporation. (WV Code 17C-1-29)

237 **28.1.25 POLE TRAILER.**

238 “Pole trailer” means every vehicle without motive power designed to be drawn by  
239 another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being  
240 boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or  
241 irregularly shaped loads such as poles, pipes, trusses or structural members capable, generally, of  
242 sustaining themselves as beams between the supporting connections. (WV Code 17C-1-17)

243 **28.1.26 POLICE OFFICER.**

244 “Police officer” means every officer authorized to direct or regulate traffic or to  
245 make arrests for violations of traffic regulations. (WV Code 17C-1-33)

246 **28.1.27 PRIVATE ROAD OR DRIVEWAY; PRIVATE PROPERTY.**

247 1. “Private road” or “driveway” means every way or place in private ownership and used for  
248 vehicular travel by the owner and those having express or implied permission from the  
249 owner, but not by other persons.

250 2. “Private property” means real estate in private ownership without regard to the manner in  
251 which it is used. (WV Code 17C-1-36)

252 **28.1.28 RAILROAD.**

253 “Railroad” means a carrier of persons or property, upon cars, other than streetcars,  
254 operated upon stationary rails. (WV Code 17C-1-21)

255 **28.1.29 RAILROAD SIGN OR SIGNAL.**

256 “Railroad sign” or “signal” means any sign, signal or device erected by authority  
257 of a public body or official or by a railroad and intended to give notice of the presence of railroad

258 tracks or the approach of a railroad train. (WV Code 17C-1-49)

259 **28.1.30 RAILROAD TRAIN.**

260 “Railroad train” means a steam engine, electric or other motor, with or without  
261 cars coupled thereto, operated upon rails, except streetcars. (WV Code 17C-1-22)

262 **28.1.31 RESIDENCE DISTRICT.**

263 “Residence district” means the territory contiguous to and including a street or  
264 highway not comprising a business district when the property on such street or highway for a  
265 distance of 300 feet or more is in the main improved with residences or residences and buildings  
266 in use for business. (WV Code 17C-1-46)

267 **28.1.32 RESIDENTIAL STREET.**

268 “Residential street” means the entire width between the boundary lines of every  
269 way, whether publicly or privately maintained, located within any subdivision, development or  
270 other similar area used primarily for residential purposes when any part thereof is open to the  
271 common use of those living in such area for the purpose of vehicular travel. (WV Code 17C-I-  
272 62)

273 **28.1.33 RIGHT OF WAY.**

274 “Right of way” means the privilege of the immediate use of the street or highway.  
275 (WV Code 17C-1-51)

276 **28.1.34 ROADWAY.**

277 “Roadway” means that portion of a street or highway improved, designed or  
278 ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street or  
279 highway includes two or more separate roadways, the term “roadway “ as used herein shall refer  
280 to any such roadway separately but not to all such roadways collectively. (WV Code 17C-1-37)

281 **28.1.35 SAFETY ZONE.**

282 “Safety zone” means the area or space officially set apart within a roadway for the  
283 exclusive use of pedestrians and which is protected or is so marked or indicated by adequate  
284 signs as to be plainly visible at all times while set apart as a safety zone. (WV Code 17C-1-44)

285 **28.1.36 SCHOOL BUS.**

286 “School bus” means every motor vehicle owned by a public or governmental  
287 agency and operated for the transportation of children to or from school, or privately owned and  
288 operated for compensation for the transportation of children to or from school. (WV Code 17C-  
289 1-7)

290 **28.1.37 SCHOOL GROUNDS.**

291 “School grounds” includes the land on which a school is built together with such  
292 other land used by students for play, recreation or athletic events while attending school. (WV  
293 Code 17C-1-55)

294 **28.1.38 SEMITRAILER.**

295 “Semitrailer” means every vehicle with or without motive power, other than a  
296 pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle  
297 and so constructed that some part of its weight and that of its .load rests upon or is carried by  
298 another vehicle. (WV Code 17C-1-16)

299 **28.1.39 SIDEWALK.**

300 “Sidewalk” means that portion of a street or highway between the curb lines, or  
301 the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.  
302 (WV Code 17C-1-38)

303 **28.1.40 STOP.**

304 “Stop” when required, means complete cessation from movement. (WV Code  
305 17C-1-52)

306 **28.1.41 STOP, STOPPING OR STANDING.**

307 “Stop”, “stopping,” or “standing,” when prohibited, means any stopping or  
308 standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with  
309 other traffic or in compliance with the directions of a police officer or traffic control sign or  
310 signal. (WV Code 17C-1-53)

311 **28.1.42 STREET OR HIGHWAY; ALLEY.**

312 1. “Street” or “highway” means the entire width between the boundary lines of  
313 every way publicly maintained when any part thereof is open to the use of the  
314 public for purposes of vehicular travel. (WV Code 17C-1-35)

315 2. “Alley” means a street or highway intended to provide access to the rear or  
316 side of lots or buildings in urban districts and not intended for the purpose of  
317 through vehicular traffic.

318 **28.1.43 THROUGH STREET OR THROUGH HIGHWAY.**

319 “Through street” or “through highway” means every street or highway or portion  
320 thereof at the entrances to which vehicular traffic from intersecting streets or highways is  
321 required by law to stop before entering or crossing the same and when stop signs are erected as  
322 provided in this Traffic Code. (WV Code 17C-1-40)

323 **28.1.44 TRAFFIC.**

324 “Traffic” means pedestrians, ridden or herded animals, vehicles, streetcars and  
325 other conveyances either singly or together while using any street or highway for purposes of  
326 travel. (WV Code 17C-1-50)

327 **28.1.45 TRAFFIC CONTROL DEVICES.**

328                   “Traffic control device” means any sign, signal marking and device not  
329 inconsistent with this Traffic Code placed or erected by authority of a public body or official  
330 having jurisdiction, for the purpose of regulating, warning or guiding traffic. (WV Code 17C-1-  
331 47)

332 **28.1.46 TRAFFIC CONTROL SIGNAL.**

333                   “Traffic control signal” means any device, whether manually, electrically or  
334 mechanically operated, by which traffic is alternately directed to stop and to proceed. (WV Code  
335 17C-148)

336 **28.1.47 TRAILER.**

337                   “Trailer” means every vehicle with or without motive power, other than a pole  
338 trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so  
339 constructed that no part of its weight rests upon the towing vehicle. (WV Code 17C-1-15)

340 **28.1.48 TRUCK.**

341                   “Truck” means every motor vehicle designed, used or maintained primarily for  
342 the transportation of property. (WV Code 17C-1-12)

343 **28.1.49 VEHICLE.**

344                   “Vehicle” means every device in, upon or by which any person or property is or  
345 may be transported or drawn upon a street or highway, except devices moved by human power or  
346 used exclusively upon stationary rails or tracks or wheelchairs. (WV Code 17C-1-2)

347 **28.1.50 WHEELCHAIR.**

348                   “Wheelchair” means a motorized or nonmotorized wheeled device designed for,  
349 and used by, a person with disabilities that is incapable of a speed in excess of eight miles per

350 hour\_ (WV Code 17C-1-65)

351 **Article 2**

352 **Obedience to and Effect of Traffic Laws**

353 28.2.1 Authority of Police and Fire Department Officials.

354 28.2.2 Application to Vehicles Upon Streets and Highways; Exceptions.

355 28.2.3 Obedience to Police Officers; Fleeing.

356 28.2.4 Application to Government Vehicles; Exception.

357 28.2.5 Authorized Emergency Vehicles.

358 28.2.6 Application to Persons Riding Animals or Driving Animal Drawn Vehicles.

359 28.2.99 Penalty.

360 **Article 2**

361 **OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS**

362 **28.2.1 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.**

363 (a) It shall be the duty of the officers of the Police Department to enforce all street traffic  
364 laws of this Municipality and all of the State vehicle laws applicable to street traffic in  
365 this Municipality.

366 (b) Officers of the Police Department are hereby authorized to direct all traffic by voice,  
367 hand or signal in conformance with traffic laws; provided that in the event of a fire or  
368 other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police  
369 Department may direct traffic as conditions may require notwithstanding the provisions  
370 of the traffic laws.

371 (c) Officers of the Fire Department, when at the scene of a fire, may direct or assist the  
372 police in directing traffic thereat or in the immediate vicinity.



373 **28.2.2 APPLICATION TO VEHICLES UPON STREETS AND HIGHWAYS;**  
374 **EXCEPTIONS.**

375 The provisions of this Traffic Code relating to the operation of vehicles refer  
376 exclusively to the operation of vehicles upon streets and highways except:

377 (a) Where a different place is specifically referred to in a given section.

378 (b) The provisions of this Traffic Code except Article 112 shall apply upon streets and  
379 highways as defined in Section 114.06. (WV Code 17C-2-1)

380 **28.2.03 OBEDIENCE TO POLICE OFFICERS; FLEEING**

381 (a) No person shall willfully fail or refuse to comply with a lawful order or direction of any  
382 police officer or designated special officer invested by law with authority to direct,  
383 control or regulate traffic. (WV Code 17C-2-3(c))

384 (b) No person shall operate a vehicle so as to willfully elude or flee a police officer or  
385 designated special officer after receiving a visible or audible signal from such an officer  
386 to bring his vehicle to a stop.

387 **28.2.4 APPLICATION TO GOVERNMENT VEHICLES; EXCEPTION.**

388 (a) The provisions of this Traffic Code applicable to the drivers of vehicles upon the streets  
389 or highways shall apply to the drivers of all vehicles owned or operated by the United  
390 States, this State, or any county, Municipality, town, district or any other political  
391 subdivision of the State, except as provided in this section and subject to such specific  
392 exceptions as are set forth in this Traffic Code with reference to authorized emergency  
393 vehicles.

394 (b) Unless specifically made applicable, the provisions of this Traffic Code shall not apply  
395 to persons, teams, motor vehicles and other equipment while actually engaged in work

396 upon the surface of a street or highway but shall apply to such persons and vehicles when  
397 traveling to or from such work. (WV Code 17C-2-4)

398 **28.2.5 AUTHORIZED EMERGENCY VEHICLES.**

399 (a) The driver of an authorized emergency vehicle, when responding to an emergency call  
400 or when in the pursuit of an actual or suspected violator of the law or when responding to  
401 'but not upon returning from a fire alarm, may exercise the privileges set forth in this  
402 section, but subject to the conditions herein stated.

403 (b) The driver of an authorized emergency vehicle may:

404 (1) Park or stand, irrespective of the provisions of this Traffic Code;

405 (2) Proceed past a red or stop signal or stop sign, but only after slowing down as  
406 may be necessary for safe operation;

407 (3) Exceed the speed limits so long as he does not endanger life or property;

408 (4) Disregard regulations governing direction of movement or turning in specified  
409 directions.

410 (c) The exemptions herein granted to an authorized emergency vehicle shall apply only  
411 when the driver of any such vehicle while in motion sounds audible signal by bell, siren  
412 or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped  
413 with at least one lighted flashing lamp as authorized by Section 28.11.18 which is visible  
414 under normal atmospheric conditions from a distance of 500 feet to the front of such  
415 vehicle, except that an authorized emergency vehicle operated as a police vehicle need  
416 not be equipped with or display a warning light visible from in front of the vehicle.

417 (d) The foregoing provisions shall not relieve the driver of an authorized emergency  
418 vehicle from the duty to drive with due regard for the safety of all persons, nor shall

419 such provisions protect the driver from the consequences of his reckless disregard for  
420 the safety of others. (WV Code 17C-2-5)

421 **28.2.6 APPLICATION TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL-**  
422 **DRAWN VEHICLES.**

423 Every person riding an animal or driving any animal-drawn vehicle upon a  
424 roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the  
425 driver of a vehicle by this Traffic Code, except those provisions of this Traffic Code which by  
426 their very nature can have no application. (WV Code 17C-2-6)

427 **28.2.99 PENALTY.**

428 General Article Penalty. Whoever violates any provision of this article for which  
429 no other penalty is provided shall be fined not more than one hundred dollars (\$100.00); upon a  
430 second conviction within one year thereafter shall be fined not more than two hundred dollars  
431 (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred  
432 dollars (\$500.00).

433 **ARTICLE 3**

434 **Traffic Signs, Signals and Markings**

435 28.3.1 Obedience to Traffic Control Devices

436 28.3.2 Obedience to Traffic Control Instructions at Street Construction

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445 **TRAFFIC SIGNS, SIGNALS AND MARKINGS**

446 **28.3.1 OBEDIENCE TO TRAFFIC CONTROL DEVICES.**

447 (a) The driver of any vehicle shall obey the instructions of any official traffic  
448 control device applicable thereto placed in accordance with the provisions of  
449 this Traffic Code, unless otherwise directed by a traffic or police officer, subject  
450 to the exceptions granted the driver of an authorized emergency vehicle in this  
451 Traffic Code.

452 (b) No provision of this Traffic Code for which signs are required shall be enforced  
453 against an alleged violator if at the time and place of the alleged violation an  
454 official sign is not in proper position and sufficiently legible to be seen by an  
455 ordinarily observant person. Whenever a particular section does not state that  
456 signs are required, such section shall be effective even though no signs are  
457 erected or in place. (WV Code 17C-3-4)

458 **28.3.2 OBEDIENCE TO TRAFFIC CONTROL INSTRUCTIONS AT STREET**

459 **CONSTRUCTION.**

460 The driver of any vehicle shall obey the traffic-control instructions of any law  
461 enforcement officer or persons authorized by the Commissioner of Highways or by proper local  
462 authorities to operate traffic control devices, act as flagmen or operate authorized vehicles  
463 engaged in work at or near the site of street or highway construction maintenance work, for the  
464 purpose of regulating, warning or guiding traffic, subject to the exceptions granted the driver of

465 an authorized emergency vehicle in this Traffic Code. (WV Code 17C-3-4a)

466 **28.3.3 TRAFFIC CONTROL SIGNAL TERMS AND LIGHTS.**

467 Whenever traffic is controlled by traffic control signals exhibiting the words “go,”  
468 “caution” or “stop,” or exhibiting different colored lights successively one at a time, or with  
469 arrows, the following colors only shall be used and such terms and lights shall indicate and apply  
470 to drivers of vehicles and pedestrians as follows:

471 **(a) Green alone or “go”:**

- 472 1. Vehicular traffic facing the signal, except when prohibited under Section 28.10.2,  
473 may proceed straight through or turn right or left unless a sign at such place prohibits  
474 either such turn. But vehicular traffic, including vehicles turning right or left, shall  
475 yield the right of way to other vehicles and to pedestrians lawfully within the  
476 intersection or an adjacent crosswalk at the time such signal is exhibited.
- 477 2. Pedestrians facing the signal may proceed across the roadway within any marked or  
478 unmarked crosswalk.

479 **(b) Yellow alone or “caution” when showing following the green or “go” signal:**

- 480 1. Vehicular traffic facing the signal is thereby warned that the red or “stop” signal will  
481 be exhibited immediately thereafter and such vehicular traffic shall not enter or be  
482 crossing the intersection when the red or “stop” signal is exhibited.
- 483 2. Pedestrians facing such signal are thereby advised that there is insufficient time to  
484 cross the roadway, and any pedestrian then starting to cross shall yield the right of  
485 way to all vehicles.

486 **(c) Red alone or “stop”:**

- 487 1. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near

488 side of the intersection or, if none, then before entering the intersection and shall  
489 remain standing until green or “go” is shown alone except as provided in subsection  
490 (c)(2) and (3) hereof.

491 2. A vehicle which is stopped in obedience to a red or “stop” signal as close as  
492 practicable at the entrance to the crosswalk on the near side of the intersection or, if  
493 none, then at the entrance to the intersection, may cautiously make a right turn but  
494 such vehicle shall yield the right of way to pedestrians lawfully within a crosswalk  
495 and to other vehicular traffic proceeding as directed by the signal at such intersection,  
496 except that Council may by ordinance prohibit any such right turn against a red or  
497 “stop” signal at any intersection which ordinance shall be effective when a sign is  
498 erected at such intersection giving notice thereof.

499 3. A vehicle which is stopped in obedience to a red or “stop” signal as close as  
500 practicable at the entrance to the crosswalk on the near side of the intersection or, if  
501 none, then at the entrance to the intersection on a one-way street which intersects  
502 another one-way street on which traffic moves to the left, may cautiously make a left  
503 turn into the one-way street but such vehicle shall yield the right of way to  
504 pedestrians lawfully within a crosswalk and to other vehicular traffic proceeding as  
505 directed by the signal at such intersection, except that Council may by ordinance  
506 prohibit any such left turn against a red or “stop” signal at any intersection, which  
507 ordinance shall be effective when a sign is erected at such intersection giving notice  
508 thereof.

509 4. No pedestrian facing such signal shall enter the roadway unless he can do so safely  
510 and without interfering with any vehicular traffic.

- 511 (d) Red with green arrow:
- 512 1. Vehicular traffic facing such signal may cautiously enter the intersection only to make
- 513 the movement indicated by such arrow but shall yield the right of way to pedestrians
- 514 lawfully within a crosswalk and to other traffic lawfully using the intersection.
- 515 2. No pedestrian facing such signal shall enter the roadway unless he can do so safely
- 516 and without interfering with any vehicular traffic.

517 (e) In the event an official traffic control signal is erected and maintained at a place other

518 than an intersection, the provisions of this section shall be applicable except as to those

519 provisions which by their nature can have no application. Any stop required shall be

520 made at a sign or marking on the pavement indicating where the stop shall be made, but

521 in the absence of any such sign or marking the stop shall be made at the signal. (WV

522 Code 17C-3-5)

523 **28.3.4 PEDESTRIAN CONTROL SIGNALS.**

524 Whenever special pedestrian control signals exhibiting the words “walk” or

525 “wait” are in place such signals shall indicate as follows:

526 (a) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of

527 the signal and shall be given the right of way by the drivers of all vehicles

528 (b) Wait. No pedestrian shall start to cross the roadway in the direction of such signal, but

529 any pedestrian who has partially completed his or her crossing on the walk signal shall

530 proceed to a sidewalk or safety island while the wait signal is showing. (WV Code 17C-

531 3-6)

532 **28.3.5 FLASHING TRAFFIC SIGNALS.**

533 Whenever an illuminated flashing red or yellow signal is used in a traffic sign or

534 signal it shall require obedience by vehicular traffic as follows:

535 (a) Flashing Red (Stop Signal). When a red lens is illuminated with rapid intermittent  
536 flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an  
537 intersection or at a limit line when marked, or, if none, then before entering the  
538 intersection and the right to proceed shall be subject to the rules applicable after making a  
539 stop at a stop sign.

540 (b) Flashing Yellow (Caution Signal). When a yellow lens is illuminated with rapid  
541 intermittent flashes, drivers of vehicles may proceed through the intersection or past such  
542 signal only with caution. (WV Code 17C-3-7)

543 **28.3.6 UNAUTHORIZED SIGNS AND SIGNALS, BIDING FROM VIEW,**  
544 **ADVERTISING.**

545 (a) No local authority or person shall place, maintain or display upon or in view of any  
546 street or highway any unauthorized traffic control device or traffic control signal, or any  
547 unauthorized sign, signal, marking or device which purports to be or is an imitation of or  
548 resembles an official traffic control device or railroad sign or signal, or which attempts to  
549 direct the movement of traffic or which hides from view or interferes with the  
550 effectiveness of any official traffic control device or any railroad sign or signal, and no  
551 person shall place or maintain nor shall any public authority permit upon any street or  
552 highway any traffic control device bearing thereon any commercial advertising. This  
553 shall not be deemed to prohibit the erection upon private property adjacent to a street or  
554 highway of signs giving useful directional information and of a type that cannot be  
555 mistaken for official signs.

556 (b) Every such prohibited device, signal, sign or marking is hereby declared to be a public



557 nuisance and the Commissioner of Highways or other authority having jurisdiction over  
558 the street or highway is hereby empowered to remove the same or cause it to be removed  
559 without notice. (WV Code 17C-3-8)

560 **28.3.7 ALTERATION, INJURY, REMOVAL OF TRAFFIC CONTROL DEVICES.**

561 No person shall without lawful authority attempt to or in fact alter, deface, injure,  
562 knock down or remove any official traffic control device or any railroad sign or signal or any  
563 inscription, shield or insignia thereon, or any other part thereof. (WV Code 17C-3-9)

564 **28.3.8 TRAFFIC VIOLATIONS IN CONSTRUCTION ZONES.**

565 (a) At each and every location where street or highway construction work is to be  
566 conducted a sign shall be posted at least 1,000 feet from the construction site, or as close  
567 to 1,000 feet from the construction site as is practicable given the location of the site  
568 when workers are present, notifying all motorists as to the speed limit and displaying the  
569 words “construction work”.

570 (b) No person shall violate any posted speed restriction or traffic restriction at such  
571 construction site referred to in subsection (a) of this section.

572 (c) Nothing in this section shall be construed to preclude prosecution of any operator of a  
573 motor vehicle who commits a violation of any other provision of this Traffic Code for  
574 such violation. (WV Code 17C-3-4b)

575 **28.3.99 PENALTY.**

576 (a) General Penalty. Whoever violates Section 28.3.1, 28.3.2 or 28.3.4 shall be fined not  
577 more than one hundred dollars (\$100.00); upon a second conviction within one year  
578 thereafter shall be fined not more than two hundred dollars (\$200.00); and upon a third or  
579 subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).

580 (b) Construction Zones.

581 1. Any person who exceeds any posted speed restriction or traffic restriction at a  
582 construction site referred to in Section 28.3.8 by less than fifteen miles per hour shall  
583 be fined not more than two hundred dollars (\$200.00).

584 2. Any person who exceeds any posted speed restriction or traffic restriction at a  
585 construction site referred to in Section 28.3.8 by fifteen miles per hour or more shall  
586 be fined not more than two hundred dollars (\$300.00).

