

Chapter 78 TRAFFIC AND MOTOR VEHICLES ^[1]

ARTICLE I. - IN GENERAL

ARTICLE II. - REGISTRATION, CERTIFICATES OF TITLE AND LICENSURE

ARTICLE III. - OPERATION OF VEHICLES

ARTICLE IV. - TURNING AND STARTING; SIGNALS

ARTICLE V. - RIGHT-OF-WAY

ARTICLE VI. - SAFETY AND EQUIPMENT

ARTICLE VII. - SIZE, WEIGHT AND LOAD

ARTICLE VIII. - PEDESTRIANS

ARTICLE IX. - BICYCLES AND PLAY VEHICLES

ARTICLE X. - PARTIES TO UNLAWFUL ACTS

ARTICLE XI. - PROHIBITED ACTS

ARTICLE XII. - PARKING METERS

ARTICLE XIII. - EXHIBITION DRIVING

FOOTNOTE(S):

--- (1) ---

State Law reference— Uniformity with state law required, W. Va. Code, § 17C-2-7; powers of municipality, W. Va. Code, § 17C-2-8.

ARTICLE I. IN GENERAL

Sec. 78-1. Definitions.

Sec. 78-2. Uniformity and powers of local authority.

Sec. 78-3. Immobilization of certain vehicles.

Sec. 78-4. Traffic laws apply to persons riding animals or driving animal-drawn vehicles.

Sec. 78-5. Required obedience to traffic laws.

Sec. 78-6. Enforcement of Code; failure to obey police officer.

Sec. 78-7. Duty of public officers and employees to obey chapter provisions.

Sec. 78-8. Authorized emergency vehicles.

Sec. 78-9. Additional lighting equipment and special restrictions on lamps.

Sec. 78-10. Power of mayor during emergency.

Sec. 78-11. Unlawful operation of motorcycles, ATVs, and certain other vehicles on public ways.

Sec. 78-12. Adoption of a comprehensive traffic code.

Secs. 78-13—78-40. Reserved.

Sec. 78-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appropriate official refers to a magistrate, his clerk, or a judge or clerk of a court of record.

Axle group means an assemblage of two or more consecutive axles considered together in determining their combined load effect on a bridge or pavement structure. The determination of what constitutes an axle group may include any or all the axles on the vehicle or combination of vehicles.

Bicycle means every device which does not have a motor attached and which is propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 20 inches in diameter.

Bus means every motor vehicle designed for carrying more than seven passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Business district means the territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

Cancellation means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license, but the cancellation is without prejudice and application for a new license may be made at any time after such cancellation.

Chauffeur means every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation.

Citation means any summons, ticket or other official document issued by a police officer for a traffic violation containing an order which requires a motorist to respond.

Collateral means any cash or other security deposited to secure an appearance for trial, following the issuance by a police officer of a citation for a traffic violation.

Commissioner means the commissioner of motor vehicles of the state.

Compact administrator refers to the commissioner of the department of motor vehicles.

Connecting mechanism means an arrangement of parts interconnecting two or more consecutive axles to the frame of a vehicle in such a manner as to equalize the load between axles.

Controlled-access highways means every highway, street or roadway in respect to which owners or occupants of abutting lands, and other persons have no legal right of access to or from

The Code of the Town of Bath, West Virginia

the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Court means the municipal court for the town.

Crosswalk means and includes that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway, and any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Department means the department of motor vehicles of the state acting directly or through its duly authorized officer and agents.

Driver means every person who drives or is in actual physical control of a vehicle.

Driver's license means any license or privilege to operate a motor vehicle issued under the laws of the home jurisdiction.

Essential parts means all integral and body parts of a vehicle of a type required to be registered hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

Explosives means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb.

Farm tractor means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Foreign vehicle means every vehicle of a type required to be registered hereunder brought into the state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in the state.

Gross weight means the weight of a vehicle without load plus the weight of any load thereon.

Home jurisdiction means that jurisdiction that issued the driver's license of the traffic violator.

Home state means the state which has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

Implement of husbandry means every vehicle which is designed for or adopted to agricultural purposes and used by the owner thereof primarily in the conduct of his agricultural operations, including, but not limited to, trucks used for spraying trees and plants; provided that said vehicle shall not be let for hire at any time.

Intersection means and includes the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict; and where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection.

Issuing jurisdiction means that jurisdiction in which the traffic citation was issued to the motorist.

Jurisdiction means a state, territory or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

Jurisdiction executive means the governor of the state.

Laned roadway means a roadway which is divided into two or more clearly marked lanes for vehicular traffic.

The Code of the Town of Bath, West Virginia

Licensing authority means the department of motor vehicles.

Local authorities means every municipal and other local board or body having authority to enact laws relating to traffic under the Constitution and laws of the state.

Metal tires means every tire the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

Moped means every motorcycle or motor-driven cycle unless otherwise specified in this chapter, which is equipped with two or three wheels, foot pedals to permit muscular propulsion and an independent power source providing a maximum of two brake horsepower. If a combustion engine is used, the maximum piston or motor displacement shall be 50 cubic centimeters regardless of the number of chambers in such power source. The power source shall be capable of propelling the vehicle, unassisted, at a speed not to exceed 30 miles per hour on a level road surface and shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Motorcycle means every motor vehicle having a saddle for the use of the rider and designated to travel on no more than three wheels in contact with the ground but excluding a tractor.

Motor-driven cycle means every motorcycle having a piston displacement of more than 50 cubic centimeters but not more than 150 cubic centimeters or with not more than five brake horsepower.

Motorist means the driver of a motor vehicle.

Nonresident means every person who is not a resident of the state.

Operator means every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner means a person who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter.

Park, when prohibited, means standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

Pedestrian means any person afoot.

Person means every natural person, firm, copartnership, association, or corporation.

Personal recognizance means an agreement by a motorist made at the time of the issuance of the traffic citation that he will comply with the terms of that citation.

Pneumatic tire means every tire in which compressed air is designed to support the load.

Pole trailer means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, trusses, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Police officer means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private property means real estate in private ownership without regard to the manner in which it is used.

The Code of the Town of Bath, West Virginia

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

Railroad sign or signal means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Reconstructed vehicle means every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

Residence district means the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is, in the main, improved with residences or residences and buildings in use for business.

Revocation means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the department after the expiration of a least one year after date of revocation, except as otherwise provided in W. Va. Code, § 17C-5-2.

Right-of-way means the privilege of the immediate use of the highway.

Road tractor means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times.

School bus means every motor vehicle owned by a public governmental agency and operated for the transportation of children to and from school or privately owned and operated for compensation for the transportation of children to or from school.

School grounds means the land on which a school is built together with such other land used by students for play, recreation or athletic events while attending school.

Semitrailer means every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Solid tire means every tire of rubber or other resilient material which does not depend upon compressed air for support of the load.