587 **ARTICLE 4**

588 **Crashes**

589 28.4.1 Immediate Reports of Crashes

590 28.4.2 When Driver Unable to Report

591 28.4.3 Garages to Report Bullet Damage

592 28.4.99 Penalty

593

594 **28.4.1 IMMEDIATE REPORTS OF ACCIDENTS.**

595 The driver of a vehicle involved in an accident resulting in injury to or death of  
596 any person or total property damage to an apparent extent of five hundred dollars (\$500.00) or  
597 more shall immediately by the quickest means of communication, whether oral or written, give  
598 notice of such accident to the Police Department. (WV Code 17C-4-6)

599 **28.4.2 WHEN DRIVER UNABLE TO REPORT.**

600 Whenever the driver of a vehicle is physically incapable of making an immediate  
601 report of an accident as required in Section 28.4.1 and there was another occupant in the vehicle  
602 at the time of the accident capable of making a report, such occupant shall make or cause to be

603 made such report not made by the driver. (WV Code 17C-4-8)

604 **28.4.3 GARAGES TO REPORT BULLET DAMAGE.**

605 The person in charge of any garage or repair shop to which is brought any motor  
606 vehicle which shows evidence of having been struck by any bullet, shall report to the Police  
607 Department within twenty-four hours after such motor vehicle is received, giving the engine  
608 number, registration number, and the name and address of the owner or operator of such vehicle.  
609 (WV Code 17C-4-12)

610 **28.4.99 PENALTY.**

611 Any person violating the provisions of Section 28.4.1 after being involved in an  
612 accident resulting in physical injury but not death to any person shall be fined not more than one  
613 thousand dollars (\$1,000) . (WV Code 17C-4-1)

614 **ARTICLE 5**

615 **SERIOUS TRAFFIC OFFENSES**

616 28.5.1 Driving under the Influence

617 28.5.2 Reckless Driving

618 28.5.3 Hazardous Driving

619 28.5.99 Penalty

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621 **28.5.1 DRIVING UNDER THE INFLUENCE.**

622 **Intentionally left Blank**

623 **28.5.2 RECKLESS DRIVING.**

624 (a) No person shall drive any vehicle upon any street or highway, or upon any residential  
625 street, or in any parking area, or upon the ways of any institution of higher education,

626 whether public or private or upon the property of the Board of Education, or upon any  
627 property within the Municipal park and public recreation system, in willful or wanton  
628 disregard for the safety of persons or property.

629 (b) The provisions of subsection (a) hereof shall not apply to those areas which have been  
630 temporarily closed for racing sport events or which may be set aside by the Municipality  
631 within the park and recreation system for exclusive use by motorcycles or other  
632 recreational vehicles. (WV Code 17C-5-3)

633 (c) Every person convicted of reckless driving may be punished by a fine of not more than  
634 five hundred dollars (\$500.00), and on a second or subsequent conviction may be  
635 punished by a fine of not more than one thousand dollars (\$1,000.00).

636 **28.5.3 HAZARDOUS DRIVING.**

637 (a) No person shall operate a motor vehicle or motorcycle without exercising reasonable  
638 and ordinary control over such vehicle.

639 (b) No person shall operate a motor vehicle or motorcycle in a weaving or zigzag course  
640 unless such irregular course is necessary for safe operation or in compliance with law.

641 (c) No person shall operate a motor vehicle or motorcycle without giving his full time and  
642 attention to the operation of such vehicle.

643 **28.5.99 PENALTY.**

644 Whoever violates Section 28.5.2 shall for a first offense be fined not less than twenty-  
645 five dollars (\$25.00) nor more than five hundred dollars (\$500.00), for a second or  
646 subsequent offense shall be fined not less than fifty dollars (\$50.00) or more than one  
647 thousand dollars (\$1,000).

648 **ARTICLE 6**

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**SPEEDING**

- 28.6.1 Maximum Speed Limits
- 28.6.2 Slow Speed
- 28.6.3 Special Speed Limitations
- 28.6.4 Racing on Streets and Highways Prohibited
- 28.6.99 Penalty

**28.6.1 MAXIMUM SPEED LIMITS.**

- (a) No person may drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the existing conditions and the actual and potential hazards. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the streets and highways in compliance with legal requirements and the duty of all persons to use due care.
- (b) Where no special hazard exists that requires lower speed for compliance with subsection (a) of this section the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized is lawful, but any speed in excess of the limits specified below in this subsection or established as hereinafter authorized is unlawful.
  - 1. Fifteen miles per hour in a school zone during school recess or while children are going to or leaving school during opening or closing hours. A school zone is all school property including school grounds and any street or highway abutting such school grounds and extending one hundred twenty-five feet along such street or highway from the school grounds. Such speed restriction does not apply to vehicles traveling

672 on a controlled-access highway which is separated from the school or school grounds  
673 by a fence or barrier approved by the Division of Highways;  
674 2. Twenty-five miles per hour in any business or residence district;  
675 3. Fifty-five miles per hour on open country highways; except as otherwise provided by  
676 this article.

677 The speeds set forth in this section may be altered as authorized in West Virginia  
678 Code Article 17C-6.

679 (c) The driver of every vehicle shall, consistent with the requirements of subsection (a) of  
680 this section, drive at an appropriate reduced speed when approaching and crossing an  
681 intersection or railway grade crossing, when approaching and going around a curve, when  
682 approaching a hill crest, when traveling upon any narrow or winding roadway and when  
683 special hazard exists with respect to pedestrians or other traffic or by reason of weather or  
684 highway conditions.

685 (d) The speed limit on controlled-access highways and interstate highways, where no special  
686 hazard exists that requires a lower speed, shall be not less than fifty-five miles per hour  
687 and the speed limits specified in subsection (b) of this section do not apply. (WV Code  
688 17C-6-1)

#### 689 **28.6.2 SLOW SPEED.**

690 No person shall drive a motor vehicle at such a slow speed as to impede the  
691 normal and reasonable movement of traffic except when reduced speed is necessary for safe  
692 operation or in compliance with law. (WV Code 17C-6-3a(a))

#### 693 **28.6.3 SPECIAL SPEED LIMITATIONS.**

694 (a) Subject to all other speed restrictions of this Traffic Code no person shall drive a vehicle

695 not designed for carrying passengers and equipped with pneumatic tires at a speed in  
696 excess of:

697 1. Twenty miles per hour in any business district;

698 2. Twenty-five miles per hour in any residence district;

699 3. Forty miles per hour on open country highway; Trucks licensed at 8,000 pounds gross

700 vehicle weight or less shall be permitted the same speed as passenger cars. (WV

701 Code 17C-6-4)

702 (b) No person shall drive any vehicle equipped with other than pneumatic tires at a speed  
703 greater than a maximum of ten miles per hour.

704 No person shall drive a vehicle over any bridge or other elevated structure constituting a

705 part of a street or highway at a speed which is greater than the maximum speed which can be

706 maintained with safety to such bridge or structure, when such structure is so signposted. (WV

707 Code 17C-6-5)

708 **28.6.4 RACING ON STREETS AND HIGHWAYS PROHIBITED.**

709 (a) No person shall engage in, or aid or abet by serving as lookout or timer or in any other  
710 capacity whatever, any speed race, as defined herein, on any public street or highway in  
711 this municipality. For the purposes of this section, "speed race" means:

712 1. The operation of a motor vehicle in speed acceleration competition with another motor  
713 vehicle or motor vehicles; or

714 2. The operation of a motor vehicle in speed acceleration competition against time; or

715 3. The operation of a motor vehicle in speed competition with another motor vehicle or

716 motor vehicles where the speed exceeds the lawful speed limit. (WV Code 17C-6-

717 8(a))

718 (b) Any person who violates the provisions of subsection (a) hereof shall be guilty of a  
719 misdemeanor, and, upon conviction thereof, shall be punished for a first offense by a fine  
720 of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), and  
721 for a second offense by a fine of not less than fifty dollars (\$50.00) nor more than five  
722 hundred dollars (\$500.00), or by imprisonment for not less than six days nor more than  
723 thirty days, or by both such fine and imprisonment, and for a third and each subsequent  
724 offense by a fine of not less than one hundred dollars (\$100.00) nor more than one  
725 thousand dollars (\$1,000), or by imprisonment for not less than thirty days, or by both  
726 such fine and imprisonment. For the purposes of this section, a forfeiture of bail or  
727 collateral deposited to secure such person's appearance in court, which forfeiture has not  
728 been vacated, shall be equivalent to a final conviction.

729 **28.6.99 PENALTY.**

730 (a) General Article Penalty. Whoever violates any provision of this article for which no other  
731 penalty is provided shall be fined not more than one hundred dollars (\$100.00); upon a  
732 second conviction within one year thereafter shall be fined not more than two hundred  
733 dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than  
734 five hundred dollars (\$500.00).

735 (b) Speeding.

736 1. Unless otherwise provided in this subsection (b) hereof, any person who violates the  
737 provisions of Section 106.01 shall be fined not more than one hundred dollars  
738 (\$100.00); upon a second conviction within one year thereafter, shall be fined not  
739 more than two hundred dollars (\$200.00); and, upon a third or subsequent conviction  
740 within two years thereafter, shall be fined not more than five hundred dollars



741 (\$500.00).

742 2. Any person who violates the provisions of Section 106.01(b)(1) shall be fined not less  
743 than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00);  
744 provided, that if such conviction is based upon a violation of the provisions of Section  
745 106.01(b)(1) where the offender exceeded the speed limit by fifteen miles per hour or  
746 more in the presence of one or more children, then the person shall be fined not less  
747 than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

748 (WV Code 17C-6-1)

749 (c) Street Racing. Whoever violates Section 28.6.4 shall be fined not less than fifty dollars  
750 (\$50.00) nor more than one hundred dollars (\$100.00); for a second offense fined not less  
751 than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by  
752 imprisonment for not less than six days nor more than thirty days, or both; and for a third  
753 and each subsequent offense fined not less than one hundred dollars (\$100.00) nor more  
754 than one thousand dollars (\$1,000), or by imprisonment for not more than thirty days or  
755 both. For the purposes of this section, a forfeiture of bail or collateral deposited to secure  
756 such person's appearance in court, which forfeiture has not been vacated, shall be  
757 equivalent to a final conviction. If at the time of any violation of the provisions of  
758 Section 28.6.4 by any person as an operator of a motor vehicle, such person was not  
759 entitled to operate a motor vehicle in this State because his operator's or chauffeur's  
760 license, or privilege to drive in this State if such person be a nonresident, had earlier been  
761 suspended or removed, then in addition to the penalties provided for in this section, the  
762 provisions of Section 28.14.10 shall be applicable. (WV Code 17C-6-8)

763 **ARTICLE 7**

764 **DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND PASSING, ETC.**

- 765 28.7.1 Driving Upon Right Side of Roadway; Exceptions
- 766 28.7.2 Passing to Right When Proceeding in Opposite Directions
- 767 28.7.3 Overtaking, Passing to Left; Driver's Duties
- 768 28.7.4 Overtaking and Passing Upon Right
- 769 28.7.5 Overtaking, Passing to Left of Center
- 770 28.7.6 Additional Restrictions on Driving Upon Left Side of Roadway.
- 771 28.7.7 Hazardous or No Passing Zones
- 772 28.7.8 One-Way Roadways and Rotary Traffic Islands
- 773 28.7.9 Driving in Marked Lanes or Continuous Lines of Traffic
- 774 28.7.10 Following Too Closely
- 775 28.7.11 Driving Upon Divided Roadways
- 776 28.7.12 Entering and Exiting Controlled-Access Highway
- 777 28.7.99 Penalty

778

779 **28.7.1 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.**

780 (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the  
781 roadway, except as follows:

782 1. When overtaking and passing another vehicle proceeding in the same direction under  
783 the rules governing such movement;

784 2. When the right half of a roadway is closed to traffic while under construction or repair;

785 3. Upon a roadway divided into three marked lanes for traffic under the rules applicable  
786 thereon; or

787 4. Upon a roadway designated and signposted for one-way traffic.

788 (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the  
789 time and place and under the conditions then existing shall be driven in the right-hand  
790 lane then available for traffic, or as close as practicable to the right-hand curb or edge of  
791 the roadway, except when overtaking and passing another vehicle proceeding in the same  
792 direction or when preparing for a left turn at an intersection or into a private road or  
793 driveway.

794 **28.7.2 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.**

795 Drivers of vehicles proceeding in opposite directions shall pass each other to the  
796 right, and upon roadways having width for not more than one line of traffic in each direction  
797 each driver shall give to the other at least one-half of the main-traveled portion of the roadway as  
798 nearly as possible. (WV Code 17C-7-2)

799 **28.7.3 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.**

800 The following rules shall govern the overtaking and passing of vehicles  
801 proceeding in the same direction, subject to these limitations, exceptions and special rules  
802 hereinafter stated.

803 (a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall  
804 give an audible signal and pass to the left thereof at a safe distance and shall not again  
805 drive to the right side of the roadway until safely clear of the overtaken vehicle.

806 (b) Except when overtaking and passing on the right is permitted, the driver of an overtaken  
807 vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and  
808 shall not increase the speed of his or her vehicle until completely passed by the  
809 overtaking vehicle. (WV Code 17C-7-3)

810 **28.7.4 OVERTAKING AND PASSING UPON RIGHT.**

811 (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only  
812 under the following conditions:

- 813 1. When the vehicle overtaken is making or about to make a left turn;
- 814 2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles  
815 of sufficient width for two or more lines of moving vehicles in each direction;
- 816 3. Upon a one-way street, or upon any roadway on which traffic is restricted to one  
817 direction of movement, where the roadway is free from obstructions and of sufficient  
818 width for two or more lines of moving vehicles.

819 (b) The driver of a vehicle may overtake and pass another vehicle upon the right only under  
820 conditions permitting such movement in safety. In no event shall such movement be  
821 made by driving off the pavement or main-traveled portion of the roadway. (WV Code  
822 17C-7-4)

823 **28.7.5 OVERTAKING, PASSING TO LEFT OF CENTER.**

824 No vehicle shall be driven to the left side of the center of the roadway in  
825 overtaking and passing another vehicle proceeding in the same direction unless such left side is  
826 clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such  
827 overtaking and passing to be completely made without interfering with the safe operation of any  
828 vehicle approaching from the opposite direction or any vehicle overtaken. In every event the  
829 overtaking vehicle must return to the right-hand side of the roadway before coming within 100  
830 feet of any vehicle approaching from the opposite direction. (WV Code 17C-7-5)

831 **28.7.6 ADDITIONAL RESTRICTIONS ON DRIVING UPON LEFT SIDE OF**  
832 **ROADWAY.**

833 (a) No vehicle shall at any time be driven to the left side of the roadway under the following  
834 conditions:

835 1. When approaching the crest of a grade or upon a curve in the street or highway where  
836 the driver's view is obstructed within such distance as to create a hazard in the event  
837 another vehicle might approach from the opposite direction;

838 2. When approaching within 100 feet of or traversing any intersection or railroad grade  
839 crossing;

840 3. When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or  
841 tunnel.

842 (b) The foregoing limitations shall not apply upon a one-way roadway. (WV Code 17C-7-6)

843 **28.7.7 HAZARDOUS OR NO PASSING ZONES.**

844 When signs or markings are in place and clearly visible to an ordinarily observant  
845 person indicating that overtaking and passing or driving to the left of the roadway would be  
846 especially hazardous, every driver of a vehicle shall obey the directions thereof. (WV Code 17C-  
847 7-7)

848 **28.7.8 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS.**

849 (a) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven  
850 only in the direction designated.

851 (b) A vehicle passing around a rotary traffic island shall be driven only to the right of such  
852 island. (WV Code 17C-7-8(b), (c))

853 **28.7.9 DRIVING IN MARKED LANES OR CONTINUOUS LINES OF TRAFFIC.**

854 Whenever any roadway has been divided into two or more clearly marked lanes  
855 for traffic the following rules in addition to all others consistent herewith shall apply:

856 (a) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall  
857 not be moved from such lane until the driver has first ascertained that such movement can  
858 be made with safety.

859 (b) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the  
860 center lane which is clearly marked as a left turn lane except in preparation for a left turn  
861 or where such center lane is at the time allocated exclusively to traffic moving in the  
862 direction the vehicle is proceeding and is signposted to give notice of such allocation.

863 (c) Official signs may be erected directing slow-moving traffic to use a designated lane or  
864 designating those lanes to be used by traffic moving in a particular direction regardless of  
865 the center of the roadway and drivers of vehicles shall obey the directions of every such  
866 sign.

867 **28.7.10 FOLLOWING TOO CLOSELY.**

868 (a) The driver of a motor vehicle shall not follow another vehicle more closely than is  
869 reasonable and prudent having due regard for the speed of such vehicles and the traffic  
870 upon and the condition of the street or highway.

871 (b) No operator of any motor truck, registered for a gross weight of more than 8,000 pounds,  
872 bus, special mobile equipment or any motor vehicle drawing another vehicle operating  
873 upon any roadway outside of a business or residence district, shall follow within 200 feet  
874 of another motor truck, bus, special mobile equipment or any motor vehicle drawing  
875 another vehicle; provided that this provision shall not be construed to:

876 1.Prevent overtaking and passing;

877 2.Apply upon any lane specially designated for the use of motor trucks or combinations  
878 of vehicles, or within any section of a roadway posted or marked as a “no-passing

879                   zone”;

880                   3.Apply to any convoy of vehicles of the military service of the United States or of this

881                   State; and

882                   4.Apply to funeral processions.

883                   (c) Motor vehicles being driven upon any roadway outside of a business or residence district

884                   in a caravan or motorcade whether or not towing other vehicles shall be so operated as to

885                   allow sufficient space between each such vehicle or combination of vehicles so as to

886                   enable any other vehicle to enter and occupy such space without danger. This provision

887                   shall not apply to:

888                   1.Funeral processions; or

889                   2.Any convoy of vehicles of the military service of the United States or of this State.

890                   (WV Code 17C-7-10)

891 **28.7.11 DRIVING UPON DIVIDED ROADWAYS.**

892                   Whenever any street or highway has been divided into two roadways by leaving

893                   an intervening space or by a physical barrier or clearly indicated dividing section so constructed

894                   as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway

895                   and no vehicle shall be driven over, across or within any such dividing space, barrier or section,

896                   except through an opening in such physical barrier or dividing section or space or at a crossover

897                   or intersection established by public authority. (WV Code 17C-7-11)

898 **28.7.12 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.**

899                   No person shall drive a vehicle onto or from any controlled-access roadway

900                   except at such entrances and exits as are established by public authority. (WV Code 17C-7-12)

901 **28.7.99 PENALTY.**





925 practicable to the right-hand curb or edge of the roadway. (WV Code 17C-8-2)

926 **28.8.3 LEFT TURNS ON TWO-WAY ROADWAYS.**

927 At any intersection where traffic is permitted to move in both directions on each  
928 roadway entering the intersection, an approach for a left turn shall be made in that portion of the  
929 right half of the roadway nearest the centerline thereof and by passing to the right of such  
930 centerline where it enters the intersection and after entering the intersection the left turn shall be  
931 made so as to leave the intersection to the right of the centerline of the roadway being entered.  
932 Whenever practicable the left turn shall be made in that portion of the intersection to the left of  
933 the center of the intersection. (WV Code 17C-8-3)

934 **28.8.4 LEFT TURNS ON OTHER THAN TWO-WAY ROADWAYS.**

935 At any intersection where traffic is restricted to one direction on one or more of  
936 the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach  
937 the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction  
938 of travel of such vehicle and after entering the intersection the left turn shall be made so as to  
939 leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic  
940 moving in such direction upon the roadway being entered. (WV Code 17C-8-4)

941 **28.8.5 SPECIFIED TURNS AT INTERSECTIONS.**

942 Council or other designated traffic authority may cause markers, buttons or signs  
943 to be placed within or adjacent to intersections and thereby require and direct that a different  
944 course from that specified in this article be traveled by vehicles turning at an intersection, and  
945 when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an  
946 intersection other than as directed and required by such markers, buttons or signs. (WV Code  
947 17C-8-5)

948 **28.8.6 “U” TURNS RESTRICTED.**

949 (a) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or  
950 upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by  
951 the driver of any other vehicle approaching from either direction within 500 feet. (WV  
952 Code 17C-8-6)

953 (b) No vehicle shall be turned so as to proceed in the opposite direction within an  
954 intersection, or upon any street in a business district, or upon a freeway, expressway or  
955 controlled-access highway, or where authorized signs are erected to prohibit such  
956 movement, or at any other location unless such movement can be made with reasonable  
957 safety to other users of the street and without interfering with the safe operation of any  
958 traffic that may be affected by such movement.

959 **28.8.7 SIGNALS BEFORE CHANGING COURSE; TURNING OR STOPPING.**

960 (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position-  
961 upon the roadway as required in Sections 108.02 to 108.05, or turn a vehicle to enter a  
962 private road or driveway or otherwise turn a vehicle from a direct course or move right or  
963 left upon a roadway unless and until such movement can be made with reasonable safety.

964 No person shall so turn any vehicle without giving an appropriate signal in the manner  
965 hereinafter provided in the event any other traffic may be affected by such movement.

966 (b) A signal of intention to turn right or left when required shall be given continuously during  
967 not less than the last 100 feet traveled by the vehicle before turning.

968 (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an  
969 appropriate signal in the manner provided herein to the driver of any vehicle immediately  
970 to the rear when there is opportunity to give such signal. (WV Code 17C-8-8)

971 **28.8.8 SIGNALS TO BE GIVEN BY HAND AND ARM OR SIGNAL DEVICE.**

972 Any stop or turn signal when required herein shall be given either by means of the  
973 hand and arm or by a signal lamp or lamps or mechanical signal device, but when a vehicle is so  
974 constructed or loaded that hand-and-arm signal would not be visible both to the front and rear of  
975 such vehicle then such signals must be given by such a lamp or lamps or signal device. (WV  
976 Code 17C-8-9)

977 **28.8.9 HAND AND ARM SIGNALS.**

978 All signals herein required given by hand and arm shall be given from the left side  
979 of the vehicle in the following manner and such signals shall indicate as follows:

980 (a) Left Turn: Hand and arm extended horizontally.

981 (b) Right Turn: Hand and arm extended upward.

982 (c) Stop or Decrease Speed: Hand and arm extended downward. (WV Code 17C-8-10)

983 **28.8.99 PENALTY.**

984 Whoever violates any provision of this article shall be fined not more than one  
985 hundred dollars (\$100.00); upon a second conviction within one year thereafter shall be fined not  
986 more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be  
987 fined not more than five hundred dollars (\$500.00).

988 **ARTICLE 9**

989 **Right of Way**

990 28.9.1 Right of Way at Intersections

991 28.9.2 Right of Way When Turning Left

992 28.9.3 Right of Way at Through Street or Highway or Stop Intersections

993 28.9.4 Driving onto Roadway From Private Road or Driveway; Duty to Yield

- 994 28.9.5 Right of Way of Emergency Vehicle
- 995 28.9.6 Turning into Private Driveway, Alley or Building
- 996 28.9.99 Penalty

997

998 **28.9.1 RIGHT OF WAY AT INTERSECTIONS.**

999 (a) The driver of a vehicle approaching an intersection shall yield the right of way to a  
1000 vehicle which has entered the intersection from a different street or highway.

1001 (b) When two vehicles enter an intersection from a different street or highway at  
1002 approximately the same time the driver of the vehicle on the left shall yield the right of  
1003 way to the vehicle on the right.

1004 (c) The right-of-way rules declared in subsections (a) and (b) hereof are modified at through  
1005 streets or highways and otherwise as hereinafter stated in this article. (WV Code 17C-9-  
1006 1)

1007 **28.9.2 RIGHT OF WAY WHEN TURNING LEFT.**

1008 The driver of a vehicle within an intersection intending to turn to the left shall  
1009 yield the right of way to any vehicle approaching from the opposite direction which is within the  
1010 intersection or so close thereto as to constitute an immediate hazard, but such driver, having so  
1011 yielded and having given a signal when and as required by this Traffic Code may make such left  
1012 turn and the drivers of all other vehicles approaching the intersection from the opposite direction  
1013 shall yield the right of way to the vehicles making the left turn. (WV Code 17C-9-2)

1014 **28.9.3 RIGHT OF WAY AT THROUGH STREET OR HIGHWAY OR STOP**  
1015 **INTERSECTIONS.**

1016 (a) The driver of a vehicle shall stop as required by Section 110.05 at the entrance to a

1017 through street or highway and shall yield the right of way to other vehicles which have  
1018 entered the intersection from such through streets or highways or which are approaching  
1019 so closely on such through street or highway as to constitute an immediate hazard but the  
1020 driver having so yielded may proceed.

1021 (b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein  
1022 at an intersection where a stop sign is erected at one or more entrances thereto although  
1023 not a part of a through street or highway and shall proceed cautiously, yielding to vehicles  
1024 not so obliged to stop which are within the intersection or approaching so closely as to  
1025 constitute an immediate hazard, but may then proceed. (WV Code 17C-9-3)

1026 **28.9.4 DRIVING ONTO ROADWAY FROM PRIVATE ROAD OR DRIVEWAY; DUTY**  
1027 **TO YIELD.**

1028 The driver of a vehicle about to enter or cross a street or highway from a private  
1029 road or driveway shall yield the right of way to all vehicles approaching on the street or highway.  
1030 (WV Code 17C-9-4)

1031 **28.9.5 RIGHT OF WAY OF EMERGENCY VEHICLE.**

1032 (a) Upon the immediate approach of an authorized emergency vehicle equipped with at least  
1033 one flashing lighted lamp of a color authorized by Section 28.11.18, which is visible  
1034 under normal atmospheric conditions from a distance of 500 feet to the front of such  
1035 vehicle other than a police vehicle when operated as an authorized emergency vehicle,  
1036 and when the driver is giving audible signal by siren, exhaust whistle or bell, the driver of  
1037 every other vehicle shall yield the right of way and shall immediately drive to a position  
1038 parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of  
1039 any intersection and shall stop and remain in such position until the authorized

1040 emergency vehicle has passed, except when otherwise directed by a police officer.

1041 (b) This section shall not operate to relieve the driver of an authorized emergency vehicle  
1042 from the duty to drive with due regard for the safety of all persons using the street or  
1043 highway. (WV Code 17C-9-5)

1044 **28.9.6 TURNING INTO PRIVATE DRIVEWAY, ALLEY OR BUILDING.**

1045 The driver of a vehicle intending to turn into a private road or driveway, alley or  
1046 building from a public street or highway shall be governed by the following rules:

1047 (a) Approach for a right turn and a right turn shall be made as close as practicable to the  
1048 right-hand curb or edge of the roadway.

1049 (b) Upon a roadway where traffic is proceeding in opposite directions, approach for a left  
1050 turn and a left turn shall be made from that portion of the right half of the roadway  
1051 nearest the center line thereof.

1052 (c) Upon a roadway where traffic is restricted to one direction, approach for a left turn and a  
1053 left turn shall be made as close as practicable to the left-hand curb or edge of the  
1054 roadway.

1055 (d) It shall be the duty of the driver of any vehicle entering a private road or driveway, alley  
1056 or building to yield the right of way to pedestrians lawfully using the sidewalk or  
1057 sidewalk area extending across any alleyway, private road, driveway or building.

1058 **28.9.99 PENALTY.**

1059 Whoever violates any provision of this article shall be fined not more than two  
1060 hundred dollars (\$200.00); upon a second conviction within one year thereafter shall be fined not  
1061 more than three hundred dollars (\$300.00); and upon a third or subsequent conviction, shall be  
1062 fined not more than one thousand dollars (\$1,000). (WV Code 17C-9-6)

1063 **ARTICLE 10**

1064 **SPECIAL STOPS REQUIRED**

- 1065 28.10.1 Through Streets and Stop Intersections
- 1066 28.10.2 Driving onto Roadway from Place Other than Roadway; Stopping at Sidewalk
- 1067 28.10.3 Stopping for School Bus; Signs and Warning Lights; Sale of School Bus
- 1068 28.10.4 Stopping for Passenger Van; Signs and Warning Lights
- 1069 28.10.5 Obstructing Intersection or Crosswalk
- 1070 28.10.99 Penalty

1071

1072 **28.10.1 THROUGH STREETS AND STOP INTERSECTIONS.**

1073 (a) Council or other designated traffic authority may designate through streets or highways  
1074 and erect stop signs at specified entrances thereto or may designate any intersection as a  
1075 stop intersection and erect like signs at one or more entrances to such intersection.

1076 (b) Every such sign shall bear the word “Stop” in letters not less than six inches in height and  
1077 such sign shall at nighttime be rendered luminous by steady or flashing internal  
1078 illumination, or by a fixed floodlight projected on the face of the sign, or by efficient  
1079 reflecting elements on the face of the sign.

1080 (c) Every stop sign shall be erected as near as practicable to the nearest line of the crosswalk  
1081 on the near side of the roadway.

1082 (d) Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk  
1083 on the near side of the intersection or in the event there is no crosswalk shall stop at a  
1084 clearly marked stop line, but if none, then at the point nearest the intersecting street or  
1085 highway where the driver has a view of approaching traffic on the intersecting street or

1086 highway before entering the intersection except when directed to proceed by a police  
1087 officer or traffic control signal. (WV Code 17C-12-5)

1088 **28.10.2 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY;**  
1089 **STOPPING AT SIDEWALK.**

1090 The driver of a vehicle within a business or residence district emerging from any  
1091 alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk  
1092 or onto the sidewalk area extending across any alleyway or private driveway, and shall yield the  
1093 right of way to any pedestrian as may be necessary to avoid collision, and upon entering the  
1094 roadway shall yield the right of way to all vehicles approaching on such roadway. (WV Code  
1095 17C-12-6)

1096 **28.10.3 STOPPING FOR SCHOOL BUS; SIGNS AND WARNING LIGHTS; SALE OF**  
1097 **SCHOOL BUS.**

1098 (a) The driver of a vehicle upon meeting or overtaking from either direction any school bus  
1099 which has stopped for the purpose of receiving or discharging any school children shall  
1100 stop the vehicle before reaching such school bus when there is in operation on such  
1101 school bus flashing warning signal lights, as referred to in West Virginia Code 17C-12-8  
1102 and such driver shall not proceed until such school bus resumes motion, or is signaled by  
1103 the school bus driver to proceed or the visual signals are no longer actuated. This section  
1104 applies wherever the school bus is receiving or discharging children, including, but not  
1105 limited to, any street, highway, parking lot, private road or driveway: provided, that the  
1106 driver of a vehicle upon a controlled access highway need not stop upon meeting or  
1107 passing a school bus which is on a different roadway or adjacent to such highway and  
1108 where pedestrians are not permitted to cross the roadway. If the identity of the driver



1109 cannot be ascertained, then any such owner or lessee of the vehicle in violation of this  
1110 subsection shall be subject to the penalty provided for a violation of this subsection  
1111 provided, however, that such conviction shall not subject such owner or lessee to farther  
1112 administrative or other penalties for such offense, notwithstanding other provisions of the  
1113 West Virginia Code or this Traffic Code to the contrary.

1114 **(b)** Every bus used for the transportation of school children shall bear upon the front and rear  
1115 thereof a plainly visible sign containing the words “school bus” in letters not less than  
1116 eight inches in height. When a contract school bus is being operated upon a street or  
1117 highway for purposes other than the actual transportation of children either to or from  
1118 school, all markings thereon indicating “school bus” shall be covered or concealed. Any  
1119 school bus sold or transferred to another owner by a county board of education, agency or  
1120 individual, shall have all flashing warning lights disconnected and all lettering removed  
1121 or permanently obscured, except when sold or transferred for the transportation of school  
1122 children. (WV Code 17C-12-7)

1123 **28.10.4 STOPPING FOR PASSENGER VAN; SIGNS AND WARNING LIGHTS.**

1124 **(a)** Every passenger van used for the transportation of children shall bear upon the front and  
1125 rear thereof a plainly visible sign containing the warning “Caution: Loading and  
1126 Unloading Passengers” in letters not less than six inches in height. Every such passenger  
1127 van shall be equipped with either flashing warning signal lights as are contemplated and  
1128 referred to in West Virginia Code 17C-12-8, or a red caution flag which the driver or  
1129 some other adult must use by exiting the passenger van and displaying while assisting in  
1130 the loading or unloading of passengers. Such vehicles may also be equipped with a white  
1131 flashing strobotron warning light that meets the requirements set forth in West Virginia

1132 Code 17C-15-26(e).

1133 **(b)** The driver of a vehicle upon meeting or overtaking from any direction any passenger van  
1134 which has stopped for the purpose of loading or unloading passengers shall stop his or  
1135 her vehicle before reaching the passenger van when there is in operation on the passenger  
1136 van flashing warning signal lights or when an adult is outside the passenger van with a  
1137 red caution flag and assisting with the loading or unloading of passengers. The driver of  
1138 a vehicle may not proceed until he or she is signaled by the passenger van driver to  
1139 proceed, the passenger van flashing signal lights are no longer actuated, or the passenger  
1140 resumes motion. This section applies whenever the passenger van is loading or  
1141 unloading children on any street, highway, parking lot, private road or driveway:  
1142 provided, that the driver of a vehicle upon a controlled access highway need not stop  
1143 upon meeting or passing a passenger van which is on a different roadway or adjacent to  
1144 the highway and where pedestrians are not permitted to cross the roadway. (WV Code  
1145 17C-12-17a)

1146 **28.10.5 OBSTRUCTING INTERSECTION OR CROSSWALK.**

1147 No driver shall enter an intersection or a marked crosswalk unless there is  
1148 sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he  
1149 is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any  
1150 traffic control signal indication to proceed.

1151 **28.10.99 PENALTY.**

1152 **(a)** Driving Onto Roadway From Place Other Than Roadway. Whoever violates Section  
1153 28.10.2 shall be fined not more than one hundred dollars (\$100.00); upon a second  
1154 conviction within one year thereafter shall be fined not more than two hundred dollars

1155 (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five  
1156 hundred dollars (\$500.00).

1157 **(b) Stopping For School Bus or Passenger Van.** Any driver acting in violation of Section  
1158 28.10.3(a) or 28.10.4(b) shall be fined not less than fifty dollars (\$50.00) nor more than  
1159 two hundred dollars (\$200.00). If the identity of the driver cannot be ascertained, then  
1160 any such owner or lessee of the vehicle in violation of Section 28.10.3(a) or 28.10.4(b)  
1161 shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred  
1162 dollars (\$100.00): provided, however, that such conviction shall not subject such owner  
1163 or lessee to further administrative or other penalties for such offense, notwithstanding  
1164 other provisions of this Traffic Code to the contrary.

1165 **ARTICLE 11**

1166 **EQUIPMENT**

- 1167 28.11.1 Driving Unsafe Vehicles; Application; Farm and Road Equipment Exceptions
- 1168 28.11.2 When Lighted Lights Required
- 1169 28.11.3 Measurement of Distances and Heights
- 1170 28.11.4 Headlights on Motor Vehicles and Motorcycles
- 1171 28.11.5 Tail Light; Illumination of Rear License Plate
- 1172 28.11.6 Red Light or Red Flag on Extended Loads
- 1173 28.11.7 Lights on Parked or Stopped Vehicles
- 1174 28.11.8 Lights on Slow-Moving Vehicles
- 1175 28.11.9 Spotlights and Auxiliary Lights
- 1176 28.11.10 Signal Lamps and Signal Devices
- 1177 28.11.11 Cowl, Fender and Back-up Lights; Flashing Hazard Lights

1178	28.11.12	Multiple-beam Road-lighting Equipment Requirements
1179	28.11.13	Use of Headlight Beams
1180	28.11.14	Single-beam Road Lighting Equipment
1181	28.11.15	Lights on Motorcycles, Motor-Driven Cycles and Mopeds
1182	28.11.16	Alternate Road-lighting Equipment
1183	28.11.17	Number of Driving Lights Required or Permitted
1184	28.11.18	Special Restrictions on Lights
1185	28.11.19	Motor Vehicle or Motorcycle Brakes
1186	28.11.20	Inspection of Brakes on Motorcycles, Motor-driven Cycles and Mopeds
1187	28.11.21	Horn, Siren and Theft Alarm Signal
1188	28.11.22	Muffler; Muffler Cutout; Excessive Smoke, Gas or Noise
1189	28.11.23	Rear-view Mirror
1190	28.11.24	Windshield to be Unobstructed; Windshield Wiper
1191	28.11.25	Tire Equipment Restrictions
1192	28.11.26	Safety Glass in Motor Vehicles
1193	28.11.27	Vehicles Transporting Explosives
1194	28.11.28	Television Receiver in Driver's View Prohibited
1195	28.11.29	Safety Equipment for Motorcyclists, Motorcycles, Motor-Driven Cycles and
1196		Mopeds
1197	28.11.30	Certification Labels on Mopeds
1198	28.11.31	Child Passenger Safety Devices Required; Child Safety Seats and Booster
1199		Seats
1200	28.11.32	Alteration of Suspension System

- 1201 28.11.33 Sun Screening Devices
- 1202 28.11.34 Operation of Vehicles with Safety Belts
- 1203 28.11.35 Use of Engine Compression Brakes Prohibited
- 1204 28.11.99 Penalty

1205

1206 **28.11.1 DRIVING UNSAFE VEHICLES; APPLICATION; FARM AND ROAD**

1207 **EQUIPMENT EXCEPTIONS.**

1208 (a) No person shall drive or move and no owner shall cause or knowingly permit to be driven  
 1209 or moved on any street or highway any vehicle or combination of vehicles which is in  
 1210 such unsafe condition as to endanger any person, or which does not contain those parts or  
 1211 is not at all times equipped with such lamps and other equipment in proper condition and  
 1212 adjustment as required in this article, or which is equipped in any manner in violation of  
 1213 this article, or for any person to do any act forbidden or fail to perform any act required  
 1214 under this article.

1215 (b) Nothing contained in this article shall be construed to prohibit the use of additional parts  
 1216 and accessories on any vehicle not inconsistent with the provisions of this article.

1217 (c) The provisions of this article with respect to equipment on vehicles shall not apply to  
 1218 implements of husbandry, road machinery, road rollers or farm tractors except as herein  
 1219 made applicable. Every farm tractor equipped with an electric lighting system shall at all  
 1220 times mentioned in Section 28.11.2 display a red tail lamp and either multiple-beam or  
 1221 single-beam head lamps meeting the requirements of Section 28.11.2. (WV Code 17C-  
 1222 15-1)

1223 **28.11.2 WHEN LIGHTED LIGHTS REQUIRED.**

1224                   Every vehicle other than a school bus, motorcycle, motor-driven cycle or moped  
1225 operated upon a street or highway within this Municipality at any time from sunset to sunrise or  
1226 during fog, smoke, rain or other unfavorable atmospheric conditions, or at any other time when  
1227 there is not sufficient light to render clearly discernible persons and vehicles on the street or  
1228 highway at a distance of 500 feet ahead shall display lighted head lamps and illuminating devices  
1229 as hereinafter respectively required for different classes of vehicles, subject to exceptions with  
1230 respect to parked vehicles as provided for in Section 28.11.7(c). Every school bus, motorcycle,  
1231 motor-driven cycle and moped shall display lighted head lamps at all times when upon the street  
1232 or highway. (WV Code 17C-15-2)

1233 **28.11.3 MEASUREMENT OF DISTANCES AND HEIGHTS.**

1234       (a) Whenever requirement is hereinafter declared as to the distance from which certain lamps  
1235 and devices shall render objects visible or within which such lamps or devices shall be  
1236 visible such provisions shall apply during the times stated in Section 28.11.2 in respect to  
1237 a vehicle without load when upon a straight, level, unlighted street or highway under  
1238 normal atmospheric conditions unless a different time or condition is expressly stated.

1239       (b) Whenever requirement is hereinafter declared as to the mounted height of lamps or  
1240 devices it shall mean from the center of such lamp or device to the level ground upon  
1241 which the vehicle stands when such vehicle is without a load. (WV Code 17C-15-3)

1242 **28.11.4 HEADLIGHTS ON MOTOR VEHICLES AND MOTORCYCLES.**

1243       (a) Every motor vehicle other than a motorcycle, motor-driven cycle or moped shall be  
1244 equipped with at least two head lamps with at least one on each side of the front of the  
1245 motor vehicle, which head lamps shall comply with the requirements and limitations set  
1246 forth in this article.

1247 (b) Every motorcycle, motor-driven cycle and moped shall be equipped with at least one and  
1248 not more than two head lamps which shall comply with the requirements and limitations  
1249 of this article.

1250 (c) Every head lamp upon every motor vehicle, including every motorcycle, motor-driven  
1251 cycle and moped, shall be located at a height measured from the center of the head lamp  
1252 of not more than fifty-four inches nor less than twenty-four inches to be measured as set  
1253 forth in Section 28.11.3. (WV Code 17C-15-4)

1254 **28.11.5 TAIL LIGHT; ILLUMINATION OF REAR LICENSE PLATE.**

1255 (a) Every motor vehicle, trailer or semitrailer, and any other vehicle which is being drawn at  
1256 the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the  
1257 rear, which, when lighted as herein before required, shall emit a red light plainly visible  
1258 from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only  
1259 the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

1260 (b) Every tail lamp upon every vehicle shall be located at a height of not more than sixty  
1261 inches nor less than twenty inches to be measured as set forth in Section 28.11.3(b).

1262 (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate  
1263 with a white light the rear registration plate and render it clearly legible from a distance  
1264 of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for  
1265 illuminating the rear registration plate, shall be so wired as to be lighted whenever the  
1266 head lamps or auxiliary driving lamps are lighted. (WV Code 17C-15-5)

1267 **28.11.6 RED LIGHT OR RED FLAG ON EXTENDED LOADS.**

1268 Whenever the load upon any vehicle extends to the rear four feet or more beyond  
1269 the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the

1270 times specified in Section 28.11.2, a red light or lantern plainly visible from a distance of at least  
1271 500 feet to the sides and rear. The red light or lantern required under this section shall be in  
1272 addition to the red rear light required upon every vehicle. At any time there shall be displayed at  
1273 the extreme rear end of such load a red flag or cloth not less than twelve inches square and so  
1274 hung that the entire area is visible to the driver of a vehicle approaching from the rear. (WV  
1275 Code 17C-15-14)

1276 **28.11.7 LIGHTS ON PARKED OR STOPPED VEHICLES.**

1277 (a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between  
1278 sunset and sunrise and in the event there is sufficient light to reveal any person or object  
1279 within a distance of 500 feet upon such street or highway no lights need be displayed  
1280 upon such parked vehicle.

1281 (b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto,  
1282 whether attended or unattended, during the hours between sunset and sunrise and there is  
1283 not sufficient light to reveal any person or object within a distance of 500 feet upon such  
1284 street or highway, such vehicle so parked or stopped shall be equipped with one or more  
1285 lamps meeting the following requirements: At least one lamp shall display a white or  
1286 amber light visible from a distance of 500 feet to the front of the vehicle, and the same  
1287 lamp or at least one other lamp shall display a red light visible from a distance of 500 feet  
1288 to the rear of the vehicle, and the location of such lamp or lamps shall always be such that  
1289 at least one lamp or combination of lamps meeting the requirements of this section is  
1290 installed as near as practicable to the side of the vehicle which is closest to passing traffic.

1291 The foregoing provisions shall not apply to a motorcycle, motor-driven cycle or moped.

1292 (c) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. (WV Code



1293 17C-15-15)

1294 **28.11.8 LIGHTS ON SLOW-MOVING VEHICLES.**

1295 All vehicles including animal-drawn vehicles and including those referred to in  
1296 Section 28.11.1(c) not hereinbefore specifically required to be equipped with lamps, shall at the  
1297 times specified in Section 28.11.2 be equipped with at least one lighted lamp or lantern  
1298 exhibiting a white light visible from a distance of 500 feet to the front of such vehicle and with a  
1299 lamp or lantern exhibiting a red light visible from .a distance of 500 feet to the rear. (WV Code  
1300 17C-15-16)

1301 **28.11.9 SPOTLIGHTS AND AUXILIARY LIGHTS.**

1302 (a) Spot Lamps. Any motor vehicle except a public utility company maintenance vehicle  
1303 may be equipped with not more than one spot lamp and every lighted spot lamp shall be  
1304 so aimed and used upon approaching another vehicle that no part of the high-intensity  
1305 portion of the beam will be directed to the left of the prolongation of the extreme left side  
1306 of the vehicle nor more than 100 feet ahead of the vehicle. A public utility company  
1307 maintenance vehicle may be equipped with more than one spot lamp but all lighted spot  
1308 lamps shall be aimed and used in conformity to the requirements of this subsection.