Special mobile equipment means every vehicle not designated or used for the transportation of persons or property and incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch digging apparatus, well-boring apparatus, concrete mixers, and farm tractors, when farm tractors cannot be classified as an implement of husbandry. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section.

Specially constructed vehicles means every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

Stop means a complete cessation of movement.

The Code of the Town of Bath, West Virginia

Stop, stopping, or standing, when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign and signal.

Street or highway means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

Suspension means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn but only during the period of such suspension.

Tandem axle means any two or more consecutive axles whose centers are more than 40 inches but not more than 96 inches apart, and are individually attached to and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles.

Tandem axle weight means the total weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel transverse planes spaced more than 40 inches and not more than 96 inches apart, extending the full width of the vehicle.

Through highway means every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected then as provided.

Traffic means pedestrians, ridden or herded animals, vehicles, and other conveyances whether singly or together while using any highway for purposes of travel.

Traffic control devices means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Traffic control signals means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

Trailer means every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicles.

Truck means every motor vehicle designed, used or maintained primarily for the transportation of property.

Truck tractor means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(Code 1981, § 13-101)

Sec. 78-2. Uniformity and powers of local authority.

- (a) The provisions of chapters 17A, 17B, 17C, 17D of the West Virginia Code, as amended, shall be uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule or regulation in conflict with the provisions of said chapters 17A, 17B, 17C, 17D as provided unless expressly authorized. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of said chapters 17A, 17B, 17C, 17D.
- (b) The provisions of chapters 17C, 18B, 17C, 17D of the West Virginia Code shall not be deemed to prevent the town, with respect to streets and highways under its jurisdiction and within the reasonable exercise of the police power, from:
 - (1) Regulating the standing or parking of vehicles;

The Code of the Town of Bath, West Virginia

- (2) Regulating traffic by means of police officers or traffic control devices;
- (3) Regulating or prohibiting processions or assemblages on the highways;
- (4) Designating particular streets as one-way streets and requiring that all vehicles thereon be moved in one specific direction;
- (5) Regulating the speed of vehicles in public parks;
- (6) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances at such intersection;
- (7) Restricting the use of highways as authorized in W. Va. Code, § 17C-17-12;
- (8) Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;
- (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
- (10) Altering the speed limits authorized in chapter 17C of the West Virginia Code, as amended;
- (11) Adopting such other traffic regulations as are specifically authorized by chapter 17A, 17B, 17C, 17D of the West Virginia Code.

(Code 1981, § 13-102; Ord. No. 85-1, 3-19-1985)

Sec. 78-3. Immobilization of certain vehicles.

- (a) When any police officer or police department employee of the town finds on a city street a vehicle which as in the past been cited for a traffic violation, including overtime parking violation, and which violation has not been disposed of in the police court in accordance with the ordinance pertaining thereto, or which vehicle is in violation of the provisions of this chapter, and the city police office or police department employee deems it necessary, in order to enforce such provisions, that an immobilizer be used, then such city police officer or police department employee may immobilize such vehicle by installing or attaching a device thereto until the owner or driver thereof has satisfied any existing and post violations in accordance with the ordinance pertaining thereto.
- (b) A law enforcement officer shall immobilize a vehicle, by booting, if said vehicle is the subject of a parking violation and the respective fine has not been paid within 90 days. Payment of all fines and a charge of \$100.00 booting fee will be required within 24 hours of boot placement. The vehicle will not be released until all fines and fees have been satisfied.

(Ord. No. 2002-06, 7-16-2002; Ord. No. 2002-05, 7-2-2002)

Sec. 78-4. Traffic laws apply to persons riding animals or driving animal-drawn vehicles.

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle hereunder, except those provisions of this chapter which by their nature can have no application.

(Code 1981, § 13-103)

Sec. 78-5. Required obedience to traffic laws.

It is unlawful and, unless otherwise declared hereunder with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required by this chapter.

(Code 1981, § 13-104)

Sec. 78-6. Enforcement of Code; failure to obey police officer.

- (a) It shall be the duty of the police of the town to enforce the provisions of this chapter and other laws of the town.
- (b) No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

(Code 1981, § 13-105)

Sec. 78-7. Duty of public officers and employees to obey chapter provisions.

- (a) The provisions of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, the state, or any county, city, town, district, or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.
- (b) Unless specifically made applicable, the provisions of this chapter shall not apply to persons, teams, motor vehicles, and other equipment while engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

(Code 1981, § 13-106)

Sec. 78-8. Authorized emergency vehicles.

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- (b) The driver of an authorized emergency vehicle may:
 - (1) Park or stand, irrespective of the provisions of this chapter;
 - (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (3) Exceed the speed limits so long as he does not endanger life or property;
 - (4) Disregard regulations governing direction of movement of turning in specific direction.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of said vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted flashing lamp as authorized by W. Va. Code, § 17C-15-26, and section 78-9 which is visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a warning light visible from in front of the vehicle.

- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Code 1981, § 13-107)

Sec. 78-9. Additional lighting equipment and special restrictions on lamps.

- (a) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to the other warning signals required by chapter 17C of the West Virginia Code, as amended, and by provisions of this Code. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warnings to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red.
- (b) Except as authorized in subsection (a) of this section, flashing lights are prohibited on motor vehicles, except on an authorized emergency vehicle, school bus, snow removal equipment or on any vehicle as a means for indicating right or left turn, on any vehicle as a means of indicating the same is disabled or otherwise stopped for an emergency.
- (c) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displayed other than a white or amber light visible from directly in front of the center thereof except as authorized by subsection (d) of this section.
- (d) Notwithstanding any other provisions of this chapter, the following colors of flashing warning lights are restricted for use of the type vehicle designated:
 - (1) Blue flashing warning lights are restricted to police vehicles, except that W. Va. Code, § 17C-15-27 permits such lights for use of state road commission (department of highways) snow removal equipment.
 - (2) Except as authorized by subsection (a) of this section and W. Va. Code, § 17C-15-27, red flashing warning lights are restricted to ambulances, firefighting vehicles, school buses, wreckers and the personal car or truck of those volunteer firemen who are authorized by their fire chief to have such lights.
 - (3) All other emergency vehicles authorized by W. Va. Code, § 17C-15-27, shall be restricted to amber or yellow flashing warning lights.
- (e) It shall be unlawful for flashing warning lights of an authorized color to be installed or used on a vehicle other than as specified in this section, except that a police vehicle may be equipped with either or both blue or red warning lights.

(Code 1981, § 13-108)

Sec. 78-10. Power of mayor during emergency.

- (a) During any emergency declared by proclamation of the mayor, the mayor is given express power to regulate traffic on or over any streets, alleys, roads, avenues or driveways within the town.
- (b) Any person violating or causing a violation of any regulation prescribed by the mayor under this section shall be guilty of a misdemeanor.