1309 (b) Fog Lamps. Any motor vehicle may be equipped with not more than two fog lamps  
1310 mounted on the front at a height not less than twelve inches nor more than thirty inches  
1311 above the level surface upon which the vehicle stands and so aimed that when the vehicle  
1312 is not loaded none of the high-intensity portion of the light to the left of the center of the  
1313 vehicle shall at a distance of twenty-five feet ahead project higher than a level of four  
1314 inches below the level of the center of the lamp from which it comes.

1315 (c) Auxiliary Passing Lamp. Any motor vehicle may be equipped with not more than one

1316 auxiliary passing lamp mounted on the front at a height not less than twenty-four inches  
1317 nor more than forty-two inches above the level surface upon which the vehicle stands and  
1318 every auxiliary passing lamp shall meet the requirements and limitations set forth in this  
1319 article.

1320 **(d) Auxiliary Driving Lamp.** Any motor vehicle may be equipped with not more than one  
1321 auxiliary driving lamp mounted on the front at a height not less than sixteen inches nor  
1322 more than forty-two inches above the level surface upon which the vehicle stands and  
1323 every such auxiliary driving lamp shall meet the requirements and limitations set forth in  
1324 this article.

1325 **(e) Roof-Mounted Off-Road Light Bar Lighting Device.** Any motor vehicle may be  
1326 equipped with a roof-mounted off-road light bar lighting device comprised of multiple  
1327 lamps: provided, that whenever the vehicle is operated or driven upon any road or  
1328 highway, the roof-mounted off-road light bar lighting device shall be turned off and  
1329 covered with an opaque covering that prohibits light from being emitted while the vehicle  
1330 is being operated on any road or highway. (WV Code 17C-15-17)

1331 **28.11.10 SIGNAL LAMPS AND SIGNAL DEVICES.**

1332 **(a)** Any motor vehicle may be equipped and when required under this Traffic Code shall be  
1333 equipped with the following signal lamps or devices:

1334 1. A stop lamp on the rear which shall emit a red or yellow light and which shall be  
1335 actuated upon application of the service (foot) brake and which may but need not be  
1336 incorporated with a tail lamp.

1337 2. A lamp or lamps or mechanical signal device capable of clearly indicating any intention  
1338 to turn either to the right or to the left and which shall be visible both from the front

1339 and rear.

1340 (b) A stop lamp shall be plainly visible and understandable from a distance of 100 feet to the  
1341 rear both during normal sunlight and at nighttime and signal lamp or lamps indicating  
1342 intention to turn shall be visible and understandable during daytime and nighttime from a  
1343 distance of 100 feet both to the front and rear. When a vehicle is equipped with a stop  
1344 lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good  
1345 working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

1346 (c) All mechanical signal devices shall be self-illuminated when in use at the times  
1347 mentioned in Section 28.11.2. (WV Code 17C-15-18)

1348 **28.11.11 COWL, FENDER AND BACK-UP LIGHTS; FLASHING HAZARD LIGHTS.**

1349 (a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps  
1350 which shall emit an amber or white light without glare.

1351 (b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp  
1352 on each side thereof which shall emit a white or amber light without glare.

1353 (c) Except for school buses as provided in this subsection, any motor vehicle may be  
1354 equipped with not more than two back-up lamps either separately or in combination with  
1355 other lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in  
1356 forward motion. School buses used for the transportation of school children in this  
1357 Municipality, whether owned and operated by a county board of education or privately  
1358 owned and operated under contract with a county board of education, shall be equipped  
1359 with two back-up lamps, one on each side of the rear door, with white lens or reflectors,  
1360 capable of lighting the roadway and objects to the rear of the bus for safe backing during  
1361 darkness, and which, at the option of the county board of education, may each provide

1362 fifty candlepower in illumination intensity instead of thirty-two candlepower.

1363 **(d)** Any vehicle may be equipped with lamps which may be used for the purpose of warning  
1364 the operators of other vehicles of the presence of a vehicular traffic hazard requiring the  
1365 exercise of unusual care in approaching, overtaking or passing, and when so equipped  
1366 may display such warning in addition to any other warning signals required by this  
1367 article. The lamps used to display such warning to the front shall be mounted at the same  
1368 level and as widely spaced laterally as practicable and shall display simultaneously  
1369 flashing white or amber lights, or any shade of color between white and amber. The  
1370 lamps used to display such warning to the rear shall be mounted at the same level and as  
1371 widely spaced laterally as practicable, and shall show simultaneously flashing amber or  
1372 red lights or any shade of color between amber and red.

1373 **(e)** Vehicles used by “rural mail carriers” in carrying or delivering mail in rural areas may be  
1374 equipped with amber flashing lights. Such lights shall be on the front and rear of the  
1375 vehicle and may be activated when the vehicle is stopped or decreasing speed in order to  
1376 stop in the course of carrying, delivering or picking up mail along the route.

1377 **(f)** Notwithstanding any other provision of this Code to the contrary, any motor vehicle may  
1378 be equipped with not more than one electroluminescent solid state ceramic front  
1379 identification plate without glare, mounted in conformance with the manufacturer's  
1380 specifications.

1381 **(g)** Vehicles used as the lead car in a funeral procession are hereby authorized to be equipped  
1382 with, but are not required to use, purple lamps or purple flashing lights. Such lamps may  
1383 be used for the purpose of warning the operators of other vehicles of the presence of a  
1384 vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking

1385 or passing a funeral procession, and when so equipped may display such warning in  
1386 addition to any other warning signals required by this article. The lamps or flashing  
1387 lights used to display such warning to the front shall be mounted at the same level and as  
1388 widely spaced laterally as practicable and shall display simultaneously either illuminating  
1389 or flashing purple lights. The lamps used to display such warning to the rear shall be  
1390 mounted at the same level and as widely spaced laterally as practicable, and shall show  
1391 simultaneously flashing or illuminated purple lights. (WV Code 17C-15-19)

1392 **28.11.12 MULTIPLE-BEAM ROAD-LIGHTING EQUIPMENT REQUIREMENTS.**

1393 Except as hereinafter provided, the head lamps or the auxiliary driving lamp or  
1394 the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle,  
1395 motor-driven cycle or moped shall be so arranged that the driver may select at will between  
1396 distributions of light projected to different elevations and such lamps may, in addition, be so  
1397 arranged that such selection can be made automatically, subject to the following limitations:

1398 (a) There shall be an uppermost distribution of light, or composite beam, so aimed and of  
1399 such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for  
1400 all conditions of loading.

1401 (b) There shall be a lowermost distribution of light, or composite beam, so aimed and of  
1402 sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead;  
1403 and on a straight level road under any condition of loading none of the high-intensity  
1404 portion of the beam shall be directed to strike the eyes of an approaching driver.

1405 (c) Every new motor vehicle, other than a motorcycle, motor-driven cycle or moped,  
1406 registered in the State after January 1, 1952, which has multiple-beam road-lighting  
1407 equipment shall be equipped with a beam indicator, which shall be lighted whenever the

1408 uppermost distribution of light from the head lamps is in use, and shall not otherwise be  
1409 lighted. Such indicator shall be so designed and located that when lighted it will be  
1410 readily visible without glare to the driver of the vehicle so equipped. (WV Code 17C-15-  
1411 20)

1412 **28.11.13 USE OF HEADLIGHT BEAMS.**

1413 Whenever a motor vehicle is being operated on a roadway or shoulder adjacent  
1414 thereto during the times specified in Section 28.11.2, the driver shall use a distribution of light,  
1415 or composite beam, directed high enough and of sufficient intensity to reveal persons and  
1416 vehicles at a safe distance in advance of the vehicle, subject to the following requirements and  
1417 limitations:

1418 (a) Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, such  
1419 driver shall use a distribution of light, or composite beam, so aimed that the glaring rays  
1420 are not projected into the eyes of the oncoming driver. The lowermost distribution of  
1421 light, or composite beam specified in Section 28.11.12(b) shall be deemed to avoid glare  
1422 at all times regardless of road contour and loading.

1423 (b) Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear,  
1424 except when engaged in the act of overtaking and passing, such driver shall use a  
1425 distribution of light permissible under this Traffic Code other than the uppermost  
1426 distribution of light specified in Section 28.11.12(a). (WV Code 17C-15-21)

1427 (c) Any person who violates any of the provisions of this section shall be guilty of a  
1428 misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred  
1429 dollars (\$100.00).

1430 **28.11.14 SINGLE-BEAM ROAD-LIGHTING EQUIPMENT.**

1431 Head lamps arranged to provide a single distribution of light shall be permitted on  
1432 motor vehicles manufactured and sold prior to July 1, 1952 in lieu of multiple-beam road-  
1433 lighting equipment herein specified if the single distribution of light complies with the following  
1434 requirements and limitations:

1435 (a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-  
1436 intensity portion of the light shall at a distance of twenty-five feet ahead project higher  
1437 than a level of five inches below the level of the center of the lamp from which it comes,  
1438 and in no case higher than forty-two inches above the level on which the vehicle stands at  
1439 a distance of seventy-five feet ahead.

1440 (b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200  
1441 feet. (WV Code 17C-15-22)

1442 **28.1.15 LIGHTS ON MOTORCYCLES, MOTOR-DRIVEN CYCLES AND MOPEDS.**

1443 (a) Every vehicle other than a motorcycle, motor-driven cycle or moped operated upon a  
1444 highway within that City at any time from sunset to sunrise and at any other time when  
1445 there is not sufficient light to render clearly discernible persons and vehicles on the  
1446 highway at a distance of 500 feet ahead shall display lighted lamps and illuminating  
1447 devices as hereinafter respectively required for different classes of vehicles, subject to  
1448 exceptions with respect to parked vehicles as hereinafter stated. Every motorcycle,  
1449 motor-driven cycle, and moped shall display lighted head lamps at all times when upon  
1450 the highway.

1451 (b) Any person who violates any of the provisions of this section shall be guilty of a  
1452 misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred  
1453 dollars (\$100.00).

1454 **28.11.16 ALTERNATE ROAD-LIGHTING EQUIPMENT.**

1455 Any motor vehicle may be operated under the conditions specified in Section  
1456 28.11.2 when equipped with two lighted lamps upon the front thereof capable of revealing  
1457 persons and objects seventy-five feet ahead in lieu of lamps required in Section 28.11.12, or  
1458 Section 28.11.14, provided that at no time shall it be operated at a speed in excess of twenty  
1459 miles per hour. (WV Code 17C-15-24)

1460 **28.11.17 NUMBER OF DRIVING LIGHTS REQUIRED OR PERMITTED.**

1461 (a) At all times specified in Section 28.11.2 at least two lighted lamps shall be displayed, one  
1462 on each side at the front of every motor vehicle other than a motorcycle, motor-driven  
1463 cycle or moped, except when such vehicle is parked subject to the regulations governing  
1464 lights on parked vehicles.

1465 (b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped  
1466 with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting  
1467 a beam of intensity greater than 300 candlepower, not more than a total of four of any  
1468 such lamps on the front of a vehicle shall be lighted at any one time when upon a street or  
1469 highway. (WV Code 17C-15-25)

1470 **28.11.18 SPECIAL RESTRICTIONS ON LIGHTS.**

1471 (a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps,  
1472 spot lamps, auxiliary lamps or flashing front-direction signals which projects a beam of  
1473 light of an intensity greater than 300 candlepower shall be so directed that no part of the  
1474 beam will strike the level of the roadway on which the vehicle stands at a distance of  
1475 more than seventy-five feet from the vehicle.

1476 (b) No person shall drive or move any vehicle or equipment upon any street or highway with



1477 any lamp or device thereon displaying other than a white or amber light visible from  
1478 directly in front of the center thereof except as authorized by subsection (d) hereof.

1479 (c) Except as authorized in subsections (d) and (f) of this section and Section 28.11.11,  
1480 flashing lights are prohibited on motor vehicles: Provided, that any vehicle as a means for  
1481 indicating right or left turn, or any vehicle as a means of indicating the same is disabled  
1482 or otherwise stopped for an emergency may have blinking or flashing lights.

1483 (d) Notwithstanding any other provisions of this Traffic Code, the following colors of  
1484 flashing warning lights are restricted for the use of the type of vehicle designated:

1485 1. Blue flashing warning lights are restricted to police vehicles. Authorization for police  
1486 vehicles shall be designated by the chief administrative official of each police  
1487 department.

1488 2. Except for standard vehicle equipment authorized by Section 28.11.11, red flashing  
1489 warning lights are restricted to the following:

- 1490 A) Ambulances;
- 1491 B) Fire-fighting vehicles;
- 1492 C) Hazardous material response vehicles;
- 1493 D) Industrial fire brigade vehicles;
- 1494 E) Rescue squad vehicles not operating out of a fire  
1495 department;
- 1496 F) School buses;
- 1497 G) Class A vehicles, as defined by West Virginia Code 17A-10-  
1498 1 of those firefighters who are authorized by their fire  
1499 chiefs to have the lights;

- 1500 H) Class A vehicles of members of duly chartered rescue  
1501 squads not operating out of a fire department;
- 1502 I) Class A vehicles of members of ambulance services or duly  
1503 chartered rescue squads who are authorized by their  
1504 respective chiefs to have the lights;
- 1505 J) Class A vehicles of out-of-state residents who are active  
1506 members of West Virginia fire departments, ambulance  
1507 services or duly chartered rescue squads who are authorized  
1508 by their respective chiefs to have the lights; and
- 1509 K) West Virginia Department of Agriculture emergency  
1510 response vehicles.
- 1511 L) Vehicles designated by the Secretary of the Department of  
1512 Military Affairs and Public Safety for emergency response  
1513 or emergency management by the Division of Corrections,  
1514 Regional Jail and Correctional Facility Authority, Division  
1515 of Juvenile Services and Division of Homeland Security  
1516 and Emergency Management; and
- 1517 **M)** Class A vehicles of emergency response or emergency  
1518 management personnel as designated by the Secretary of  
1519 the Department of Military Affairs and Public Safety and  
1520 the county commission of the county of residence.

1521 3. Red flashing warning lights attached to a Class A vehicle shall be operated only when  
1522 responding to or engaged in handling an emergency requiring the attention of the

1523 firefighters, members of the ambulance services or chartered rescue squads. The use of  
1524 red flashing warning lights shall be authorized as follows:

1525 N) Authorization for all ambulances shall be designated by the Department of Health  
1526 and Human Resources and the sheriff of the county of residence.

1527 O) Authorization for all fire department vehicles shall be designated by the Fire Chief  
1528 and the State Fire Marshal's Office.

1529 P) Authorization for all hazardous material response vehicles and industrial fire  
1530 brigades shall be designated by the Chief of the Fire Department and the State  
1531 Fire Marshal's Office.

1532 Q) Authorization for all rescue squad vehicles not operating out of a fire department  
1533 shall be designated by the squad chief, the sheriff of the county of residence and  
1534 the Department of Health and Human Resources.

1535 R) Authorization for school buses shall be designated as set out in West Virginia  
1536 Code 17C-14-12.

1537 S) Authorization for firefighters to operate Class A vehicles shall be designated by  
1538 their fire chiefs and the State Fire Marshal's Office.

1539 T) Authorization for members of ambulance services or any other emergency  
1540 medical service personnel to operate Class A vehicles shall be designated by their  
1541 chief official, the Department of Health and Human Resources and the sheriff of  
1542 the county of residence.

1543 U) Authorization for members of duly chartered rescue squads not operating out of a  
1544 fire department to operate Class A vehicles shall be designated by their squad

1545 chiefs, the sheriff of the county of residence and the Department of Health and  
1546 Human Resources.

1547 V) Authorization for out-of-state residents operating Class A vehicles who are active  
1548 members of a West Virginia fire department, ambulance services or duly chartered  
1549 rescue squads shall be designated by their respective chiefs.

1550 W) Authorization for West Virginia Department of Agriculture emergency response  
1551 vehicles shall be designated by the Commissioner or the Department of  
1552 Agriculture.

1553 X) Authorization for vehicles for emergency response or emergency management by  
1554 the Division of Corrections, Regional Jail and Correctional Facility Authority,  
1555 Division of Juvenile Services and Division of Homeland Security and Emergency  
1556 Management shall be designated by the Secretary of the Department of Military  
1557 Affairs and Public Safety.

1558 Y) Authorization for Class A vehicles of emergency response or emergency  
1559 management personnel as designated by the Secretary of the Department of  
1560 Military Affairs and Public Safety and the county commission of the county of  
1561 residence.

1562 4. Yellow or amber flashing warning lights are restricted to the following:

1563

1564 Z) All other emergency vehicles, including tow trucks and wreckers, authorized by  
1565 the West Virginia Code Chapter 17C and 17C-15-27;

1566 AA) Postal service vehicles and rural mail carriers, as authorized in Section 28.11.11;

1567 BB) Rural newspaper delivery vehicles;

- 1568 CC) Flag car services;
- 1569 DD) Vehicles providing road service to disabled vehicles;
- 1570 EE) Service vehicles of a public service corporation;
- 1571 FF) Snow removal equipment; and
- 1572 GG) School buses; and
- 1573 HH) Automotive fire apparatus owned by a municipality or other political subdivision,
- 1574 by a volunteer or part-volunteer fire company or department or by an industrial
- 1575 fire brigade.

1576 5. The use of yellow or amber flashing warning lights shall be authorized as  
1577 follows:

- 1578 II) Authorization for tow trucks, wreckers, rural newspaper delivery vehicles, flag car
- 1579 services, vehicles providing road service to disabled vehicles, service vehicles of
- 1580 a public service corporation and postal service vehicles shall be designated by the
- 1581 sheriff of the county of residence.
- 1582 JJ) Authorization for snow removal equipment shall be designated by the
- 1583 Commissioner of the Division of Highways.
- 1584 KK) Authorization for school buses shall be designated as set out in West Virginia
- 1585 Code 17C-14-12.
- 1586 LL) Authorization for automotive fire apparatus shall be designated by the Fire Chief
- 1587 in conformity with the NFPA 1901 standard for automotive fire apparatus as
- 1588 published by the National Fire Protection Association (NFPA) on July 18, 2003,
- 1589 and adopted by the State Fire Commission by legislative rule (87 CSR 1, et seq.),
- 1590 except as follows:

- 1591                   1.     With the approval of the State Fire Marshal, used automotive fire  
1592                                 apparatus may be conformed to the NFPA standard in effect on the date of  
1593                                 its manufacture or conformed to a later NFPA standard, and  
1594                   2.     Automotive fire apparatus may be equipped with blinking or flashing  
1595                                 headlamps.

1596         (e) Notwithstanding the foregoing provisions of this section, any vehicle belonging to a county  
1597 board of education, an organization receiving funding from the state or federal transit  
1598 administration for the purpose of providing general public transportation, or hauling solid waste  
1599 may be equipped with a white flashing strobotron warning light. This strobe light may be  
1600 installed on the roof of a school bus, a public transportation vehicle, or a vehicle hauling solid  
1601 waste not to exceed one-third the body length forward from the rear of the roof edge. The light  
1602 shall have a single clear lens emitting light three hundred sixty degrees around its vertical axis  
1603 and may not extend above the roof more than six and one-half inches. A manual switch and a  
1604 pilot light must be included to indicate the light is in operation.

1605         (f) No person shall install or use flashing warning lights of an unauthorized color on a vehicle  
1606 other than as specified in this section, except that a police vehicle may be equipped with either or  
1607 both blue or red warning lights. (WV Code 17C-15-26)

1608         **28.11.19 MOTOR VEHICLE OR MOTORCYCLE BRAKES.**

1609         **(a) Brake Equipment Required.**

1610                 1. Every motor vehicle, other than a motorcycle, motor-driven cycle or moped, when  
1611                         operated upon a street or highway shall be equipped with brakes adequate to control  
1612                         the movement of and to stop and hold such vehicle, including two separate means of  
1613                         applying the brakes, each of which means shall be effective to apply the brakes to at

1614 least two wheels. If these two separate means of applying the brakes are connected in  
1615 any way, they shall be so constructed that failure of any one part of the operating  
1616 mechanism shall not leave the motor vehicle without brakes on at least two wheels.

1617 2. Every motorcycle, motor-driven cycle and moped, when operated upon a street or  
1618 highway, shall be equipped with at least one brake which may be operated by hand or  
1619 foot.

1620 3. Every trailer or semitrailer of a gross weight of 3,000 pounds or more when operated  
1621 upon a street or highway shall be equipped with brakes adequate to control the  
1622 movement of and to stop and to hold such vehicle and so designed as to be applied by  
1623 the driver of the towing motor vehicle from its cab, and such brakes shall be so  
1624 designed and connected that in case of an accidental breakaway of the towed vehicle  
1625 the brakes shall be automatically applied.

1626 4. Every new motor vehicle, trailer or semitrailer hereinafter sold in this State and  
1627 operated upon the streets or highways shall be equipped with service brakes upon all  
1628 wheels, with the following exceptions:

1629 a. Trucks and truck-tractors having three or more axles need not have brakes on  
1630 the front wheels, except when such vehicles are equipped with at least two  
1631 steerable axles, the wheels of one such axle need not be equipped with brakes,  
1632 and

1633 b. Any motorcycle, motor-driven cycle or moped and any semitrailer of less than  
1634 1,500 pounds gross weight need not be equipped with brakes.

1635 5. In any combination of motor-driven vehicles, means shall be provided for applying the  
1636 rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with the

1637 brakes on the towing vehicle and developing the required braking effort on the rearmost wheels  
1638 at the fastest rate; or means shall be provided for applying braking effort first on the rearmost  
1639 trailer equipped with brakes; or both of the above means capable of being used alternatively may  
1640 be employed.

1641 6. Every such vehicle and combination of vehicles, except motorcycles, motor-driven cycles  
1642 and mopeds, shall be equipped with parking brakes adequate to hold the vehicle on any grade on  
1643 which it is operated, under all conditions of loading on a surface free from snow, ice or loose  
1644 material. The parking brakes shall be capable of being applied in conformance with the  
1645 foregoing requirements by the driver's muscular effort or by spring action or by equivalent  
1646 means. Their operation may be assisted by the service brakes or other source of power provided  
1647 that failure of the service brake actuation system or other power assisting mechanism will not  
1648 prevent the parking brakes from being applied in conformance with the foregoing requirements.  
1649 The parking brakes shall be so designed that when once applied they shall remain applied with  
1650 the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

1651 7. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and  
1652 mechanical brake shoe actuation mechanism normally associated with the wheel brake  
1653 assemblies may be used for both the service brakes and the parking brakes. If the means of  
1654 applying the parking brakes and the service brakes are connected in any way, they shall be so  
1655 constructed that a failure of any one part shall not leave the vehicle without operative brakes.

1656 8. The brake shoes operating within or upon the drums on the vehicle wheels of any motor  
1657 vehicle may be used for both service and hand operation.

1658 (b) Performance Ability of Brakes. Every motor vehicle or combination of motor-drawn  
1659 vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a



1660 dry, smooth, level road free from loose material, upon application of the service (foot) brake,  
1661 within the distances specified below, or shall be capable of being decelerated at a sustained rate  
1662 corresponding to these distances:

1663 Feet to stop    Deceleration from 20 miles in feet per hour \_\_\_\_\_ second

1664 Vehicle or combinations of vehicles having brakes on all wheels    30    14

1665 Vehicles or combinations of vehicles not having brakes on all wheels 40    10.7

1666 (c) Maintenance of Brakes. All brakes shall be maintained in good working order and shall be  
1667 so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of  
1668 the vehicle. (WV Code 17C-15-31)

1669 **28.11.20 INSPECTION OF BRAKES ON MOTORCYCLES, MOTOR-DRIVEN CYCLES**  
1670 **AND MOPEDS.**

1671 No person shall operate on any street or highway any motorcycle, motor-driven  
1672 cycle or moped in the event the Commissioner of Highways has disapproved the brake  
1673 equipment upon such vehicle or type of vehicle. (WV Code 17C-15-32)

1674 **28.11.21 HORN, SIREN AND THEFT ALARM SIGNAL.**

1675 (a) Every motor vehicle when operated upon a street or highway shall be equipped with a  
1676 horn in good working order and capable of emitting sound audible under normal  
1677 conditions from a distance of not less than 200 feet, but no horn or other warning device  
1678 shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor  
1679 vehicle shall when reasonably necessary to insure safe operation give audible warning  
1680 with his horn but shall not otherwise use such horn when upon a street or highway.

1681 (b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren,  
1682 whistle or bell, except as otherwise permitted in this section.

1683 (c) It is permissible but not required that any commercial vehicle be equipped with a theft  
1684 alarm signal device which is so arranged that it cannot be used by the driver as an  
1685 ordinary warning signal.

1686 (d) Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable  
1687 of emitting sound audible under normal conditions from a distance of not less than 500  
1688 feet and of a type approved by the Department of Motor Vehicles, but such siren shall not  
1689 be used except when such vehicle is operated in response to an emergency or in the  
1690 immediate pursuit of an actual or suspected violator of the law, in which such latter  
1691 events the driver of such vehicle shall sound such siren when reasonably necessary to  
1692 warn pedestrians and other drivers of the approach thereof. (WV Code 17C-15-33)

1693 **28.11.22 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE.**

1694 (a) No person shall drive or move on any street or highway within the City any motor  
1695 vehicle, trailer, semitruck or pole trailer or any combination thereof, unless the equipment  
1696 upon every such vehicle is in good working order and adjustment and the vehicle is in  
1697 such safe mechanical condition as not to endanger the driver or other occupant or any  
1698 person upon any street or highway within the City of Weston. Any person violating the  
1699 provisions of this section shall be guilty of a misdemeanor.

1700 (b) Every motor vehicle shall at all times be equipped with a muffler in good working order  
1701 and in constant operation to prevent excessive or unusual noise; such muffler shall be the  
1702 muffler originally installed by the manufacturer of the vehicle or if a replacement, the  
1703 equivalent thereof. No person shall use a muffler cutout, bypass, or similar device upon a  
1704 motor vehicle on a street or highway within the City of Weston. The engine and power  
1705 mechanisms of every motor vehicle shall be so equipped and adjusted as to prevent the

1706 escape of excessive fumes or smoke. Any person violating the provisions of this section  
1707 shall be guilty of a misdemeanor.

1708 **28.11.23 REAR-VIEW MIRROR.**

1709 Every motor vehicle which is so constructed or loaded as to obstruct the driver's  
1710 view to the rear thereof from the driver's position shall be equipped with a mirror so located as to  
1711 reflect to the driver a view of the street or highway for a distance of at least 200 feet to the rear of  
1712 such vehicle. (WV Code 17C-15-35)

1713 **28.11.24 WINDSHIELD TO BE UNOBSTRUCTED; WINDSHIELD WIPER.**

1714 (a) No person shall drive any motor vehicle with any sign, poster or other nontransparent  
1715 material upon the front windshield, side wings or side or rear windows of such vehicle  
1716 which obstructs the driver's clear view of the street or highway or any intersecting street  
1717 or highway.

1718 (b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain,  
1719 snow or other moisture from the windshield, which device shall be so constructed as to be  
1720 controlled or operated by the driver of the vehicle.

1721 (c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.  
1722 (WV Code 17C-15-36)

1723 (d) Any person who violates any of the provisions of this section shall be guilty of a  
1724 misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars  
1725 (\$50.00) nor more than five hundred dollars (\$500.00).

1726 **28.11.25 TIRE EQUIPMENT RESTRICTIONS.**

1727 (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least  
1728 one inch thick above the edge of the flange of the entire periphery.

1729       **(b)** No person shall operate or move on any highway any motor vehicle, trailer or semitrailer  
1730           having any metal tire in contact with the roadway.

1731       **(c)** No tire on a vehicle moved on a highway shall have on its periphery any block, stud,  
1732           flange, cleat or spike or any other protuberance of any material other than rubber which  
1733           projects beyond the tread of the traction surface of the tire, except that:

1734           1.It shall be permissible to use farm machinery with tires having protuberances which  
1735               will not injure the street or highway;

1736           2.It shall be permissible to use tire chains of reasonable proportions upon any vehicle  
1737               when required for safety because of snow, ice or other conditions tending to cause a  
1738               vehicle to skid; and

1739           3.It shall be permissible to use studded tires during the period from November 1, of each  
1740               year until April 15 of the following year. Provided that in the interest of highway  
1741               maintenance, no vehicle moved on a street or highway, other than school buses, shall  
1742               be equipped with studded tires which are operational with a recommended air  
1743               pressure greater than forty pounds per square inch.

1744           4.No studded tires or chains shall be sold or used within the Municipality which do not  
1745               meet the specifications established by the rules and regulations which the  
1746               Commissioner of Highways shall promulgate.

1747       **(d)** Council may in its discretion issue special permits authorizing the operation upon the  
1748           street or highway of traction engines or tractors having movable tracks with transverse  
1749           corrugations upon the periphery of such movable tracks or farm tractors or other farm  
1750           machinery, the operation of which upon a highway would otherwise be prohibited under  
1751           this Traffic Code. (WV Code 17C-15-37)

1752 **28.11.26 SAFETY GLASS IN MOTOR VEHICLES.**

1753 (a) On and after July 1, 1951, no person shall operate any motor vehicle as specified herein,  
1754 nor shall any motor vehicle as specified herein be registered thereafter unless such  
1755 vehicle is equipped with safety glass of a type approved by the Commissioner of  
1756 Highways wherever glass is used in doors, windows and windshields. The foregoing  
1757 provisions shall apply to all passenger-type motor vehicles, including passenger buses  
1758 and school buses, but in respect to trucks, including truck tractors, the requirements as to  
1759 safety glass shall apply to all glass used in doors, windows, and windshields in the  
1760 drivers' compartments of such vehicles.

1761 (b) The term "safety glass" shall mean any product composed of glass, so manufactured,  
1762 fabricated or treated as substantially to prevent shattering and flying of the glass when  
1763 struck or broken, or such other or similar product as may be approved by the  
1764 Commissioner. (WV Code 17C-15-38)

1765 **28.11.27 VEHICLES TRANSPORTING EXPLOSIVES.**

1766 Any person operating any vehicle transporting any explosive as a cargo or part of  
1767 a cargo upon a street or highway shall at all times comply with the provisions of this section.

1768 (a) Such vehicle shall *be* marked or placarded on each side and the rear with the word  
1769 "Explosives" in letters not less than eight inches high, or there shall be displayed on the  
1770 rear of such vehicle a red flag not less than twenty-four inches square marked with the  
1771 word "Danger" in white letters six inches high.

1772 (b) Every such vehicle shall be equipped with not less than two fire extinguishers, filled and  
1773 ready for immediate use and placed at a convenient point on the vehicle so used. (WV  
1774 Code 17C-15-41)

1775 **28.11.28 TELEVISION RECEIVER IN DRIVER'S VIEW PROHIBITED.**

1776 No motor vehicle shall be operated on any street or highway in this Municipality  
1777 when equipped with a television receiver unless such receiver is so placed that the screen or  
1778 picture tube of such receiver is visible only in the rear seat of such motor vehicle and not in view  
1779 of the operator of such motor vehicle. (WV Code 17C-15-42)

1780 **28.11.29 SAFETY EQUIPMENT FOR MOTORCYCLISTS, MOTORCYCLES, MOTOR-**  
1781 **DRIVEN CYCLES AND MOPEDS.**

1782 (a) No person shall operate or be a passenger on any motorcycle or motor-driven cycle  
1783 unless he is wearing securely fastened on his head by either a neck or chin strap a  
1784 protective helmet designed to deflect blows, resist penetration and spread impact forces.

1785 Any helmet worn by an operator or passenger shall meet the current performance  
1786 specifications established by the American National Standards Institute Standard, Z 90.1,  
1787 the United States Department of Transportation Federal Motor Vehicle Safety Standard  
1788 No. 218 or Snell Safety Standards for Protective Headgear for Vehicle Users.

1789 (b) No person shall operate or be a passenger on any motorcycle or motor-driven cycle  
1790 unless he is wearing safety, shatter-resistant eyeglasses (excluding contact lenses), or  
1791 eyegoggles or face shield that complies with the performance specifications established  
1792 by the American National Standards Institute for Head, Eye and Respiratory Protection, Z  
1793 2.1. In addition, if any motorcycle, motor-driven cycle or moped is equipped with a  
1794 windshield or windscreen, the windshield or windscreen shall be constructed of safety,  
1795 shatter-resistant material that complies with the performance specifications established by  
1796 Department of Transportation Federal Motor Vehicle Safety Standard No. 205 and  
1797 American National Standards Institute, Safety Glazing Materials for Glazing Motor

1798 Vehicles Operated on Land Highways, Standard Z 26.1.

1799 (c) No person shall operate a motorcycle, motor-driven cycle or moped on which the  
1800 handlebars or grips are more than fifteen inches higher than the uppermost part of the  
1801 operator's seat when the seat is not depressed in any manner.

1802 (d) A person operating a motorcycle, motor-driven cycle or moped shall ride in a seated  
1803 position facing forward and only upon a permanent operator's seat attached to the vehicle.  
1804 No operator shall carry any other person nor shall any other person ride on such a vehicle  
1805 unless the vehicle is designed to carry more than one person, in which event a passenger  
1806 may ride behind the operator upon the permanent operator's seat if it is designed for two  
1807 persons, or upon another seat firmly attached to the vehicle to the rear of the operator's  
1808 seat and equipped with footrests designed and located for use by the passenger or in a  
1809 sidecar firmly attached to the vehicle. No person shall ride sidesaddle on a seat. An  
1810 operator may carry as many passengers as there are seats and footrests to accommodate  
1811 those passengers. Additional passengers may be carried in a factory produced side car  
1812 provided that there is one passenger per seat. Passengers riding in a sidecar shall be  
1813 restrained by safety belts.

1814  
1815 (e) Every motorcycle, motor-driven cycle and moped shall be equipped with a rearview  
1816 mirror affixed to the handlebars or fairings and adjusted so that the operator shall have a  
1817 clear view of the road and condition of traffic behind him for a distance of at least 200  
1818 feet. (WV Code 17C-15-44)

1819 **28.11.30 CERTIFICATION LABELS ON MOPEDS.**

1820 Every moped sold in this Municipality shall have permanently affixed to it a

1821 certification label which shall contain the following information:

- 1822 2. Name of manufacturer;
- 1823 3. Month and year of manufacture;
- 1824 4. Gross vehicle weight rating (GVWR);
- 1825 5. Gross axle weight rating for front and rear axles (GAWR);
- 1826 6. Vehicle identification number;
- 1827 7. Classification type; and
- 1828 8. Statement of, conformance to Federal standards as required by Federal  
1829 law. (WV Code 17C-15-45)

1830 **28.11.31 CHILD PASSENGER SAFETY DEVICES REQUIRED; CHILD SAFETY**  
1831 **SEATS AND BOOSTER SEATS.**

1832 Every driver who transports a child under the age of eight years in a passenger  
1833 automobile, van or pickup truck other than one operated for hire shall, while the motor vehicle is  
1834 in motion and operated on a street or highway, provide for the protection of the child by properly  
1835 placing, maintaining and securing the child in a child passenger safety device system meeting  
1836 applicable federal motor vehicle safety standards; provided, that if a child is under the age of  
1837 eight years and at least four feet nine inches tall, a safety belt shall be sufficient to meet the  
1838 requirements of this section.

1839 (a) Any person who violates any provision of this section shall be fined not less than ten  
1840 dollars (\$10.00) nor more than twenty dollars (\$20.00).

1841 (b) A violation of this section does not by virtue of the violation constitute evidence of  
1842 negligence or contributory negligence or comparative negligence in any civil action or  
1843 proceeding for damages.



1844 (c) If any provision of this section or the application thereof to any person or circumstance is  
1845 held invalid, the invalidity may not affect other provisions or applications of this section  
1846 and to this end the subsections of this section are declared to be severable.

1847 (d) If all seat belts in a vehicle are being used at the time of examination by a law officer and  
1848 the vehicle contains more passengers than the total number of seat belts or other safety  
1849 devices as installed in compliance with federal motor vehicle safety standards, the driver  
1850 may not be considered in violation of this section. (WV Code 17C-15-46)

1851 **28.11.32 ALTERATION OF SUSPENSION SYSTEM.**

1852 (a) No person shall operate upon a public street or highway any motor vehicle registered or  
1853 required to be registered in this State if it has been modified by alteration of its bumper  
1854 mounting on the frame more than four inches from the lower edge of the original  
1855 manufactured bumper configuration for that vehicle. The bumper must be at least three  
1856 inches in vertical width, centered on the center line of the motor vehicle and not less than  
1857 the width of the wheel track distance. The maximum distance between the vehicle body  
1858 to the vehicle frame shall not exceed three inches The distance from the vehicle body to  
1859 the vehicle frame shall be measured from the vehicle body mount seat to the vehicle  
1860 frame mount seat. No vehicle shall be modified to cause the vehicle body or chassis to  
1861 come in contact with the ground, expose the fuel tank to damage from collision, or cause  
1862 the wheels to come in contact with the body under normal operation. No part of the  
1863 original suspension system shall be disconnected to defeat the safe operation of the  
1864 suspension system. Front end suspension by the use of lift blocks is expressly prohibited.  
1865 However, nothing contained in this section prevents the installation of heavy-duty  
1866 equipment, including shock absorbers and overload springs. Nothing contained in this

1867 section prohibits the operation on a public street or highway of a motor vehicle with  
1868 normal wear to the suspension system if such normal wear does not adversely affect the  
1869 control of the vehicle.

1870 **(b)** No person shall operate upon a public street or highway any motor vehicle registered in  
1871 this State if it has been modified by alteration of its altitude from the ground to the extent  
1872 that its bumpers, measured to any point on the lower edge of the main horizontal bumper  
1873 bar, exclusive of any bumper guards, do not fall within the limits specified herein for its  
1874 gross vehicle weight rating category. The front and rear bumper height of trucks whose  
1875 gross vehicle weight rating is 10,000 pounds or less may be no less than six inches and no  
1876 more than thirty-one inches. The provisions of this subsection do not apply to trucks with  
1877 a gross vehicle weight rating in excess of 10,000 pounds. For the purpose of this section,  
1878 the term “gross vehicle weight ratings” means manufacturer's gross vehicle weight  
1879 ratings established for that vehicle.

1880 **(c)** In the absence of bumpers, and in cases where bumper heights have been lowered or  
1881 modified more than four inches, height measurements under subsection (a) or (b) shall be  
1882 made to the bottom of the frame rail.

1883 **(d)** This section does not apply to specially designed or modified motor vehicles when  
1884 operated off the public streets or highways in races and similar events. Such motor  
1885 vehicles may be lawfully towed on the highways of this State.

1886 **(e)** No person shall operate upon a public street or highway any motor vehicle registered or  
1887 required to be registered in this State if it has been modified by alteration as set out in the  
1888 provisions of this section unless the tires on the altered motor vehicle meet specifications  
1889 approved by the United States Department of Transportation. In addition, neither the

1890 motor vehicle nor the chassis shall come in contact with the tires under normal operation.  
1891 (f) Modified vehicles must have a special inspection sticker which must be inspected by July  
1892 31, 1990. The Police Department shall record on accident report forms whether a  
1893 modified vehicle was involved in the accident. (WV Code 17C-15-48)

1894 **28.11.33 SUN SCREENING DEVICES.**

1895 (a) No person may operate a motor vehicle that is registered or required to be registered in  
1896 the State on any public highway, road or street that has a sun screening device on the  
1897 windshield, the front side wings and side windows adjacent to the right and left of the  
1898 driver and windows adjacent to the rear of the driver that do not meet the requirements of  
1899 this section. Provided, that law-enforcement K-9 and other emergency vehicles that are  
1900 designed to haul animals are exempt from this requirement.

1901 (b) A sun screening device when used in conjunction with the windshield must be  
1902 nonreflective and may not be red, yellow or amber in color. A sun screening device may  
1903 be used only along the top of the windshield and may not extend downward beyond the  
1904 ASI line or more than five inches from' the top of the windshield whichever is closer to  
1905 the top of the windshield.

1906 (c) A sun screening device when used in conjunction with the automotive safety glazing  
1907 materials of the side wings or side windows located at the immediate right and left of the  
1908 driver shall be a nonreflective type with reflectivity of not more than twenty percent (20  
1909 %) and have a light transmission of not less than thirty-five percent (35 %). The side  
1910 windows behind the driver and the rear most windows may have a sun screening device  
1911 that is designed to be used on automotive safety glazing materials that has a light  
1912 transmission of not less than thirty-five percent (35 %) and a reflectivity of not more than

1913 twenty percent (20%). If a sun screening device is used on glazing behind the driver, one  
1914 right and one left outside rear view mirror is required.

1915 **(d)** Each manufacturer shall:

1916 1. Certify to the State Police and Division of Motor Vehicles that a sun screening  
1917 device used by it is in compliance with the reflectivity and transmittance  
1918 requirements of this section;

1919 2. Provide a label not to exceed one and one-half square inches in size, with a means  
1920 for the permanent and legible installations between the sun screening material and  
1921 each glazing surface to which it is applied that contains the manufacturer's name  
1922 and its percentage of light transmission; and

1923 3. Include instructions with the product or material for proper installation, including  
1924 the affixing of the label specified in this section. The labeling or marking must be  
1925 placed in the left lower corner of each glazing surface when facing the vehicle  
1926 from the outside.

1927 **(e)** No person shall:

1928 1. Offer for sale or for use any sun screening product or material for motor vehicle  
1929 use not in compliance with this section; or

1930 2. Install any sun screening product or material on vehicles intended for use on  
1931 public roads without permanently affixing the label specified in this section.

1932 **(f)** The provisions of this section do not apply to a motor vehicle registered in this State in  
1933 the name of a person, or the person's legal guardian, who has an affidavit signed by a physician  
1934 or an optometrist licensed to practice in this State that states that the person has a physical  
1935 condition that makes it necessary to equip the motor vehicle with sun screening material which

1936 would be of a light transmittance or luminous reflectance in violation of this section. The  
1937 affidavit must be in the possession of the person so afflicted, or the person's legal guardian, at all  
1938 times while being transported in the motor vehicle.

1939 (g) The light transmittance requirement of this section does not apply to windows behind  
1940 the driver on trucks, buses, trailers, mobile homes and multipurpose passenger vehicles.

1941 (h) As used in this section:

1942 "Bus" means a motor vehicle with motive power, except a trailer, designed for carrying  
1943 more than ten persons.

1944 "Light transmission" means the ratio of the amount of total light to pass through a product  
1945 or material to the amount of the total light falling on the product or material.

1946 "Luminous reflectants" means the ratio of the amount of total light that is reflected  
1947 outward by the product or material to the amount of the total light falling on the product or  
1948 materials.

1949 "Manufacturer" means any person engaged in the manufacturing or assembling of sun  
1950 screening products or materials designed to be used in conjunction with vehicle glazing  
1951 materials for the purpose of reducing the effects of the sun.

1952 "Motor homes" means vehicular units designed to provide temporary living quarters built  
1953 into and an integral part of or permanently attached to a self-propelled motor vehicle  
1954 chassis.

1955 "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a  
1956 trailer, designed to carry ten persons or less which is constructed either on a truck chassis  
1957 or with special features for occasional offroad operation.

1958 “Nonreflective” means a product or material designed to absorb light rather than to reflect  
1959 it.

1960 “Passenger car” means a motor vehicle with motive power, except a multipurpose  
1961 passenger vehicle, motorcycle or trailer, designed for carrying ten persons or less.