(Code 1981, § 13-109)

Sec. 78-11. Unlawful operation of motorcycles, ATVs, and certain other vehicles on public ways.

It shall be unlawful for the owner or operator of any motorcycle, ATV, or go-cart or motorized scooter or skateboard designed for off-road use to ride or operate such motorcycle, ATV, or go-cart or motorized scooter on any roadway, street or alley within the town limits.

- (1) Any person violating the provisions of this section shall be fined not less than \$50.00 nor more than \$100.00 plus court costs.
- (2) Any person, firm or corporation convicted of a second violation of this section shall be fined not less than \$100.00 nor more than \$200.00 plus court costs.
- (3) Any person convicted of a violation of this section who fails to pay the fine set forth by the court in accordance with the penalties set forth in subsections (1) and (2) of this section shall have such motorcycle, ATV, go-cart or motorized scooter confiscated and sold at public auction by the police department to cover the fine and court costs.

(Ord. No. 2002-08, 8-6-2002)

Sec. 78-12. Adoption of a comprehensive traffic code.

The Comprehensive Traffic Code, adopted March 6, 2012, is incorporated herein by reference as if fully set out at length, and a copy is on file and available for inspection in the offices of the town.

(Ord. No. 2012-01, 3-6-2012)

Editor's note— At the discretion of the editor, reference to the adoption of the Town of Bath Comprehensive Traffic Code, has been included herein as § 78-12.

Secs. 78-13—78-40. Reserved.

ARTICLE II. REGISTRATION, CERTIFICATES OF TITLE AND LICENSURE

Sec. 78-41. Every motor vehicle, etc., subject to registration and certificate of title provisions; exceptions.

Sec. 78-42. Registration card to be signed, carried and exhibited on demand.

Sec. 78-43. Display of registration (license) plates.

Sec. 78-44. Operation of vehicles without evidence of registration.

Sec. 78-45. Exemption of manufacturers, transporters, dealers, lienholders and nonresidents from requirements for registration and certificates of title.

Sec. 78-46. Improper use of evidences of registration.

Sec. 78-47. Operators and chauffeurs must be licensed.

Sec. 78-48. Exempted persons.

Sec. 78-49. Licenses to be carried and exhibited on demand.

Sec. 78-50. Restricted licenses.

Sec. 78-51. Unlawful use of license.

Sec. 78-52. Permitting unauthorized person to drive.

Sec. 78-53. Renting motor vehicle to another.

Secs. 78-54—78-79. Reserved.

Sec. 78-41. Every motor vehicle, etc., subject to registration and certificate of title provisions; exceptions.

Every motor vehicle, trailer, semitrailer, and pole trailer when driven or moved upon a highway shall be subject to the registration and certificate of title provisions of the West Virginia Code as amended and this article except:

- (1) Any such vehicle driven or moved upon a highway in conformance with the provisions of section 78-45 relating to manufacturers, transporters, dealers, lienholders, or nonresidents or under a temporary registration permit issued by the department.
- (2) Any implement of husbandry upon which is securely attached a machine for spraying fruit trees and plants of the owner or lessee or for any other implement of husbandry which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner thereof and which is not operated on or over any public highway of the state for any other purpose other than for the purpose of operating it across a highway or along a highway other than an expressway as designated by the state road commission (department of highways) from one point of the owner's land to another part, thereof, irrespective of whether or not the tracts adjoin; provided that the distance between the points shall not exceed 15 miles, or for the purpose of taking it or other fixtures thereto attached to and from a repair shop for repairs. The foregoing exemption from registration and license requirements shall also apply to any vehicle hereinbefore described or to any farm trailer owned by the owner or lessee of the farm on which such trailer is used, when such trailer is used for the purpose of moving farm produce and livestock from such farm along a public highway for a distance not to exceed ten miles to a storage house or packing plant, when such use is a seasonal operation.
 - a. The exemptions contained in this section shall also apply to farm machinery and tractors; provided further that such machinery and tractors may use the highways in going from one tract of land to another tract of land regardless of whether such land be owned by the same or different persons.
 - b. Any vehicle exempted hereunder from the requirements of annual registration certificate and license plates and fees therefor shall not be permitted to use the highways as above provided between sunset and sunrise.
 - c. Any vehicle used as an implement of husbandry exempt hereunder must have the words "farm use" affixed to both sides of the implement in ten-inch letters.
- (3) Any vehicle of a type subject to registration by the government of the United States.
- (4) Any wrecked or disabled vehicle which is being towed by a licensed wrecker or dealer on the public highways of the town.

(Code 1981, § 13-201)

Sec. 78-42. Registration card to be signed, carried and exhibited on demand.

Every owner upon receipt of a registration card shall write his signature thereon with pen and ink in the space provided. Every such registration card shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer.

(Code 1981, § 13-202)

Sec. 78-43. Display of registration (license) plates.

- (a) Registration plates issued for vehicles required to be registered shall be attached to the rear thereof except that on truck tractors and road tractors designed and constructed to pull trailers or semitrailers, the registration plate shall be mounted to the front.
- (b) Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.
- (c) Notwithstanding the provisions of subsection (b) of this section, an owner of a motor vehicle with a Class G registration as defined in W. Va. Code, § 17A-10-1, may choose to:
 - (1) Display a standard, Class G registration plate in a horizontal position; or
 - (2) Display a specially designed Class G registration plate in a vertical position issued by the division of motor vehicles if the owner:
 - a. Pays a one-time fee of \$25.00 to cover the additional cost and services necessary to issue the special registration plate to be deposited into a special revolving fund to be used for the administration of W. Va. Code, ch. 17A; and
 - b. Pays all other required fees and complies with all other applicable provisions of this Code regarding the titling, registration and operation of the vehicle.

(Code 1981, § 13-203)

Sec. 78-44. Operation of vehicles without evidence of registration.

- (a) No person shall operate, nor shall an owner knowingly permit to be operated or parked upon any street or highway any vehicle required to be registered hereunder unless there shall be attached thereto and displayed thereon or shall be in the possession of the operator when and as required by this Code and chapter 17A of the West Virginia Code, as amended, a valid registration card and registration plate issued therefor by the department for current registration year except as otherwise expressly permitted in this Code and chapter 17A of the West Virginia Code, as amended.
- (b) In the event that registration plates originally issued are lost, destroyed or stolen, a temporary facsimile of the plates, showing the number of the same, may be attached to the vehicle by the owner for a period of not more than 15 days, or until new plates are issued by the department, whichever is earlier; provided that no such facsimile shall be used and no such vehicle shall be driven upon the highways and streets of the state or the town, until the owner shall have notified in writing the state police of the loss of such registration plates.

(Code 1981, § 13-205)

Sec. 78-45. Exemption of manufacturers, transporters, dealers, lienholders and nonresidents from requirements for registration and certificates of title.