1962 “Sun screening device” means film material or device that is designed to be used in  
1963 conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

1964 “Truck” means a motor vehicle with motive power, except a trailer, designed primarily for  
1965 the transportation of property or special purpose equipment. (WV Code 17C-15-36a)

1966 **28.11.34 OPERATION OF VEHICLES WITH SAFETY BELTS.**

1967 (a) A person shall not operate a passenger vehicle on a public street or highway unless the  
1968 person, any passenger in the back seat under eighteen years of age, and any passenger in  
1969 the front seat of such passenger vehicle is restrained by a safety belt meeting applicable  
1970 federal motor vehicle safety standards. For the purposes of this section, “passenger  
1971 vehicle” means a motor vehicle which is designed for transporting ten passengers or less,  
1972 including the driver, except that such term does not include a motorcycle, a trailer or any  
1973 motor vehicle which is not required on the date of the enactment of this section under a  
1974 federal motor vehicle safety standard to be equipped with a belt system. The provisions  
1975 of this section shall apply to all passenger vehicles manufactured after the first day of  
1976 January, 1967, and being 1968 models and newer.

1977 (b) The required use of safety belts as provided herein does not apply to a duly appointed or  
1978 contracted rural mail carrier of the United States Postal Service who is actually making  
1979 mail deliveries or to a passenger or operator with a physically disabling condition whose  
1980 physical disability would prevent appropriate restraint in such safety belt if the condition

1981 is duly certified by a physician who shall state the nature of the disability as well as the  
1982 reason such restraint is inappropriate.

1983 (c) A violation of this section is not admissible as evidence of negligence or contributory  
1984 negligence or comparative negligence in any civil action or proceeding for damages, and  
1985 shall not be admissible in mitigation of damages: provided, that the court may, upon  
1986 motion of the defendant, conduct an in camera hearing to determine whether an injured  
1987 party's failure to wear a safety belt was a proximate cause of the injuries complained of.  
1988 Upon such a finding by the court, the court may then, in a jury trial, by special  
1989 interrogatory to the jury, determine (1) that the injured party failed to wear a safety belt,  
1990 and (2) that the failure to wear the safety belt constituted a failure to mitigate damages.  
1991 The trier of fact may reduce the injured party's recovery for medical damages by an  
1992 amount not to exceed five percent (5%) thereof. In the event the plaintiff stipulates to the  
1993 reduction of five percent (5%) of medical damages, the court shall make the calculations  
1994 and the issue of mitigation of damages for failure to wear a safety belt shall not be  
1995 presented to the jury. In all cases, the actual computation of the dollar amount reduction  
1996 shall be determined by the court.

1997 (d) Notwithstanding any other provision of this Code to the contrary, no points may be  
1998 entered on any driver's record maintained by the Division of Motor Vehicles as a result of  
1999 a violation of this section.

2000 (e) Nothing contained in this section shall be construed to abrogate or alter the provisions of  
2001 Section 111.31 relating to the mandatory use of child passenger safety devices. (WV  
2002 Code 17C-15-49)

2003 (f) Any person who violates the provisions of this section shall be fined not more than

2004 twenty-five dollars (\$25.00). No court costs or other fees shall be assessed for a violation  
2005 of this section. Enforcement of this section shall be accomplished only as a secondary  
2006 action when a driver of a passenger vehicle has been detained for probable cause of  
2007 violating another section of this code.

2008 **111.36 USE OF ENGINE COMPRESSION BRAKES PROHIBITED.**

2009 (a) It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or  
2010 operated within the corporate City limits of the City of Weston, any engine brake,  
2011 compression brake or mechanical exhaust device designed in the aid of braking or  
2012 decelerating of any vehicle that results in excessive, loud, unusual, or explosive noise  
2013 from such vehicle on any public ways, including, but not limited to, streets, alleys,  
2014 easements, and right-of-ways, established for vehicle operation, except when necessary  
2015 for the protection of persons and/or property which cannot be avoided by application of  
2016 an alternative braking system. Noise caused by the application of engine compression  
2017 brakes which is effectively muffled or if the application is necessary for the health, safety,  
2018 and welfare of the City is exempt from the provisions of this section. Noise created by  
2019 emergency equipment for emergency purposes is also exempt.

2020 (b) Any person violating this section shall be fined not more than one hundred dollars  
2021 (\$100.00); upon a second conviction within one year thereafter, shall be fined not more  
2022 than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be  
2023 fined not more than five hundred dollars (\$500.00).

2024 **28.11.99 PENALTY.**

2025 (a) General Article Penalty. Unless otherwise provided for in this article, any person  
2026 violating any provision of this article shall be fined not more than one hundred dollars



2027 (\$100.00); upon a second conviction within one year thereafter, shall be fined not more  
2028 than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be  
2029 fined not more than five hundred dollars (\$500.00).

2030 **(b) Brakes.** Any person violating Sections 28.11.19 or 28.11.20 shall be fined not more than  
2031 one hundred dollars (\$100.00); upon a second conviction within one year thereafter, shall  
2032 be fined not more than two hundred dollars (\$200.00) and upon a third or subsequent  
2033 conviction, shall be fined not more than five hundred dollars (\$500.00). (WV Code 17C-  
2034 15-6)

2035 **(c) Sunscreening Devices.** Whoever violates Section 28.11.33 shall be fined not more than  
2036 two hundred dollars (\$200.00). (WV Code 17C-15-36a)

2037 **ARTICLE 12**  
2038 **SIZE, WEIGHT AND LOAD**

- 2039 28.12.1 Oversize or Overweight Vehicles
- 2040 28.12.2 Projecting Loads on Passenger Vehicles
- 2041 28.12.3 Maximum Width, Height and Length
- 2042 28.12.4 Loads Dropping or Leaking
- 2043 28.12.5 Towing Requirements

2044  
2045 **28.12.1 OVERSIZE OR OVERWEIGHT VEHICLES.**

2046 **(a) Use of State Route.** No person shall operate or move a vehicle or combination of  
2047 vehicles of a size or weight of vehicle or load exceeding the maximum specified in West  
2048 Virginia Code Article 17C-17 upon any State route within the Municipality, except  
2049 pursuant to special written permit issued by the Commissioner of Highways, or upon any

2050 local truck route. Every such permit shall be carried in the vehicle or combination of  
2051 vehicles to which it refers and shall be open to inspection by any police officer.

2052 **(b)** No holder of a permit issued by the Commissioner of Highways shall be required to  
2053 obtain any local permit or license or pay any local fee or charge for movement on any  
2054 State route within the Municipality; however, it shall be unlawful to operate any such  
2055 vehicle or combination of vehicles upon any roadway within the Municipality which is  
2056 not a State route, except as provided in subsection (c) hereof.

2057 **(c)** Use of Local Streets. No person shall operate a vehicle exceeding a size as specified in  
2058 Section 112.03 or exceeding a gross weight of five tons, upon any street in the  
2059 Municipality other than a State route, except those local streets designated as a truck  
2060 route and marked as such by appropriate traffic signs, and except when such operation is  
2061 necessary to load or unload property, to go to or from the usual place of storage of such  
2062 vehicle or to perform any other legitimate business or act other than passage through the  
2063 Municipality. Operators of vehicles so deviating from either a State route or a designated  
2064 truck route within the Municipality shall confine such deviation to that required in order  
2065 to accomplish the purpose of the departure.

2066 **(d)** Local Permit and Conditions. Upon application and for good cause, the Police Chief may  
2067 issue a local permit authorizing an applicant to move an oversize or overweight vehicle or  
2068 combination of vehicles upon local streets.

2069 No permittee shall be required to obtain a special permit from the Commissioner of  
2070 Highways for the movement of the vehicle or combination of vehicles on streets or highways  
2071 under local jurisdiction; however, the approval of the Commissioner of Highways shall be  
2072 required for movement upon State routes as provided in subsection (a) hereof.

2073           The Police Chief may grant a permit for a single or round trip, or for such period of  
2074 time, not to exceed one year, as the Police Chief in his discretion deems advisable, or for the  
2075 duration of any construction project. The Police Chief may limit or prescribe terms or conditions  
2076 of operation for such vehicle or combination of vehicles by designating the route, hours, speed or  
2077 such other restrictions as may be necessary for the preservation of the public peace, property,  
2078 health and safety. The Police Chief may require the posting of bond or other security necessary  
2079 to compensate for any damage to a roadway or road structure.

2080           For each such permit, the Police Chief shall charge five dollars (\$5.00), and for each  
2081 hour of time or any part thereof spent by each police officer in supervising the movement of such  
2082 vehicle, the applicant shall pay the sum of ten dollars (\$10.00).

2083           Signs shall be posted indicating “no thru trucks - gross weight 5 tons” or words of  
2084 similar import to apprise drivers of the limitations imposed by this section. No driver shall  
2085 disobey the instructions indicated on any such sign.

2086           Violation of any of the limitations, terms or conditions of the permit granted by the  
2087 Police Chief shall be cause for immediate revocation or suspension of such permit, and denial of  
2088 request for any future permit. Such violation shall also subject the violator to the penalty  
2089 prescribed by Section 28.2.99.

2090 **28.12.2 PROJECTING LOADS ON PASSENGER VEHICLES.**

2091           **(a)** No passenger-type vehicle shall be operated on any street or highway with any load  
2092 carried thereon extending beyond the line of the fenders of the left side of such vehicle  
2093 nor extending more than six inches beyond the line of the fenders on the right side  
2094 thereof.

2095           **(b)** A motor home, travel trailer or truck camper may exceed the maximum width prescribed

2096 in Section 28.12.3, if the excess width is attributable to an appurtenance that does not  
2097 exceed more than six inches beyond the body of the vehicle. (WV Code 17C-17-3)

2098 **28.12.3 MAXIMUM WIDTH, HEIGHT AND LENGTH.**

2099 (a) A vehicle, including any load thereon, may not exceed a height of thirteen feet six inches,  
2100 but the owner or owners of such vehicles shall be responsible for damage to any bridge or  
2101 highway structure and to municipalities for any damage to traffic control devices or other  
2102 highway structures where such bridges, devices or structures have a vehicle clearance of  
2103 less than thirteen feet six inches.

2104 (b) A motor vehicle, including any load thereon, may not exceed a length of forty feet  
2105 extreme overall dimension, inclusive of front and rear bumpers, except that a motor home  
2106 and school bus may not exceed a length of forty-five feet, exclusive of front and rear  
2107 bumpers.

2108 (c) Except as hereinafter provided in this subsection or in subsection (d) of this section, a  
2109 combination of vehicles coupled together may not consist of more than two units and no  
2110 combination of vehicles including any load thereon shall have an overall length, inclusive  
2111 of front and rear bumpers, in excess of fifty-five feet except as provided in West Virginia  
2112 Code 17C-17-11b, and except as otherwise provided in respect to the use of a pole trailer  
2113 as authorized in West Virginia Code 17C-17-5. The limitation that a combination of  
2114 vehicles coupled together may not consist of more than two units may not apply to:

2115 1. A combination of vehicles coupled together by a saddle-mount device used to  
2116 transport motor vehicles in a drive-away service when no more than three saddle  
2117 mounts are used, if equipment used in the combination meets the requirements of the

2118 safety regulations of the United States Department of Transportation and may not  
2119 exceed an overall length of more than seventy-five feet; or

2120 2. A combination of vehicles coupled together, one of which is a travel trailer or folding  
2121 camping trailer having an overall length, exclusive of front and rear bumpers, not  
2122 exceeding sixty-five feet.

2123 3. A combination of two vehicles coupled together, one of which is a motor home, or a  
2124 combination of vehicles coupled together, one of which is a travel trailer or folding  
2125 camping trailer, may not exceed an overall length, exclusive of front and rear  
2126 bumpers of sixty-five feet.

2127 4. Notwithstanding the provisions of subsections (a), (b), (c) and (d) of this section, the  
2128 Commissioner of Highways may designate, upon his or her own motion or upon the  
2129 petition of an interested party, a combination vehicle length not to exceed seventy  
2130 feet.

2131 5. The length limitations for truck tractor-semitrailer combinations and truck  
2132 tractor-semitrailer-trailer combinations operating on the national system of interstate  
2133 and defense highways and those classes of qualifying federal-aid primary system  
2134 highways so designated by the United States Secretary of Transportation and those  
2135 highways providing reasonable access to and from terminals, facilities for food, fuel,  
2136 repairs and rest and points of loading and unloading for household goods carriers  
2137 from such highways and further, as to other highways so designated by the West  
2138 Virginia Commissioner of Highways, shall be as follows: the maximum length of a  
2139 semitrailer unit operating in a truck tractor-semitrailer combination shall not exceed  
2140 forty-eight feet in length except where semitrailers have an axle spacing of not more

2141 than thirty-seven feet between the rear axle of the truck tractor and the front axle of  
2142 the semitrailer, such semitrailer shall be allowed to be not more than fifty-three feet in  
2143 length and the maximum length of any semitrailer or trailer operating in a truck  
2144 tractor-semitrailer-trailer combination may not exceed twenty-eight feet in length and  
2145 in no event shall any combinations exceed three units, including the truck tractor:  
2146 provided, that no bing herein contained shall impose an overall length limitation as to  
2147 commercial motor vehicles operating in truck tractor-semitrailer or truck tractor-  
2148 semitrailertrailer combinations. (WV Code 17C-17-4)

2149 6. The total outside width, exclusive of safety equipment authorized by the United  
2150 States Department of Transportation, of any vehicle or the load thereon may not  
2151 exceed ninety-six inches, except as otherwise provided in West Virginia Code Article  
2152 17C-17: provided, that any vehicle with a total outside width of 102 inches, exclusive  
2153 of safety equipment authorized by the United States Department of Transportation,  
2154 may be operated on any street or highway designated by the United States  
2155 Department of Transportation or the Commissioner of the Department of Highways  
2156 or on any street or highway having a minimum lane width of ten feet.

2157 7. Motor homes, travel trailers, truck campers, and motor buses with a total outside  
2158 width of 102 inches, excluding safety equipment authorized by the United States  
2159 Department of Transportation may operate on any street or highway. (WV Code 17C-  
2160 17-2)

2161 **28.12.4 LOADS DROPPING OR LEAKING.**

2162 (a) No vehicle or combination of vehicles shall be operated on any street or highway unless  
2163 such vehicle or combination of vehicles is so constructed or loaded as to prevent any of

2164 its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand  
2165 may be dropped for the purpose of securing traction, or water or other substance may be  
2166 sprinkled on a roadway in cleaning or maintaining such roadway.

2167 **(b)** No person shall operate on any street or highway any vehicle or combination of vehicles  
2168 with any load unless such load and any covering thereon is securely fastened so as to  
2169 prevent such covering or load from becoming loose, detached or in any manner a hazard  
2170 to other users of the street or highway. (WV Code 17C-17-6)

2171 **28.12.5 TOWING REQUIREMENTS.**

2172 **(a)** When one vehicle is towing another the drawbar or other connection shall be of sufficient  
2173 strength to pull all weight towed thereby and such drawbar or other connection shall not  
2174 exceed fifteen feet from one vehicle to the other except the connection between any two  
2175 vehicles transporting poles, pipe, machinery or other objects of structural nature which  
2176 cannot readily be dismembered.

2177 **(b)** When one vehicle is towing another and the connection consists of a chain, rope or cable,  
2178 there shall be displayed upon such connection a white flag or cloth not less than twelve  
2179 inches square. (WV Code 17C-17-7)

2180 **ARTICLE 13**

2181 **Miscellaneous Rules**

- 2182 28.13.1 Unattended Motor Vehicle
- 2183 28.13.2 Backing a Vehicle
- 2184 28.13.3 Driver's View and Control to be Unobstructed by Load or Persons
- 2185 28.13.4 Passengers In Seat with Operator
- 2186 28.13.5 Passengers on Running Board

2187	28.13.6	Following Authorized Emergency Vehicles
2188	28.13.7	Approaching Authorized Emergency Vehicles
2189	28.13.8	Driving over Fire Hose
2190	28.13.9	Opening Door of Vehicle on Traffic Side
2191	28.13.10	Boarding or Alighting From Vehicle
2192	28.13.11	Unlawful Riding
2193	28.13.12	Squealing Tires, Cracking Exhaust Noises
2194	28.13.13	Taking, Injuring or Tampering with Vehicle
2195	28.13.14	Driving upon Sidewalk, Street Lawn or Curb
2196	28.13.15	Shortcutting; Avoiding Traffic Control Devices
2197	28.13.16	Coasting Prohibited
2198	28.13.17	Driving Through Safety Zone
2199	28.13.18	Driving Upon Street Posted as Closed for Repair
2200	28.13.19	Obstruction of Traffic
2201	28.13.20	Vehicle Security
2202	28.13.21	Vehicle Regulations on Park Property
2203	28.13.22	Motorized Scooters
2204	28.13.99	Penalty

2205

2206 **28.13.1 UNATTENDED MOTOR VEHICLE.**

2207                   No person driving or in charge of a motor vehicle shall permit it to set unattended  
2208 on public, commercial or private property, without first stopping the engine, locking the ignition,  
2209 removing the key, and effectively setting the brake thereon and, when standing upon any grade,



2210 turning the front wheels to the side, such as to the curb or side of a street or highway. A “written  
2211 warning” shall be given for the first offense on private property, but no such written warning is  
2212 required for violations on public or commercial property.

2213 **28.13.2 BACKING A VEHICLE.**

2214 The driver of a vehicle shall not back the same unless such movement can be  
2215 made with reasonable safety and without interfering with other traffic. (WV Code 17C-14-2)

2216 **28.13.3 DRIVERS' VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD OR**  
2217 **PERSONS.**

2218 (a) No person shall drive a vehicle when it is so loaded *as* to obstruct the view of the driver  
2219 to the front or sides of the vehicle or as to interfere with the driver's control over the  
2220 driving mechanism of the vehicle.

2221 (b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view  
2222 ahead or to the sides, or to interfere with his or her control over the driving mechanism of  
2223 the vehicle. (WV Code 17C-14-4)

2224 **28.13.4 PASSENGERS IN SEAT WITH OPERATOR.**

2225 No more than three persons including the operator shall ride or be permitted by  
2226 such operator to ride in the seat with the operator of any motor vehicle while such motor vehicle  
2227 is being operated on the streets or highways of this Municipality: provided, however, that the  
2228 limitation of this section shall not apply to a truck cab or truck crew compartment properly  
2229 designed for the occupancy of four persons including the operator, and so designated on the  
2230 registration card by the Division of Motor Vehicles. (WV Code 17C-14-5)

2231 **28.13.5 PASSENGERS ON RUNNING BOARD.**

2232 No passenger shall ride nor shall the operator permit any passenger to ride on the

2233 running boards **of** any motor vehicle while such vehicle is being operated on the streets or  
2234 highways of this Municipality. (WV Code 17C-14-6)

2235 **28.13.6 FOLLOWING AUTHORIZED EMERGENCY VEHICLES.**

2236 The driver of any vehicle, other than one on official business may not follow any  
2237 authorized emergency vehicle traveling in response to a fire alarm or other emergency closer  
2238 than 500 feet or drive into or park such vehicle within the block where such authorized  
2239 emergency vehicle has stopped in answer to a fire alarm or other emergency. (WV Code 17C-  
2240 14-9)

2241 **28.13.7 APPROACHING AUTHORIZED EMERGENCY VEHICLES.**

2242 The driver of any vehicle approaching a stationary authorized emergency vehicle,  
2243 when the authorized emergency vehicle is giving a signal by displaying alternately flashing red,  
2244 red and white, blue, or red and blue lights or amber or yellow warning lights, shall:

2245 (a) Proceed with due caution, yield the right-of-way by making a lane change not adjacent to  
2246 that of the authorized emergency vehicle, if possible with regard to safety and traffic  
2247 conditions, if on a highway having at least four lanes with not less than two lanes  
2248 proceeding in the same direction as the approaching vehicle and reduce speed to a safe  
2249 level for road conditions; or

2250 (b) Proceed with due caution, reduce the speed of the vehicle, maintaining a safe speed not to  
2251 exceed fifteen miles per hour on any nondivided highway or street and twenty-five miles  
2252 per hour on any divided highway depending on road conditions, if changing lanes would  
2253 be impossible or unsafe. (WV Code 17C-14-9a)

2254 **28.13.8 DRIVING OVER FIRE HOSE.**

2255 No vehicle shall be driven over any unprotected hose of the Fire Department

2256 when laid down on any street or private driveway to be used at any fire or alarm of fire, without  
2257 the consent of the Fire Department official in command. (WV Code 17C-14-10)

2258 **28.13.9 OPENING DOOR OF VEHICLE ON TRAFFIC SIDE.**

2259 No person shall open the door of a motor vehicle on the side available to moving  
2260 traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on  
2261 the side of a motor vehicle available to moving traffic for a period of time longer than is  
2262 necessary to load or unload passengers.

2263 **28.13.10 BOARDING OR ALIGHTING FROM VEHICLE.**

2264 No person shall board or alight from any vehicle while such vehicle is in motion.

2265 **28.13.11 UNLAWFUL RIDING.**

2266 No person shall ride on any vehicle upon any portion thereof not designated or  
2267 intended for the use of passengers when the vehicle is in motion. This provision shall not apply  
2268 to an employee engaged in the necessary discharge of a duty or to persons riding within truck  
2269 bodies in space intended for merchandise.

2270 **28.13.12 SQUEALING TIRES, CRACKING EXHAUST NOISES.**

2271 No person shall unnecessarily race the motor of any vehicle and no person shall  
2272 operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so  
2273 rapidly accelerated or started from a stopped position that the exhaust system emits a loud,  
2274 cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle  
2275 squeal or leave tire marks on the roadway, commonly called "peeling".

2276 **28.13.13 TAKING, INJURING OR TAMPERING WITH VEHICLE.**

2277 (a) No person shall drive a vehicle, not his own, without consent of the owner thereof, and  
2278 with intent temporarily to deprive such owner of his possession of such vehicle, but

2279 without intent to steal the vehicle. The consent of the owner of a vehicle to its taking or  
2280 driving shall not in any case be presumed or implied because of such owner's consent on  
2281 a previous occasion to the taking or driving of such vehicle by the same or a different  
2282 person. Any person who assists in, or is a party or accessory to or an accomplice in any  
2283 such unauthorized taking or driving, shall also be guilty of a violation of this section.  
2284 (WV Code 17A-8-4)

2285 **(b)** No person either individually or in association with one or more persons shall willfully  
2286 injure or tamper with any vehicle or break or remove any part or parts of or from a  
2287 vehicle without the consent, of the owner.