- (a) A nonresident owner, except as otherwise provided in this section, owning any vehicle registered in a foreign state or country and otherwise subject to registration hereunder may operate or permit the operation of such vehicle within the town for a period of 30 days without registering such vehicle in the state subject to the condition that such vehicle is duly registered in and displays upon it a valid registration card and plate issued for such vehicle in the place of residence of the owner.
- (b) Every nonresident, including any foreign corporation, carrying on business within the state and owning and regularly operating in such business any motor vehicle, trailer, or semitrailer

The Code of the Town of Bath, West Virginia

within the state and within the town is required by W. Va. Code, § 17A-5-1 to register said vehicle and pay the same fee therefor as is required with reference to like resident-owned vehicles in the state, except as otherwise provided by reciprocal agreements with other states.

- (c) Any nonresident who accepts or engages in temporary and recurrent or seasonal employment, business, profession or occupation in the state and maintains temporary and recurrent or seasonal residence in the state in connection with such employment, business, profession, or occupation, and any nonresident, including any corporation carrying on business of a temporary and recurrent or seasonal nature in the state and owning and temporarily and recurrently or seasonally operating in such business any motor vehicle, trailer or semitrailer within the state, may operate or permit the operation of such vehicle within the town without causing said vehicle to be registered as provided in the West Virginia Code, as amended, and herein; provided that such nonresident in lieu of registration make application to the department and receive a special permit, valid for 60 days, evidenced by a mental identification plate and certificate in writing, and which plate and certificate shall together identify the vehicle for which such permit is issued and such certificate shall bear the name and address of the owner of such vehicle. Such permit shall be issued without previous certificate of title as otherwise required.
- (d) When the transferee of a vehicle is a dealer who holds the same for resale and lawfully operates the same under dealer's plates, such dealer shall not be required to obtain a new registration of said vehicle or be required to forward the certificate of title to the department, but such dealer or other transferee upon transferring his title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver the same not later than 30 days from date of sale to the person to whom such transfer is made. A transferee, other than a dealer, may operate such vehicle under the registration of its previous owner for a period of not more than ten days after date of transfer.
- (e) Whenever the title or interest of an owner in or to a registered vehicle shall pass to another otherwise than by voluntary transfer, the registration thereof shall expire and the vehicle shall not be operated upon the highways unless and until the person entitled to possession of such vehicle shall apply for and obtain the registration thereof, except that such vehicle may be operated by the person entitled to its possession or his legal representative upon the highways for a distance not exceeding 75 miles upon displaying upon such vehicle the registration plates issued to the former owner, or in the event title has become vested in the person holding a lien or encumbrance upon said vehicle such person may apply to the department for and obtain special plates as may be issued under the West Virginia Code, as amended, to dealers and may operate said repossessed vehicle under such special plates only for purposes of demonstrating or selling same.
- (f) Where in the course of interstate operation new vehicles are transported or driven upon highways of the town to be delivered to a bona fide dealer of this or another state, such vehicles are exempt from the registration requirement of this section and the West Virginia Code, as amended, provided that they are accompanied by a manufacturer's certificate of origin.

(Code 1981, § 13-206)

Sec. 78-46. Improper use of evidences of registration.

No person shall lend to another any certificate of title, registration card, registration plate, special plate, or permit issued to him if the person desiring to borrow the same would not be entitled to the use thereof, nor shall any person knowingly permit the use of any of the same by one not entitled thereto, nor any person display upon a vehicle any registration card, registration plates, or permit not issued for such vehicle or not otherwise lawfully used thereon under this Code. Any violation of this section is a misdemeanor.

(Code 1981, § 13-207)

Sec. 78-47. Operators and chauffeurs must be licensed.

- (a) No person, except those expressly exempted by W. Va. Code, § 17B-2-2 and as follows, shall drive any motor vehicle upon a street or highway in the town when the use of such street is generally used by the public unless the person has a valid license as an operator or chauffeur under the provisions of this chapter.
- (b) No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. No person shall receive a chauffeur's license unless and until he surrenders to the department any operator's license issued to him or an affidavit that he does not possess an operator's license.

(Code 1981, § 13-208)

Sec. 78-48. Exempted persons.

The following persons are exempt from licensure requirements by the West Virginia Code, as amended by W. Va. Code, § 17B-2-2:

- (1) Any person while operating a motor vehicle in the armed services of the United States while in the performance of his official duties.
- (2) A nonresident who is at least 16 years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country unless the commissioner determines the person's home state or country does not extend the same privileges to a resident of the state, may operate a motor vehicle in this state only as a noncommercial operator for a period not to exceed 90 days in any one calendar year.
- (3) A nonresident who is at least 16 years of age, who has in his immediate possession a valid operator's license issued to him in his home state or country and who is employed in this state, or owns, maintains or operates a place of business in the state, or engages in any trade, profession or occupation in the state, in addition to the driving privilege extended under subsection (2) of this section, unless the commissioner determines the person's home state or country does not extend the same privileges to a resident of the state, may operate a motor vehicle in the state only as a noncommercial operator traveling to and from his place of employment, place of business or place at which he engages in such trade, profession or occupation and in the discharge of the duties of his employment, business, trade, profession or occupation if such duties are such that if performed by a resident of the state over the age of 18 years such resident would not be required under the provisions of W. Va. Code, ch. 17B to obtain a Class A, B, C or D driver's license; however, this subsection shall not exempt any person who is required to obtain a state driver's license in accordance with the provisions of W. Va. Code, § 17B-2-1a.
- (4) A nonresident who is at least 18 years of age and who has in his immediate possession a valid commercial driver's license issued to him in his home state or country and which meets the requirements of the Federal Commercial Motor Vehicle Act of 1986, Title XI of Public Law 99-570 and unless the commissioner determines the person's home state or country does not extend the same privilege to a resident of the state, may operate a motor vehicle in this state, either as a commercial driver subject to the age limits applicable to chauffeurs in this state, or as a noncommercial operator subject to the limitations imposed on nonresident operators in subsections (2) and (3) of this section.
- (5) Any person who is a student, properly enrolled and registered in an accredited school, college or university in this state, who is at least 16 years of age and who has in his immediate possession a valid operator's license issued to him in his home state, notwithstanding the limitations of subsections (2) and (3) of this section may operate a motor vehicle in the town as a noncommercial operator; provided that the state of which he is a resident shall extend the same privileges to residents of this state. This

exemption shall be cancelled immediately when such student is graduated from school, college or university or is expelled or ceases to be a student.

(Code 1981, § 13-209)

Sec. 78-49. Licenses to be carried and exhibited on demand.

Every licensee shall have his operator's license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a justice of the peace, a peace officer, or a field deputy or inspector of the state division of motor vehicles. However, no person charged with violating this section shall be convicted if he produces in court or the office of the arresting officer an operator's license theretofore issued to him and valid at the time of his arrest.

(Code 1981, § 13-210)

Sec. 78-50. Restricted licenses.

- (a) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form according to licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle as the department may determine to be appropriate to ensure the safe operation of a motor vehicle by the licensee.
- (b) It is a misdemeanor for any person to operate a motor vehicle in any manner in the town in violation of the restrictions imposed in a restricted license issued to him.

(Code 1981, § 13-211)

Sec. 78-51. Unlawful use of license.

It is a misdemeanor for any person to commit any one of the following acts:

- (1) To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;
- (2) To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
- (3) To display or represent as one's own any operator's or chauffeur's license not issued to him;
- (4) To permit any unlawful use of an operator's or chauffeur's license issued to him.

(Code 1981, § 13-212)

Sec. 78-52. Permitting unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway or street of the town by any person who is not authorized by chapter 13-B of the West Virginia Code, as amended, or hereunder or in violation of any provision hereunder.

(Code 1981, § 13-213)

Sec. 78-53. Renting motor vehicle to another.

- (a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under chapter 13-B of the West Virginia Code, as amended, or, in the case of a nonresident, then duly licensed under the laws of the state or county of his residence.
- (b) No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.
- (c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the data and place when and where said license was issued. Such record shall be open to inspection by any police officer.

(Code 1981, § 13-214)

Secs. 78-54—78-79. Reserved.

ARTICLE III. OPERATION OF VEHICLES

Sec. 78-80. Reckless driving; penalties.

Sec. 78-81. Speed restrictions.

Sec. 78-82. Racing on street and highways.

Sec. 78-83. Special speed limitation.

Sec. 78-84. Slow-moving vehicle emblem.

Sec. 78-85. Slow-moving vehicles.

Sec. 78-86. Driving on right side of roadway; exceptions.

Sec. 78-87. Passing vehicle proceeding in opposite directions.

Sec. 78-88. Overtaking and passing vehicles proceeding in same direction—Passing on the left generally.

Sec. 78-89. Same—When overtaking on the right is permitted.

Sec. 78-90. Same—Limitations on overtaking on the left.

Sec. 78-91. Same—Further limitations on driving to left side of roadway.

Sec. 78-92. Same—No-passing zones.

Sec. 78-93. Driving in marked lanes or continuous lines of traffic.

Sec. 78-94. Following too closely.

Sec. 78-95. Driving on divided highways.

Sec. 78-96. Controlled-access roadway; driving onto or from.

Secs. 78-97—78-120. Reserved.

Sec. 78-80. Reckless driving; penalties.

- (a) Any person who drives any vehicle upon any street or highway, or upon any residential street, or in any parking area, or upon the ways of any institution of higher education,

whether public or private, or upon the ways of any state institution or upon the property of any county boards of education, or upon any property within the municipal and state park and public recreation system in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

- (b) The provisions of subsection (a) of this section shall not apply to those areas which have been temporarily closed for racing sport events or which may be set aside by the director of the department of natural resources within the state park and recreation system for exclusive use by motorcycles or other recreational vehicles.

(Code 1981, § 13-301)

Sec. 78-81. Speed restrictions.

- (a) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards, then existing. 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 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 shall be lawful, but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be unlawful.
 - (1) No vehicle of any kind shall be operated on the streets or alleys of the town at a greater rate of speed than the miles per hour posted.
 - (2) No person shall drive a vehicle upon any street or alley or other public way in the town at a speed in excess of 15 miles per hour when passing a school building or the grounds thereof during school recess or while children are going to or leaving school during opening or closing hours.
- (c) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.
- (d) In every charge of violation of any speed regulations in this section the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed applicable within the town or at the location and in the event charge shall also be made of violation of any other provision of this chapter, the complaint and the summons or notice to appear shall also specify such other offense alleged to have been committed.

(Code 1981, § 13-302)

Sec. 78-82. Racing on street and highways.

- (a) *Definitions.* For the purpose of this subsection, the term "speed race" means:
 - (1) The operation of a motor vehicle in speed acceleration competition with another motor vehicle or motor vehicles;
 - (2) The operation of a motor vehicle in speed acceleration competitive against time; or
 - (3) The operation of a motor vehicle in speed competition with another motor vehicle or motor vehicles where the speed exceeds the lawful speed limit.
- (b) *Unlawful acts.* It shall be unlawful for any person to engage in, or aid or abet by serving as lookout or timer or in any other capacity whatever, any speed race, as defined herein, on any town street or highway.

- (c) *Penalty.* Any person who violates the provisions of subsection (a) of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished for a first offense by a fine not less than \$50.00 nor more than \$100.00, for a second offense by a fine not less than \$50.00 nor more than \$500.00.

(Code 1981, § 13-303)

Sec. 78-83. Special speed limitation.

- (a) No person shall drive any vehicle equipped with other than pneumatic tires at a speed greater than a maximum of ten miles per hour.
- (b) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted by the state road commission (department of highways).

(Code 1981, § 13-304)

Sec. 78-84. Slow-moving vehicle emblem.

All farm machinery and other machinery, including all road construction machinery, except when guarded by flagmen or flares, designed to operate at 25 miles per hour or less, traveling on a public highway during the day or night, shall display a triangular slow-moving emblem on the rear of the vehicle.

(Code 1981, § 13-305)

Sec. 78-85. Slow-moving vehicles.

The driver of a slow-moving vehicle shall keep as close as practicable to the right-hand curb or edge of the roadway, and such vehicles shall not be driven abreast upon the streets or highways of the town, but one must follow the other.

(Code 1981, § 13-306)

Sec. 78-86. Driving on right side of roadway; exceptions.

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

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (2) When the right half of a roadway is closed to traffic while under construction or repair;
- (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- (4) Upon a roadway designated and signposted for one-way traffic.

(Code 1981, § 13-307)

Sec. 78-87. Passing vehicle proceeding in opposite directions.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver

shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

(Code 1981, § 13-308)

**Sec. 78-88. Overtaking and passing vehicles proceeding in same direction—
Passing on the left generally.**

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

- (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an audible signal and pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(Code 1981, § 13-309)

Sec. 78-89. Same—When overtaking on the right is permitted.

- (a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:
 - (1) When the vehicle overtaken is making or about to make a left turn;
 - (2) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;
 - (3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.
- (b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.

(Code 1981, § 13-310)

Sec. 78-90. Same—Limitations on overtaking on the left.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to, the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(Code 1981, § 13-311)

Sec. 78-91. Same—Further limitations on driving to left side of roadway.

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

- (1) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
- (2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing;
- (3) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel.

(b) The foregoing limitations shall not apply upon a one-way roadway.

(Code 1981, § 13-312)

Sec. 78-92. Same—No-passing zones.