2288 **(c)** No person with intent to commit any malicious mischief, injury or other crime shall  
2289 climb into or upon a vehicle whether it is in motion or at rest or with like intent attempt to  
2290 manipulate any of the levers, starting mechanism, brakes or other mechanism or device of  
2291 a vehicle while the same is at rest and unattended or with like intent set in motion any  
2292 vehicle while the same is at rest and unattended. (WV Code 17A-8-6)

2293 **28.13.14 DRIVING UPON SIDEWALK, STREET LAWN OR CURB.**

2294 **(a)** No person shall drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area  
2295 except upon a permanent or duly authorized temporary driveway.

2296 **(b)** No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a  
2297 permanent or duly authorized temporary driveway or when otherwise lawfully  
2298 authorized.

2299 **28.13.15 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES; PENALTY.**

2300 **(a)** No driver shall leave the roadway and enter upon a public or private lot, street or any  
2301 other property to avoid a traffic control device.

2302 (b) Any person who violates any of the provisions of this section shall be guilty of a  
2303 misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars  
2304 (\$50.00) nor more than one hundred dollars (\$100.00).

2305 **28.13.16 COASTING PROHIBITED.**

2306 The operator of any motor vehicle when traveling on a down grade on any street,  
2307 alley or highway shall not coast with the gears of such vehicle in neutral.

2308 **28.13.17 DRIVING THROUGH SAFETY ZONE.**

2309 No operator of a vehicle shall drive the same over or through a safety zone.

2310 **28.13.18 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.**

2311 No person shall drive upon, along or across a street or highway, or any part  
2312 thereof, which has been closed in the process of its construction, reconstruction or repair, and  
2313 posted with appropriate signs by the authority having jurisdiction to close such street or highway.

2314 **28.13.19 OBSTRUCTION OF TRAFFIC.**

2315 No person shall operate, stop, stand or park any motor vehicle on any street or  
2316 alley within the Municipality so as to obstruct or hinder the free flow of motor vehicle traffic  
2317 except in compliance with a lawful order of a police officer or in compliance with a traffic  
2318 control sign, signal or marking.

2319 **28.13.20 VEHICLE SECURITY.**

2320 Every owner or registrant of a motor vehicle shall maintain security upon such  
2321 vehicle as required by West. Virginia Code Article 17D-2A, and no person shall knowingly drive  
2322 or operate on any street within the Municipality any motor vehicle upon which security is  
2323 required by such Article unless the security is provided, and violation of any of the provisions of  
2324 West Virginia Code Article 17D-2A including failure to have a certificate of insurance, if

2325 required, shall constitute a violation under this section.

2326 **28.13.21 VEHICLE REGULATIONS ON PARK PROPERTY.**

2327 (a) As used in this section, “Board” means the City of Weston Park and Recreation Board  
2328 and “vehicle” means any automobile, motorcycle, bicycle or any other form of  
2329 mechanical transportation.

2330 (b) No person shall drive or propel or cause to be driven or propelled along or over any  
2331 roadway or other property under the supervision of the Board at a greater rate of speed  
2332 than fifteen miles per hour.

2333 (c) No vehicle shall be parked or stopped on any roadway or on any other property within  
2334 park areas under the supervision of the Board, except as designated parking areas. No  
2335 vehicle shall be parked or stopped on unpaved areas within the park areas or on areas of  
2336 the roadway designated for travel of vehicles or on paved areas not designated for  
2337 parking, except on occasion when such area is specifically designated as a parking or  
2338 driving area, whichever applies, by the Board or the City.

2339 (d) No person shall cause a vehicle to enter the Lambert Park area through the western  
2340 roadway off Woodbury Avenue in the City. All vehicular traffic must enter such area  
2341 through the eastern roadway off Woodbury Avenue and signs shall be erected by the City  
2342 indicating proper exist and entrance roadways.

2343 **28.13.22 MOTORIZED SCOOTERS; PENALTY.**

2344 (a) Definitions: “Motorized Scooters” means a scooter that is powered by a gasoline or  
2345 electric motor.

2346 (b) Prohibited Acts: Exemptions.

- 2347 1. The riding, operation, or other use of motorized scooters for transportation or  
2348 recreational purposes, within or upon the streets, alleys, sidewalks, parking lots,  
2349 and other property owned, leased, or controlled by the City of Weston and any of  
2350 its boards, authorities, or commissions is prohibited, unless the person using such  
2351 motorized scooter has a valid drivers license under the provisions of the West  
2352 Virginia Code.
- 2353 2. It shall not be an offense for a motorized scooter to be operated upon a designated  
2354 parade route, when such person is a duly registered and recognized participant in  
2355 any properly permitted parade, provided that such operation occurs in conjunction  
2356 with said parade.
- 2357 3. The Federal Government, the State of West Virginia, and the City of Weston are  
2358 exempt from the provisions of this article.
- 2359 4. The provisions of this section does not apply to an Electric Personal Assistive  
2360 Mobility Device as defined in Section 117.09 of the Weston City Code and as  
2361 operated by a mobility impaired person as defined in Section 361.06(a)(1) of the  
2362 Weston City Code.
- 2363 5. Any licensed driver permitted to operate a motorized scooter, under subsection (a)  
2364 hereof, shall comply with the required safety equipment set forth in Section  
2365 111.29 of the Weston City Code.

2366 (c) Penalty:

- 2367 1. Any violation shall constitute the commission of a misdemeanor criminal offense,  
2368 and any officer of the police department of the City or any officer of any other police agency,  
2369 exercising proper jurisdiction within the corporate limits of the City of Weston is hereby

2370 authorized and empowered to issue a citation and to charge any such person who commits a  
2371 violation.

2372           2. Any person convicted of a first offense shall be fined not less than twenty-five  
2373 dollars (\$25.00) nor more than one hundred dollars (\$100.00). Any person convicted of a second  
2374 or further offense shall be fined not less than fifty dollars (\$50.00) nor more than two hundred  
2375 fifty dollars (\$250.00). The parent or other guardian of any person violating the provisions of this  
2376 article when such person shall not have attained the age of eighteen years shall not authorize or  
2377 knowingly permit any such minor to violate any provision of this article. Any such authorization  
2378 or if such parent or other guardian shall knowingly permit any such minor to violate the  
2379 provisions of this article shall constitute a criminal violation and shall subject such parent or  
2380 guardian to the criminal penalties set forth in this article. The citing and conviction of any parent  
2381 or guardian shall not prohibit the citing and conviction of the operator of such motorized scooter.

2382 **28.13.99 PENALTY.**

2383       **(a) General Article Penalty.** Whoever violates any provision of this article for which no other  
2384 penalty is provided shall be fined not more than one hundred dollars (\$100.00); upon a  
2385 second conviction within one year thereafter shall be fined not more than two hundred  
2386 dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than  
2387 five hundred dollars (\$500.00).

2388       **(b) Taking, Injuring or Tampering with Vehicle.** Whoever violates Section 113.13 shall, for a  
2389 first offense, be fined not more than five hundred dollars (\$500.00). (WV Code 17A-11-  
2390 1)

2391       **(c) Vehicle Security.** Whoever violates Section 113.20 shall be fined not less than two  
2392 hundred dollars (\$200.00) or more than five thousand dollars (\$5,000). (WV Code 17D-



2393 2A-9)

2394 **ARTICLE 14**

2395 **License, Registration and Inspection**

2396 28.14.1 Registration, Certificate of Title Required

2397 28.14.2 Registration Card

2398 28.14.3 Display of Registration Plates

2399 28.14.4 Operation of Vehicle without Evidence of Registration; Use of Temporary

2400 Facsimile

2401 28.14.5 Improper Use of Registration Card, Plate or Permit

2402 28.14.6 Driver or Motorcycle License Required

2403 28.14.7 Persons Exempt from License

2404 28.14.8 License to be Carried and Exhibited on Demand

2405 28.14.9 Certain Acts Prohibited

2406 28.14.10 Driving Under Suspension or Revocation

2407 28.14.11 Owner or Operator Allowing Another to Drive

2408 28.14.12 Certificated of Inspection and Approval (MVI)

2409 28.14.99 Penalty

2410

2411 **28.14.1 REGISTRATION, CERTIFICATE OF TITLE REQUIRED.**

2412 No person shall drive or move and no owner shall knowingly permit to be driven

2413 or moved upon any street or highway any vehicle of a type required to be registered under West

2414 Virginia Code Chapter 17-A which is not registered or for which a certificate of title has not been

2415 issued or applied for or for which the appropriate fee has not been paid when and as required,

2416 except as otherwise permitted by the provisions therein: provided, that in the event of the sale of  
2417 a vehicle by a person other than a registered dealer, the person purchasing the same may, for a  
2418 period of not more than ten days, operate such vehicle under the registration of its previous  
2419 owner and display the registration thereof: provided further that he shall have and display on the  
2420 demand of any proper officer the consent in writing of such previous owner so to use such  
2421 registration. (WV Code 17A-3-1)

2422 **28.14.2 REGISTRATION CARD.**

2423 Every owner upon receipt of a registration card shall write his signature thereon  
2424 with pen and ink in the space provided. Every such registration card shall at all times be carried  
2425 in the vehicle to which it refers or shall be carried by the person driving or in control of such  
2426 vehicle who shall display the same upon demand of a police officer or any officer or employee of  
2427 the Department of Motor Vehicles. (WV Code 17A-3-13)

2428 **28.14.3 DISPLAY OF REGISTRATION PLATES.**

2429 (a) Registration plates issued for vehicles required to be registered shall be attached to the  
2430 rear thereof except that on truck tractors and road tractors designed and constructed to  
2431 pull trailers or semi-trailers, the registration plate shall be mounted to the front.

2432 (b) Every registration plate shall at all times be securely fastened in a horizontal position to  
2433 the vehicle for which it is issued so as to prevent the plate from swinging and at a height  
2434 of not less than twelve inches from the ground, measuring from the bottom of such plate,  
2435 in a place and position to be clearly visible and shall be maintained free from foreign  
2436 materials and in a condition to be clearly legible.

2437 (c) Notwithstanding the provisions of subsection (b) of this section, an owner of a motor  
2438 vehicle with a Class G registration as defined in West Virginia Code 17A-10-1 may

2439 choose to:

2440 6. Display a standard, Class G registration plate in a horizontal position; or

2441 7. Display a specially designed Class G registration plate in a vertical position.

2442 (WV Code 17A-3-15)

2443 **28.14.4 OPERATION OF VEHICLE WITHOUT EVIDENCE OF REGISTRATION;**  
2444 **USE OF TEMPORARY FACSIMILE.**

2445 No person shall operate or park, nor shall an owner knowingly permit to be  
2446 operated or parked upon any street or highway any vehicle required to be registered unless there  
2447 is attached thereto and displayed thereon or is in the possession of the operator when and as  
2448 required by this Traffic Code, a valid registration card and registration plate or plates issued  
2449 therefor by the Department of Motor Vehicles for the current registration year except as  
2450 otherwise expressly permitted in West Virginia Code Chapter 17-A.

2451 In the event that the registration plate or plates originally issued are lost,  
2452 destroyed or stolen, a temporary facsimile of the plate or plates, showing the number of the  
2453 same, may be attached to the vehicle by the owner for a period of not more than fifteen days, or  
2454 until a new plate or plates are issued by the Department whichever is earlier: provided, that no  
2455 such facsimile shall be used and no such vehicle shall be driven upon the streets or highways of  
2456 this Municipality until the owner has notified in writing the State Police of the loss of such  
2457 registration plate or plates. (WV Code 17A-9-2)

2458 **28.14.5 IMPROPER USE OF REGISTRATION CARD, PLATE OR PERMIT.**

2459 No person shall lend to another any certificate of title, registration card,  
2460 registration plate, special plate or permit issued to him if the person desiring to borrow the same  
2461 would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of

2462 the same by one not entitled thereto, nor shall any person display upon a vehicle any registration  
2463 card, registration plates or permit not issued for such vehicle or not otherwise lawfully used  
2464 thereon under this Traffic Code. (WV Code 17A-9-3)

2465 **28.14.6 DRIVER OR MOTORCYCLE LICENSE REQUIRED.**

2466 (a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle  
2467 upon a street or highway in this Municipality or upon any subdivision street, as used in  
2468 West Virginia Code Article 8-24, when the use of such subdivision street is generally  
2469 used by the public unless the person has a valid driver's license under the provisions of  
2470 the West Virginia Code for the type or class of vehicle being driven.

2471 (b) Any person licensed to operate a motor vehicle as provided in the West Virginia Code  
2472 may exercise the privilege thereby granted as provided in the West Virginia Code and,  
2473 except as otherwise provided by law, shall not be required to obtain any other license to  
2474 exercise such privilege by any county, municipality or local board or body having  
2475 authority to adopt local police regulations.

2476 (c) No person, except those hereinafter expressly exempted, shall drive any motorcycle upon  
2477 a street or highway in this Municipality or upon any subdivision street, as used in West  
2478 Virginia Code Article 8-24 when the use of such subdivision street is generally used by  
2479 the public unless the person has a valid motorcycle license or a valid license which has  
2480 been endorsed under West Virginia Code 17B-2-7b for motorcycle operation or has a  
2481 valid motorcycle instruction permit. (WV Code 17B-2-1)

2482 **28.14.7 PERSONS EXEMPT FROM LICENSE.**

2483 The following persons are exempt from the license required under Section  
2484 28.14.6:

2485 (a) Any person while operating a motor vehicle in the armed services of the United States  
2486 while in the performance of his official duties;

2487 (b) A nonresident who is at least sixteen years of age and who has in his or her immediate  
2488 possession a valid driver's license issued to the person in the person's home state or  
2489 country unless the Commissioner determines the person's home state or country does not  
2490 extend the same privileges to a resident of this State, may operate a motor vehicle in this  
2491 State only as a noncommercial driver for a period not to exceed ninety days in any one  
2492 calendar year;

2493 (c) A nonresident who is at least sixteen years of age, who has in the person's immediate  
2494 possession a valid driver's license issued to the person in the person's home state or  
2495 country and who is employed in this State, or owns, maintains or operates a place or  
2496 places of business in this State, or engages in any trade, profession or occupation in this  
2497 State, in addition to the driving privileges extended under subsection (b) hereof, unless  
2498 the Commissioner determines the person's home state or country does not extend the  
2499 same privileges to a resident of this State, may operate a motor vehicle in this State only  
2500 as a noncommercial driver in traveling to and from the person's place or places of  
2501 employment, place or places of business or place or places at which the person engages in  
2502 the trade, profession or occupation and in the discharge of the duties of the person's  
2503 employment, business, trade, profession or occupation if the duties are such that, if  
2504 performed by a resident of the State of West Virginia over the age of eighteen years of  
2505 age, the resident would not be required under the provisions of West Virginia Code  
2506 Chapter 17 to obtain a Class A, B, C or D driver's license. However, this subsection shall  
2507 not exempt any person who is required to obtain a West Virginia driver's license in

2508 accordance with the provisions of West Virginia Code 17B-2-1a;

2509 **(d)** A nonresident who is at least eighteen years of age and who has in his or her immediate

2510 possession a valid commercial driver's license issued to the person in his or her home

2511 state or country and which meets the requirements of the federal commercial motor

2512 vehicle act of 1986, Title XI of public law 99-570 and unless the Commissioner

2513 determines the person's home state or country does not extend the same privilege to a

2514 resident of this State may operate a motor vehicle in this State either as a commercial

2515 driver subject to the age limits applicable to commercial driver in this State, or as a

2516 noncommercial driver subject to the limitations imposed on nonresident drivers in

2517 subsections (b) and (c) hereof;

2518 **(e)** Any person who is a student, properly enrolled and registered in an accredited school,

2519 college or university in this State, who is at least sixteen years of age and who has in his

2520 or her immediate possession a valid driver's license issued to the person in the person's

2521 home state, notwithstanding the limitations of subsections (b) and (c) hereof may operate

2522 motor vehicle in this State only as noncommercial driver: provided, that the state of

2523 which the person is a resident shall extend the same privileges to residents of this State.

2524 This exemption shall be canceled immediately when the student is graduated from

2525 school, college or university or is expelled or ceases to be a student. (WV Code 17B-2-2)

2526 **28.14.8 LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND.**

2527

2528 (a) Every licensee shall have his or her driver's license in such person's immediate

2529 possession at all times when operating a motor vehicle and shall display the

2530 same, upon demand of a magistrate, municipal judge, circuit court judge, peace

2531 officer, police officer, or an employee of the Division of Motor Vehicles.  
2532 Provided, that no person charged with violating this section shall be convicted if  
2533 such person produces in court or at the office of the arresting officer a driver's  
2534 license issued to such person and valid at the time of such person's arrest.  
2535 (b) Any person violating the provisions of this section is guilty of a violation of  
2536 Section 114.08 and, upon conviction thereof, shall be fined not more than, five  
2537 hundred dollars (\$500.00).

2538 **28.14.9 CERTAIN ACTS PROHIBITED.**

2539 No person shall commit any one of the following acts:

- 2540 (a) Display or cause or permit to be displayed or have in his possession any fictitious or  
2541 fraudulently altered driver's or commercial driver's license or nonoperator's identification;
- 2542 (b) Lend his driver's or commercial driver's license or nonoperator's identification to any  
2543 other person or knowingly permit the use thereof by another;
- 2544 (c) Display or represent as one's own any driver's or commercial driver's license or  
2545 nonoperator's identification not issued to him;
- 2546 (d) Use a false or fictitious name in any application for a driver's or commercial driver's  
2547 license or nonoperator's identification or knowingly make a false statement or knowingly  
2548 conceal a material fact or otherwise commit a fraud in any such application;
- 2549 (e) Permit any unlawful use of a driver's or commercial driver's license or nonoperator's  
2550 identification issued to him; or
- 2551 (f) Do any act forbidden or fail to perform any act required by this Traffic Code or West  
2552 Virginia Code Chapter 17. (WV Code 17B-4-1)

2553 **28.14.10 DRIVING UNDER SUSPENSION OR REVOCATION.**

2554 No person shall drive a motor vehicle on any public street or highway of this  
2555 Municipality at a time when his privilege so to do has been lawfully suspended or revoked. (WV  
2556 Code 17B-4-3)

2557 (a) Any person who drives a motor vehicle on any public street or highway of or in the City  
2558 of Weston at a time when his or her privilege to do so has been lawfully suspended or  
2559 revoked by the State of West Virginia or any other jurisdiction is, for the first offense,  
2560 guilty of a violation of Section 28.14.10, and, upon conviction thereof, shall be fined not  
2561 less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00);

2562 **28.14.11 OWNER OR OPERATOR ALLOWING ANOTHER TO DRIVE.**

2563 No person shall authorize or knowingly permit a motor vehicle owned by him or  
2564 under his control to be driven upon any street or highway by any person who is not authorized  
2565 hereunder or in violation of any of the provisions of this Traffic Code. (WV Code 17E-4-4)

2566 **28.14.12 CERTIFICATE OF INSPECTION AND APPROVAL; PENALTY.**

2567 It is a misdemeanor for any owner or operator, or both owner and operator, of any  
2568 vehicle required to be inspected under subsection (a), section four of this article, to operate or  
2569 permit to be operated such vehicle without having displayed thereon a current and valid  
2570 certificate of inspection and approval or fail to produce same upon demand of any authorized  
2571 person as designated under said subsection: Provided, That a dealer licensed to sell new vehicles  
2572 under the provision of article six, chapter seventeen-a of this code shall not be required to display  
2573 a certificate of inspection and approval upon any new vehicle if the vehicle is driven for an  
2574 operational purpose including all activities associated with dealer preparation for sale of a motor  
2575 vehicle belonging to such dealer when such vehicle has not been titled or delivered to a



2576 purchaser, and when such car is not to be used in the demonstrator fleet or otherwise routinely  
2577 driven on the highways or roads of this state.

2578           Unless another penalty is by the laws of this state provided, every person  
2579 convicted of a misdemeanor for operating a vehicle without having displayed thereon a current  
2580 and valid certificate of inspection and approval or for failure to produce such certificate upon  
2581 demand of an authorized person shall be punished by a fine of not more than \$100: Provided,  
2582 That any person who obtains an inspection and a current and valid certificate of inspection and  
2583 who, within five days of the issuance of a citation for a violation of the provisions of this section,  
2584 provides a receipt of inspection to and makes the vehicle so operated available for examination  
2585 by a court of competent jurisdiction, shall not be guilty of a violation of the provisions of this  
2586 section: Provided, however, That the misdemeanor penalty shall be imposed if the certificate of  
2587 inspection has not been valid for a period exceeding three months prior to the date of the  
2588 issuance of a citation.

2589 **28.14.99       PENALTY.**

2590       (a) General Article Penalty. Whoever violates any provision of this article for which no other  
2591 penalty is provided shall be fined not more than five hundred dollars (\$500.00); for a  
2592 second or subsequent violation of the same provision such person shall be fined not more  
2593 than five hundred dollars (\$500.00).

2594       (b) Driving Under Suspension or Revocation.

2595       1.Except as otherwise provided in West Virginia Code 17B-4-3(b) or (d), or subsection (b)(2) or  
2596 (3) hereof, whoever drives a motor vehicle on any street or highway of this Municipality at a  
2597 time when his or her privilege so to do has been lawfully suspended or revoked shall, for the first  
2598 offense, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars

2599 (\$500.00); for the second offense, such person, shall be fined not less than one hundred dollars  
2600 (\$100.00) nor more than five hundred dollars (\$500.00). A record of the conviction of any person  
2601 under this section upon a charge of driving a vehicle while the license of such person was  
2602 suspended lawfully shall be sent to the State Department of Motor Vehicles.

2603 (c) Additional Penalties. Whoever violates Sections 28.14.2, 28.14.3, 28.14.4, 28.14.9 or  
2604 28.14.11 shall be fined not more than five hundred dollars (\$500.00).

2605

## 2606 **ARTICLE 15**

### 2607 **PEDESTRIANS**

2608 28.15.1 Compliance with Traffic Regulations.