When signs or markings are in place and clearly visible to an ordinarily observant person indicating that overtaking and passing or driving to the left of the roadway would be especially hazardous, every driver of a vehicle shall obey the directions thereof.

(Code 1981, § 13-313)

Sec. 78-93. Driving in marked lanes or continuous lines of traffic.

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

- (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (2) Upon a roadway which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle at a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
- (3) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

(Code 1981, § 13-314)

Sec. 78-94. Following too closely.

- (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.
- (b) It shall be unlawful for the operator of any motor truck, registered for a gross weight of more than 8,000 pounds, bus, special mobile equipment or any motor vehicle drawing another vehicle operating upon any roadway outside of a business or residence district, to follow within 200 feet of another vehicle; provided that this provision shall not be construed to:
 - (1) Prevent overtaking and passing;
 - (2) Apply upon any lane especially designated for the use of motor trucks or combinations of vehicles, or within any section of roadway posted or marked as a "no-passing zone";

- (3) Apply to any convoy of vehicles of the military service of the United States or of the state; and
- (4) Apply to funeral processions.
- (c) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to:
 - (1) Funeral processions; or
 - (2) Any convoy of vehicles of the military service of the United States or of the state.

(Code 1981, § 13-315)

Sec. 78-95. Driving on divided highways.

Whenever any street or highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

(Code 1981, § 13-316)

Sec. 78-96. Controlled-access roadway; driving onto or from.

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

(Code 1981, § 13-317)

Secs. 78-97—78-120. Reserved.

ARTICLE IV. TURNING AND STARTING; SIGNALS ^[2]

Sec. 78-121. Right turns.

Sec. 78-122. Left turns on two-way roadways.

Sec. 78-123. Left turns on other than two-way roadways.

Sec. 78-124. Turning on curve or crest of grade prohibited.

Sec. 78-125. Turning movements and required signals.

Sec. 78-126. Signals to be given by hand and arm or signal device.

Sec. 78-127. Method of giving hand-and-arm signals.

Secs. 78-128—78-152. Reserved.

Sec. 78-121. Right turns.

Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(Code 1981, § 13-318)

Sec. 78-122. Left turns on two-way roadways.

At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(Code 1981, § 13-319)

Sec. 78-123. Left turns on other than two-way roadways.

At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(Code 1981, § 13-320)

Sec. 78-124. Turning on curve or crest of grade prohibited.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

(Code 1981, § 13-321)

Sec. 78-125. Turning movements and required signals.

- (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in this article, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.
- (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.
- (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(Code 1981, § 13-322)

Sec. 78-126. Signals to be given by hand and arm or signal device.

Any stop or turn signal, when required herein, shall be given either by means of the hand and arm or by a signal lamp or mechanical signal device, but when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle, then said signals must be given by such a lamp or signal device.

(Code 1981, § 13-323)

Sec. 78-127. Method of giving hand-and-arm signals.

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

- (1) Left turn: hand and arm extended horizontally.
- (2) Right turn: hand and arm extended upward.
- (3) Stop or decrease speed: hand and arm extended downward.

(Code 1981, § 13-324)

Secs. 78-128—78-152. Reserved.

FOOTNOTE(S):

--- (2) ---

State Law reference— Authority to regulate turning of vehicles, W. Va. Code, § 17C-2-8(a)(9); authority to specify different courses for turns, W. Va. Code, § 17C-8-5.

ARTICLE V. RIGHT-OF-WAY ^[3]

Sec. 78-153. Right-of-way at intersections.

Sec. 78-154. Vehicle turning left at intersections.

Sec. 78-155. Vehicle entering through highway or stop intersections.

Sec. 78-156. Vehicle entering highway from private road or driveway.

Sec. 78-157. Operation of vehicles on approach of authorized emergency vehicles.

Sec. 78-158. Drivers to exercise due care.

Sec. 78-159. Obedience to signal indicating approach of train.

Sec. 78-160. Certain vehicles must stop at all railroad grade crossings.

Sec. 78-161. Moving heavy equipment at railroad grade crossings.

Sec. 78-162. Vehicles must stop at through highways; erection of signs.

Sec. 78-163. Stopping before emerging from alley or private driveway.

Sec. 78-164. Overtaking and passing school bus; signs and warning lights upon buses; removal of warning lights, lettering, etc., upon sale of buses; highways with separate roadways.

The Code of the Town of Bath, West Virginia

- Sec. 78-165. Stopping, standing or parking outside of business or residence districts.
- Sec. 78-166. Officers authorized to remove illegally stopped vehicles.
- Sec. 78-167. Stopping, standing or parking prohibited in specified places.
- Sec. 78-168. Right and left parallel parking; angle parking.
- Sec. 78-169. Parking privileges and no parking spaces.
- Sec. 78-170. Removal of vehicles parked, etc., on controlled-access highway; liability for costs of removal and storage; liens for towing and storage.
- Sec. 78-171. Stopping, standing or parking privileges for disabled; qualification; application; violation; revocation.
- Sec. 78-172. Unattended motor vehicle.
- Sec. 78-173. Limitations on backing.
- Sec. 78-174. Obstruction to driver's view or driving mechanism.
- Sec. 78-175. Passengers—In seat with operator.
- Sec. 78-176. Same—On running board.
- Sec. 78-177. Coasting prohibited.
- Sec. 78-178. Following fire apparatus.
- Sec. 78-179. Crossing fire hose.
- Sec. 78-180. Putting glass, etc., on highway.
- Sec. 78-181. Vehicles parked on private property.
- Sec. 78-182. Authority of chief of police to use signs or devices in regulating traffic; moving, damaging or destroying signs.
- Sec. 78-183. Obedience to traffic control devices; official signs to be in proper position, etc.
- Sec. 78-184. Obedience to traffic control instructions at site of street or highway construction or maintenance.
- Sec. 78-185. Traffic control signal legend.
- Sec. 78-186. Pedestrian walk and wait signals.
- Sec. 78-187. Flashing red (stop) signals.
- Sec. 78-188. Display of unauthorized devices, signs, etc.; such devices, etc., declared nuisance and subject to removal.
- Sec. 78-189. Interference with official traffic control devices or railroad signs or signals.
- Sec. 78-190. Accidents involving damage to vehicle.
- Sec. 78-191. Duty to give information and render aid.
- Sec. 78-192. Duty upon striking unattended vehicle.
- Sec. 78-193. Immediate reports of accidents.
- Sec. 78-194. Unlawful taking of vehicle.
- Secs. 78-195—78-211. Reserved.

Sec. 78-153. Right-of-way at intersections.

- (a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway.
- (b) When two vehicles enter an intersection from a different highway at approximately the same time the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- (c) The right-of-way rules declared in subsections (a) and (b) of this section are modified at through highways and otherwise as hereinafter stated in this article.