2609 28.15.2 Right of Way in Crosswalk.

2610 28.15.3 Crossing Roadway Outside of Crosswalk.

2611 28.15.4 Drivers to Exercise Due Care.

2612 28.15.5 Moving Upon Right Half of Crosswalk.

2613 28.15.6 Walking Along Streets and Highways; Soliciting Rides.

2614 28.15.7 Persons Working on Streets and Highways.

2615 28.15.8 Protection of Blind Pedestrians.

2616 28.15.9 Electric Personal Assistive Mobility Device.

2617 28.15.99 Penalty.

2618

#### 2619 **28.15.1 COMPLIANCE WITH TRAFFIC REGULATIONS.**

2620 Pedestrians shall be subject to traffic control signals at intersections as provided in  
2621 Section 28.3.3, but at all other places pedestrians shall be accorded the privileges and shall be

2622 subject to the restrictions stated in this article. (WV Code 17C-10-1(a))

2623 **28.15.2 RIGHT OF WAY IN CROSSWALK.**

2624 (a) When traffic control signals are not in place or not in operation the driver of a vehicle  
2625 shall yield the right of way, slowing down or stopping if need be to so yield, to a  
2626 pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half  
2627 of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching  
2628 so closely from the opposite half of the roadway as to be in danger, but no pedestrian  
2629 shall suddenly leave a curb or other place of safety and walk or run into the path of a  
2630 vehicle which is so close that it is impossible for the driver to yield. This provision shall  
2631 not apply under the conditions stated in Section 28.15.3(b).

2632 (b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at  
2633 an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle  
2634 approaching from the rear shall not overtake and pass such stopped vehicle. (WV Code  
2635 17C-10-2)

2636 **28.15.3 CROSSING ROADWAY OUTSIDE CROSSWALK.**

2637 (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk  
2638 or within an unmarked crosswalk at an intersection shall yield the right of way to all  
2639 vehicles upon the roadway.

2640 (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead  
2641 pedestrian crossing has been provided shall yield the right of way to all vehicles upon the  
2642 roadway.

2643 (c) Between adjacent intersections at which traffic control signals are in operation  
2644 pedestrians shall not cross at any place except in a marked crosswalk. (WV Code 17C-

2645 10-3)

2646 **28.15.4 DRIVERS TO EXERCISE DUE CARE.**

2647 Notwithstanding any other provision of this article every driver of a vehicle shall  
2648 exercise due care to avoid colliding with any pedestrian upon any roadway and shall give  
2649 warning by sounding the horn when necessary and shall exercise proper precaution upon  
2650 observing any child or any confused or incapacitated person upon a roadway. (WV Code 17C-  
2651 10-4)

2652 **28.15.5 MOVING UPON RIGHT HALF OF CROSSWALK.**

2653 Pedestrians shall move, whenever practicable, upon the right half of crosswalks,  
2654 (WV Code 17C-10-5)

2655 **28.15.6 WALKING ALONG STREETS AND HIGHWAYS; SOLICITING RIDES.**

2656 (a) Where sidewalks are provided, no pedestrian shall walk along and upon an adjacent  
2657 roadway.

2658 (b) Where sidewalks are not provided any pedestrian walking along and upon a street or  
2659 highway shall when practicable walk only on the left side of the roadway or its shoulder  
2660 facing traffic which may approach from the opposite direction.

2661 (c) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of  
2662 any vehicle. (WV Code 17C-10-6)

2663 **28.15.7 PERSONS WORKING ON STREETS AND HIGHWAYS.**

2664 The driver of a vehicle shall yield the right of way to persons engaged in  
2665 maintenance or construction work on a street or highway whenever he is notified of their  
2666 presence by an official traffic control device or flagman. (WV Code 17C-10-8)

2667 **28.15.8 PROTECTION OF BLIND PEDESTRIANS.**

2668                   The driver of a vehicle approaching a blind pedestrian who knows, or in the  
2669 exercise of reasonable care should know, that such pedestrian is blind because such pedestrian is  
2670 carrying a cane predominantly white or metallic in color with or without a red tip, or is using a  
2671 guide dog or otherwise, shall exercise care commensurate with the situation to avoid injuring  
2672 such pedestrian. (WV Code 5-15-5)

2673 **28.15.9 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.**

2674       (a) For purposes of this section, the definition of an “electric personal assistive mobility  
2675 device” is the same definition as previously set forth in Section 28.1.9 and “operator”  
2676 shall refer to the operator of an electric personal assistive mobility device. (WV Code  
2677 17C-10A-1)

2678       (b) An electric personal assistive mobility device shall be equipped with: Front, rear and side  
2679 reflectors, a braking system that enables the operator to bring the device to a controlled  
2680 stop; and If operated at any time from one-half hour after sunset to one-half hour before  
2681 sunrise, a lamp that emits a white light that sufficiently illuminates the area in front of the  
2682 device.

2683       (c) An operator of an electric personal assistive mobility device traveling on a sidewalk,  
2684 roadway or bicycle path shall have the rights and duties of a pedestrian and shall exercise  
2685 due care to avoid colliding with pedestrians. An operator shall yield the right of way to  
2686 pedestrians.

2687       (d) Except as provided in this section, no other provisions of the motor vehicle code shall  
2688 apply to electric personal assistive mobility devices. (WV Code 17C-10A-2)

2689 **28.15.99 PENALTY.**

2690                   Whoever violates any provision of this article, for which no other penalty is

2691 provided, shall be fined not more than one hundred dollars (\$100.00); upon a second conviction  
2692 within one year thereafter shall be fined not more than two hundred dollars (\$200.00); and upon  
2693 a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).  
2694 (WV Code 17C-10-7) An operator who violates a provision of Section 28.15.9 shall receive a  
2695 warning for the first offense. For a second or subsequent offense, the operator shall be punished  
2696 by a fine of not less than ten dollars (\$10.00) and not greater than one hundred dollars (\$100.00).  
2697 (WV Code 17C-10A-2)

2698 **ARTICLE 16**

2699 **BICYCLES**

- 2700 28.16.1 Compliance, Code Application to Bicycles
- 2701 28.16.2 Obedience to Traffic Rules; Exceptions
- 2702 28.16.3 Riding Upon Seats; Number of Persons
- 2703 28.16.4 Attaching Bicycle or Sled to Vehicle
- 2704 28.16.5 Riding on Roadways and Bicycle Paths
- 2705 28.16.6 Carrying Articles
- 2706 28.16.7 Lights and Reflector on Bicycle; Signal Device; Brakes
- 2707 28.16.8 Reckless Operation; Control, Course and Speed
- 2708 28.16.9 Parental Duties
- 2709 28.16.10 Riding on Sidewalk Prohibited
- 2710 28.16.11 Bicycle Helmets for Children
- 2711 28.16.99 Penalty

2712

2713 **28.16.1 COMPLIANCE; CODE APPLICATION TO BICYCLES.**

2714 No person shall do any act forbidden or fail to perform any act required in this  
2715 article.

2716 The parent of any child and the guardian of any ward shall not authorize or  
2717 knowingly permit any such child or ward to violate any of the provisions of this Traffic Code.

2718 These regulations applicable to bicycles shall apply whenever a bicycle is  
2719 operated upon any street or highway or upon any path set aside for the exclusive use of bicycles  
2720 subject to those exceptions stated herein. (WV Code 17C-11-1)

2721 **28.16.2 OBEDIENCE TO TRAFFIC RULES; EXCEPTIONS.**

2722 Every person riding a bicycle upon a roadway shall be granted all of the rights  
2723 and shall be subject to all of the duties applicable to the driver of a vehicle by this Traffic Code,  
2724 except as to special regulations in this article and except as to those provisions of this Traffic  
2725 Code which by their nature can have no application. (WV Code 17C-11-2)

2726 **28.16.3 RIDING UPON SEATS; NUMBER OF PERSONS.**

2727 A person propelling a bicycle shall not ride other than upon or astride a permanent  
2728 and regular seat attached thereto. No bicycle shall be used to carry more persons at one time  
2729 than the number for which it is designed and equipped. (WV Code 17C-11-3)

2730 **28.16.4 ATTACHING BICYCLE OR SLED TO VEHICLE.**

2731 No person riding upon any bicycle, coaster, skateboard, roller skates, sled or toy  
2732 vehicle shall attach the same or himself to any vehicle upon a roadway. (WV Code 17C-11-4)

2733 **28.16.5 RIDING ON ROADWAYS AND BICYCLE PATHS.**

2734 Every person operating a bicycle upon a roadway shall ride as near to the right  
2735 side of the roadway as practicable, exercising due care when passing a standing vehicle or one  
2736 proceeding in the same direction. Persons riding bicycles upon a roadway shall not ride more

2737 than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.  
2738 Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders  
2739 shall use such path and shall not use the roadway. (WV Code 17C-11-5)

2740 **28.16.6 CARRYING ARTICLES.**

2741 No person operating a bicycle shall carry any package, bundle or article which  
2742 prevents the driver from keeping at least one hand upon the handlebars. (WV Code 17C-11-6)

2743 **28.16.7 LIGHTS AND REFLECTOR ON BICYCLE; SIGNAL DEVICE; BRAKES.**

2744 Every bicycle when in use at nighttime shall be equipped with a lamp on the front  
2745 which shall emit a white light visible from a distance of at least 500 feet to the front and with a  
2746 red reflector on the rear of a type approved by the Department of Motor Vehicles which shall be  
2747 visible from all distances from fifty feet to 300 feet to the rear when directly in front of lawful  
2748 upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a  
2749 distance of 500 feet to the rear may be used in addition to the red reflector.

2750 No person shall operate a bicycle unless it is equipped with a bell or other device  
2751 capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall  
2752 not be equipped with nor shall any person use upon a bicycle any siren or whistle.

2753 Every bicycle shall be equipped with a brake which will enable the operator to  
2754 make the braked wheels skid on dry, level, clean pavement. (WV Code 17C-11-7)

2755 **28.16.8 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.**

2756 No person shall operate a bicycle:

2757 Without due regard for the safety and rights of pedestrians and drivers and  
2758 occupants of all other vehicles, and so as to endanger the life, limb or property of any person  
2759 while in the lawful use of the streets or sidewalks or any other public or private property;



2760 Without exercising reasonable and ordinary control over such bicycle;  
2761 In a weaving or zigzag course unless such irregular course is necessary for safe  
2762 operation in compliance with law;

2763 Without both hands upon the handle grips except when necessary to give the  
2764 required hand and arm signals, or as provided in Section 28.16.6;

2765 At a speed greater than is reasonable and prudent under the conditions then  
2766 existing.

2767 **28.16.9 PARENTAL DUTIES.**

2768 The parent of any child and the guardian of any ward shall not authorize or  
2769 knowingly permit any such child or ward to violate any of the provisions of this article.

2770 **28.16.10 RIDING ON SIDEWALK PROHIBITED.**

2771 No person shall ride any bicycle upon any sidewalk within the City.

2772 **28.16.11 BICYCLE HELMETS FOR CHILDREN.**

2773 (a) Definitions. As used in this section:

2774 “Bicycle” means a human-powered vehicle with wheels designed to transport, by  
2775 the action of pedaling, one or more persons seated on one or more saddle seats on its frame.

2776 Such term also includes a human-powered vehicle, and any attachment to such vehicle designed  
2777 to transport by pedaling when the vehicle is used on a public roadway, public bicycle path or  
2778 other public right-of-way, but does not include a tricycle.

2779 “Tricycle” means a three-wheeled human-powered vehicle designed for use as a  
2780 toy by a single child under the age of six years, the seat of which is no more than two feet from  
2781 ground level.

2782 “Public roadway” means a right of way under the jurisdiction and control of this

2783 State or the Municipality for use primarily by motor vehicles.

2784 “Public bicycle path” means a right of way under the jurisdiction and control of  
2785 this State or the Municipality for use primarily by bicycles and pedestrians.

2786 “Other public right-of-way” means any right of way other than a public roadway  
2787 or public bicycle path that is under the jurisdiction and control of this State or the Municipality  
2788 and is designed for use and used by vehicular or pedestrian traffic.

2789 “Protective bicycle helmet” means a piece of headgear which meets or exceeds  
2790 the impact standards for protective bicycle helmets set by the American National Standards  
2791 Institute (ANSI) or the Snell Memorial Foundation's standards for protective headgear or  
2792 American Society for Testing and Materials (ASTM) for use in bicycling.

2793 “Passenger” means any person who travels on a bicycle in any manner except as  
2794 an operator.

2795 “Operator” means a person who travels on a bicycle seated on a saddle seat from  
2796 which that person is intended to and can pedal the bicycle. (WV Code 17-11A-3)

2797 (b) Requirements for Helmet Use.

2798 It is unlawful for any person under fifteen years of age to operate or be a  
2799 passenger on a bicycle or any attachment to a bicycle used on a public roadway, public bicycle  
2800 path or other public right of way unless at all times when the person is so engaged he or she  
2801 wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of  
2802 the helmet.

2803 It is unlawful for any parent or legal guardian of a person under fifteen years of  
2804 age to knowingly permit such person to operate or be a passenger on a bicycle or on any  
2805 attachment to a bicycle used on a public roadway, public bicycle path or other public right of

2806 way unless at all times when the person is so engaged he or she wears a protective bicycle helmet  
2807 of good fit, fastened securely upon the head with the straps of the helmet. (WV Code 17C-11A-  
2808 4)

2809 (c) Sale of Bicycle Helmets. Any helmet sold or offered for sale for use by operators and  
2810 passengers of bicycles shall be conspicuously labeled in accordance with the standard  
2811 described in subsection (a)(6) hereof, which shall constitute the manufacturer's  
2812 certification that the helmet conforms to the applicable safety standards. (WV Code 17C-  
2813 11A-5)

2814 (d) Civil Actions. A violation of subsection (b) hereof is not admissible as evidence of  
2815 negligence or contributory negligence or comparative negligence in any civil action or  
2816 proceeding for damages, and shall not be admissible in mitigation of damages. (WV  
2817 Code 17C-11A-6)

2818 **28.16.99 PENALTY.**

2819 Notwithstanding the provisions of Section 28.2.99, any parent or legal guardian  
2820 violating any requirement set forth in Section 28.16.12(b) shall be fined ten dollars (\$10.00) or  
2821 be required to perform two hours in community service related to a child injury prevention  
2822 program which includes injury prevention education or both fined and required to perform such  
2823 community service. Notwithstanding the provisions of West Virginia Code 8-11-1, no court  
2824 costs may be assessed to any person violating the requirements of Section 28.16.12(b).

2825 In the case of a first violation of Section 28.16.12(b), the court may waive the fine  
2826 upon receipt of satisfactory proof that the person has a helmet or within a reasonable time from  
2827 the date of the violation, purchased or otherwise obtained, a protective bicycle helmet.

2828 It is an absolute defense to a charge for a violation of Section 28.16.12 that a

2829 parent or legal guardian is unable to pay for the protective bicycle helmet. Inability to pay may  
2830 be demonstrated by the filing of a financial affidavit in accordance with the provisions of West  
2831 Virginia Code 59-2-1(c). Any person who demonstrates inability to pay shall be referred to the  
2832 Governor's highway safety program for assistance in obtaining the appropriate helmet or  
2833 helmets. (WV Code 17C-11A-7)

2834 **ARTICLE 17**

2835 **All Terrain Vehicles**

- 2836 28.17.1 Prohibition on ATV's and RTV's
- 2837 28.17.2 Exceptions
- 2838 28.17.3 Work Permits
- 2839 28.17.4 Knowingly Permitting Operation
- 2840 28.17.5 Liability and Severability
- 2841 28.17.99 Penalty

2842

2843 **28.17.1 Prohibition of ATV's and RTV's**

2844 The riding, operation or other use of ATV's and RTV's within or upon the streets, alleys,  
2845 side walks, parking lots and other governmentally owned, leased or controlled property situated  
2846 within the corporate limits of the City of Weston, is prohibited, except as authorized in 28.17.2.

2847

2848 **28.17.2 Exceptions**

2849 The riding, operation or other use of ATV's and RTV's is prohibited in 28.17.1, except as  
2850 follows:

2851 (a) It shall not be a violation for any person licensed to operate a motor vehicle within  
2852 this state to ride, operate or otherwise use an ATV or RTV upon any private  
2853 property located within the City of Weston. It shall not be a violation for any  
2854 person licensed to operate a motor vehicle within this state to ride, operate or  
2855 otherwise use an ATV or RTV upon a designated parade route, when such person  
2856 is a duly registered and recognized participant in any registered and recognized  
2857 parade activity, or such other activities sponsoring parades recognized and proved  
2858 by the Common Council of the City of Weston, provided, that such ATV or RTV  
2859 use, occurs in conjunction with the said parade, festival or other recognized or  
2860 approved activity.

2861 (c) It shall not be a violation for any person licensed to operate a motor vehicle within  
2862 this state to ride, operate or otherwise use an ATV or RTV upon property  
2863 otherwise restricted from such use, when such person is a participant in a duly  
2864 organized exhibition or competition, authorized by the Common Council of the  
2865 City of Weston through the issuance of a permit or as set forth herein. Application  
2866 for any permit to conduct any such duly organized exhibition or competition must  
2867 be made with the Common Council of the City of Weston not less than thirty (30)  
2868 days prior to the proposed date for conducting the exhibition or competition.

2869  
2870 (d) It shall not be a violation for any person licensed to operate a motor vehicle within  
2871 this state to ride, operate or otherwise use an ATV or RTV upon property  
2872 otherwise restricted from such use, when such person has been duly authorized by

2873 the City Manager and the Chief of Police for the City of Weston, to so use an ATV  
2874 or RTV through the issuance of a work permit.

2875 (e) All federal, state and local governmental entities, including but not limited to all  
2876 emergency and law enforcement agencies, for such use in the regular course of  
2877 legitimate, emergency or law enforcement activities.

2878 **28.17.3 Work Permits**

2879 A work permit for the riding, operation and other use of an ATV or RTV upon property  
2880 otherwise restricted from such use herein may be obtained from the Weston Police Department,  
2881 102 W. Second Street, Weston, West Virginia, 26452, during normal business hours and upon  
2882 proper application and approval.

2883 Work permits for the authorized use of ATV's and RTV's within the corporate limits of the  
2884 City of Weston may be issued to the following person(s) and entity(ies):

2885 (a) Any person(s) over the age of Eighteen (18) years old, in possession of a valid West  
2886 Virginia driver's license, (or its equivalent), and has current insurance for the ATV or  
2887 RTV to be utilized, for approved domestic, commercial and agricultural purposes. The  
2888 person applying for the ATV or RTV work permit must be the registered owner of the  
2889 ATV or RTV to be used. If the ATV or RTV is owned by a corporation or company, the  
2890 person applying for the permit must be an employee of said corporation or company and  
2891 will be utilizing the permit for the benefit of the corporation or company.

2892 (b) All work permits so issued are only valid for the permitted operation of the permitted  
2893 ATV or RTV by the permitted person.

2894 (c) If more than one ATV or RTV is to be utilized, a work permit must be obtained for each  
2895 ATV or RTV.

2896 (d) An annual work permit fee of Twenty Five Dollars must accompany each application for  
2897 an ATV or RTV work permit.

2898 (e) The work permit must be renewed annually.

2899 (f) Any and all work permits may be revoked at any time for any reason by the Common  
2900 Council, by the City Manager or by any member of the Police Department of the City of  
2901 Weston.

2902 (g) Work permits issued by this code are non-transferrable.

2903 (h) The Common Council of the City of Weston hereby authorizes the City Manager and the  
2904 Chief of Police of the City of Weston to promulgate and and all additional rules and  
2905 regulations for the issuance of work permits for the riding, operation and other use of an  
2906 ATV or RTV.

2907 **28.17.4 Knowingly Permitting Operation**

2908 The parent or other guardian of any person not having obtained the age of eighteen (18)  
2909 years old shall not authorize or knowingly permit any such minor to violate any provision of this  
2910 article. Any such act shall constitute a violation hereof, and subject such parent or guardian to the  
2911 same criminal penalty as set forth in 28.17.99.

2912 **28.17.5 Liability and Severability**

2913 Nothing contained within this Article is intended, nor shall be construed so as to created  
2914 or form the basis for any civil or administrative liability whatsoever on part of the City of  
2915 Weston, or any of its officers, officials, employees, or agents, for any cause of action for injury or  
2916 damage resulting to any person, or property, occurring as a consequence of any action or inaction  
2917 on the part of the City of Weston, its officers, officials, employees or agents, as related in any

2918 manner to the enforcement or non-enforcement of this Article, including but not limited to the  
2919 City of Weston, its officers, officials, employees or agents.

2920 The provisions of this Article are severable in the event that any provisions or part hereof  
2921 shall be held invalid for any reason by any Court exercising competent jurisdiction, then such  
2922 invalidity shall not be deemed to affect or impair any other provisions or parts of this Article not  
2923 specifically held to be invalid. It is hereby declared to be the intent of the Common Council of  
2924 the City of Weston that this Article would have been adopted if any such invalid provision or part  
2925 hereof had not been included herein.

2926 **28.17.99 Penalty**

2927 (a) Any person adjudged guilty and convicted of any first offense established in this  
2928 Article, by the Municipal Court shall be subject to a fine of not less than Twenty Five  
2929 Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00), plus all Court costs.

2930 (b) Any person adjudged guilty and convicted of any second or subsequent offense(s)  
2931 established in this Article, by the Municipal Court, shall be subject to a fine of note less  
2932 than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00),  
2933 plus all Court costs.

2934

2935 PART II – EFFECTIVE DATE

2936

2937 This Ordinance shall be deemed effective on September 8, 2020.

2938 FIRST READING: August 28, 2020

2939 SECOND READING AND ADOPTION: September 8, 2020

2940



2941

CERTIFICATE OF ENACTMENT

2942

I, Kristin Droppleman Donaldson, CITY CLERK of the City of Weston, West

2943

Virginia, do hereby certify that the foregoing Ordinance was lawfully ordained and enacted by

2944

the Common Council of the City of Weston at a regular session of the said Common Council

2945

assembled on September 8, 2020.

2946

Kristin D. Donaldson [Clerk]