(Code 1981, § 13-325)

Sec. 78-154. Vehicle turning left at intersections.

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this article, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicles making the left turn.

(Code 1981, § 13-326)

Sec. 78-155. Vehicle entering through highway or stop intersections.

- (a) The driver of a vehicle shall stop as required by section 78-162 at the entrance to a through highway and shall yield the right-of-way to other vehicles which have entered the intersection from said through highways or which are approaching so closely on said through highway as to constitute an immediate hazard, but said driver having so yielded may proceed.
- (b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

(Code 1981, § 13-327)

Sec. 78-156. Vehicle entering highway from private road or driveway.

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said street or highway.

(Code 1981, § 13-328)

Sec. 78-157. Operation of vehicles on approach of authorized emergency vehicles.

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

stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

- (b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Code 1981, § 13-329)

Sec. 78-158. Drivers to exercise due care.

Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or a confused or incapacitated person upon a roadway.

(Code 1981, § 13-330)

Sec. 78-159. Obedience to signal indicating approach of train.

- (a) Whenever any person driving a vehicle approaches a railroad grade crossing, the driver of such vehicle shall stop within 50 feet but not less than 15 feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
 - (1) A clearly visible electric mechanical signal device gives warning of the immediate approach of a railroad train;
 - (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
 - (3) A railroad train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
 - (4) Any approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- (b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

(Code 1981, § 13-331)

Sec. 78-160. Certain vehicles must stop at all railroad grade crossings.

- (a) The driver of any motor vehicle carrying passengers for hire, or of any school bus carrying any school child, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, or of any vehicle owned by an employer which, in carrying on such employer's business or in carrying employees to and from work, is carrying more than six employees of such employer, before crossing at grade any track of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the tracks.
- (b) No stop need be made at any such crossing where a police officer or a traffic control signal directs traffic to proceed.

- (c) This section shall not apply at street railway grade crossings within a business or residence district.

(Code 1981, § 13-332)

Sec. 78-161. Moving heavy equipment at railroad grade crossings.

- (a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.
- (b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection.
- (c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than 15 feet nor more than 50 feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
- (d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

(Code 1981, § 13-333)

Sec. 78-162. Vehicles must stop at through highways; erection of signs.

- (a) The state road commission (department of highways) with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs at specified entrances thereto or may designate any intersection as a stop intersection and erect like signs at one or more entrances to such intersection.
- (b) Every said sign shall bear the word "Stop" in letters not less than six inches in height and such sign shall at nighttime be rendered luminous by steady or flashing internal illumination, or by a fixed floodlight projected on the face of the sign, or by efficient reflecting elements on the face of the sign.
- (c) Every stop sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the roadway.
- (d) Every driver of a vehicle approaching a stop sign shall stop before entering the crosswalk in the near side of the intersection or in the event there is no crosswalk shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting highway where the driver has a view of approaching traffic on the intersecting highway before entering the intersection except when directed to proceed by a police officer or traffic control signal.

(Code 1981, § 13-334)

Sec. 78-163. Stopping before emerging from alley or private driveway.

The driver of a vehicle within a business or residence district emerging from any alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or private driveway, and shall yield the right-of-

way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

(Code 1981, § 13-335)

Sec. 78-164. Overtaking and passing school bus; signs and warning lights upon buses; removal of warning lights, lettering, etc., upon sale of buses; highways with separate roadways.

- (a) The driver of a vehicle on any street or highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus flashing warning signal lights, and said driver shall not proceed until such school bus resumes motion, or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.
- (b) Every bus used for the transportation of school children shall bear upon the front and rear thereof a plainly visible sign containing the words "school bus" in letters not less than eight inches in height. When a contract school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "school bus" shall be covered or concealed. Any school bus sold or transferred to another owner by a county board of education, agency, or individual, shall have all flashing warning lights removed and all lettering removed or permanently obscured; and such bus shall be painted a color other than chrome yellow before sale or transfer is made except when sold or transferred for the transportation of school children.
- (c) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(Code 1981, § 13-336)

Sec. 78-165. Stopping, standing or parking outside of business or residence districts.

- (a) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of 200 feet in each direction upon such highway.
- (b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

(Code 1981, § 13-337)

Sec. 78-166. Officers authorized to remove illegally stopped vehicles.

- (a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

- (b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(Code 1981, § 13-338)

Sec. 78-167. Stopping, standing or parking prohibited in specified places.

- (a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:
- (1) On a sidewalk;
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within 15 feet of a fire hydrant;
 - (5) On a crosswalk;
 - (6) Within 20 feet of a crosswalk at an intersection;
 - (7) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
 - (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
 - (9) Within 50 feet of the nearest rail of a railroad crossing;
 - (10) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signposted);
 - (11) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 - (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - (14) At any place where official signs prohibit stopping;
 - (15) Within 20 feet of any mail receptacle served regularly by a carrier using a motor vehicle for daily deliveries, if such parking interferes with or causes delay in the carrier's schedule;
 - (16) Upon any controlled-access highway;
 - (17) At any place on any highway where the safety and convenience of the traveling public is thereby endangered.
- (b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(Code 1981, § 13-339)

Sec. 78-168. Right and left parallel parking; angle parking.

- (a) A vehicle stopped or parked upon a roadway shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within 18 inches of the right-hand curb or edge of the roadway.
- (b) A vehicle stopped or parked upon a roadway shall not stand backed up at any angle to the curb or edge of the roadway except while actually loading or unloading.

(Code 1981, § 13-340)

Sec. 78-169. Parking privileges and no parking spaces.

- (a) Parking privileges and spaces designated as "no parking space" may be granted upon consent of the council of the town and when granted must be definitely marked. No person may, without the consent of the council, designate the space bordering along and parallel with the streets, alleys and highways of the town of as "no parking spaces."
- (b) Parking privileges upon the streets, alleys and highways of the town may be temporarily suspended by any police officer in time of unusual congestion, but only upon the placement of official signs in conspicuous places upon said street, alley or highway sufficient to give timely notice of the temporary suspension of said privilege, to the recipient of such a privilege or upon the giving of oral or written notice to each affected individual recipient of such privilege, and the owner or person in charge of any vehicle parked in designated parking area.
- (c) If the owner or person in charge of any vehicle shall fail or neglect to remove such vehicle before or between the time specified in the oral or written notice he shall be guilty of a misdemeanor and subject to the penalties prescribed in this article.

(Code 1981, § 13-341)

Sec. 78-170. Removal of vehicles parked, etc., on controlled-access highway; liability for costs of removal and storage; liens for towing and storage.

Whenever a vehicle has been stopped, parked or left standing upon any part of a controlled-access highway any police officer shall have the authority to remove or order the removal of the vehicle, by towing or otherwise, to the nearest available established garage or parking lot for storage until called for by the owner or his agent. The owner shall be liable for the reasonable cost of such removal and storage, and until payment of such cost the garage or parking lot operator may retain a lien for the amount due. The garage or parking lot operator may enforce his lien for towing and storage in the manner provided in W. Va. Code, § 38-11-14 for the enforcement of other liens.

(Code 1981, § 13-342)

Sec. 78-171. Stopping, standing or parking privileges for disabled; qualification; application; violation; revocation.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Physically disabled person means any person who has sustained a permanent disability rendering it difficult and burdensome for such person to walk, or any person who is similarly disabled for a temporary period of time.

- (b) A physically disabled person who displays upon a motor vehicle stopped, left standing either attended or unattended, or parked by him, or a vehicle under his direction and for his use, a distinguishing insignia provided for in this section may exercise the stopping, standing or parking privileges provided in this section. The distinguishing insignia shall be displayed on the motor vehicle in the manner prescribed by the commissioner of motor vehicles.
- (c) A person desiring to have distinguishing insignia issued to him under this section shall submit to the commissioner:
 - (1) An application therefor on a form prescribed and furnished by the commissioner;
 - (2) A certificate issued by a person licensed to practice medicine in the state stating that the applicant is physically disabled within the meaning of this section; and
 - (3) A fee of \$1.00.
- (d) Upon receipt of the application, the physician's certificate and the registration fee, if the commissioner finds that the applicant qualifies for the stopping, standing or parking privileges provided for in this section, he may issue to such applicant either, as the case may warrant:
 - (1) A temporary insignia to be used by persons who are temporarily disabled, such insignia to be valid for such period of time as the aforementioned physician determines the applicant will be disabled; or
 - (2) A permanent insignia to be used by persons who are certified as permanently disabled by the aforementioned physician.
- (e) The two types of insignia shall be identical in size and form while being clearly distinguishable by color and lettering from each other for identification purposes.
- (f) Free stopping, standing or parking places marked "reserved for disabled persons" shall be designated in close proximity to all state, county and municipal buildings or other public facilities. Such places shall be reserved solely for physically disabled persons during the hours that such buildings are open for business.
- (g) Any person who is not disabled permanently or temporarily and who applies for the stopping, standing or parking privileges provided for in this section, or any person who upon having been granted such privileges wrongfully uses or abuses them or any person who falsely certifies that a person is disabled permanently or temporarily in order that such person may be granted such privileges shall be guilty of a misdemeanor, and, upon conviction thereof, in addition to any other penalty he may otherwise incur or have imposed upon him by law, shall be fined not less than \$50.00 nor more than \$100.00.

(Code 1981, § 13-343)

Sec. 78-172. Unattended motor vehicle.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

(Code 1981, § 13-344)

Sec. 78-173. Limitations on backing.

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

(Code 1981, § 13-345)

Sec. 78-174. Obstruction to driver's view or driving mechanism.

- (a) No person shall drive a vehicle when it is so loaded as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.
- (b) No passenger in a vehicle shall ride in such position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

(Code 1981, § 13-346)

Sec. 78-175. Passengers—In seat with operator.

No more than three persons, including the operator, shall ride or be permitted by such operator to ride in the seat with the operator of any motor vehicle while said motor vehicle is being operated on the streets or highways of the town; provided, however, that the limitation of this section shall not apply to a truck cab or truck crew compartment properly designed for the occupancy of four persons including the operator, and so designated on the registration card by the department of motor vehicles.

(Code 1981, § 13-347)

Sec. 78-176. Same—On running board.

No passenger shall ride nor shall the operator permit any passenger to ride on the running boards of any motor vehicle while such vehicle is being operated on the streets or highways of the state.

(Code 1981, § 13-348)

Sec. 78-177. Coasting prohibited.

- (a) The driver of any motor vehicle, when traveling upon a down grade, shall not coast with the gears of such vehicle in neutral.
- (b) The driver of a commercial motor vehicle, when traveling upon a down grade, shall not coast with the clutch disengaged.

(Code 1981, § 13-349)

Sec. 78-178. Following fire apparatus.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where a fire apparatus has stopped in answer to a fire alarm.

(Code 1981, § 13-350)

Sec. 78-179. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, private driveway, or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(Code 1981, § 13-351)

Sec. 78-180. Putting glass, etc., on highway.

- (a) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such highway.
- (b) Any person who drops, or permits to be dropped or thrown, upon any highway and destructive or injurious material shall immediately remove the same or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(Code 1981, § 13-352)

Sec. 78-181. Vehicles parked on private property.

It shall be unlawful for any driver of a vehicle to stop, park or leave standing unattended any vehicle on a private road or driveway or on private property without having express or implied permission from the owner, tenant or lessee of such land. The owner, tenant or lessee of such private road or driveway or private property may move, or have moved, any vehicle stopped, parked or left standing unattended on his private road, driveway, or private property as above prohibited without any liability for the cost of moving any vehicle, nor shall he be liable to the owner of the vehicle for any removal costs. Any person who removes any vehicle under the provisions of this section shall notify the department of public safety of such action, and shall, in addition, notify the police department of the town.

(Code 1981, § 13-353)

Sec. 78-182. Authority of chief of police to use signs or devices in regulating traffic; moving, damaging or destroying signs.

- (a) In regulating traffic and the use of the streets, avenues, alleys and public thoroughfares of the town by motor vehicles, the chief of police, with the approval of the mayor and town council, is hereby authorized to use such signs or devices upon such streets as he may deem necessary, and the failure to comply with any sign, device or instructions so displayed shall be in violation of this chapter.
- (b) Any person who shall move, damage or destroy any such sign or device shall be deemed guilty of a violation of this chapter.

(Code 1981, § 13-354)

Sec. 78-183. Obedience to traffic control devices; official signs to be in proper position, etc.

- (a) The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this Code, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Code.
- (b) No provision of this Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(Code 1981, § 13-355)

Sec. 78-184. Obedience to traffic control instructions at site of street or highway construction or maintenance.

The driver of any vehicle shall obey the traffic control instructions of persons authorized by the town to operate traffic control devices, act as flagmen, or operate follow vehicles at or near the site of street or highway construction or maintenance work, for the purpose of regulating, warning or guiding traffic, subject to the exceptions granted the driver of an authorized emergency vehicle in this Code. Any person failing to comply with the requirements of this section shall be guilty of a misdemeanor.

(Code 1981, § 13-356)

Sec. 78-185. Traffic control signal legend.

(a) Whenever traffic is controlled by traffic control signals exhibiting the words "go," "caution," or "stop," or exhibiting different colored lights successively one at a time, or with arrows, the following colors only shall be used and said words and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green alone or "go":

- a. Vehicular traffic facing the signal, except when prohibited under W. Va. Code, § 17C-12-2, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- b. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

(2) Yellow alone or "caution" when shown following the green or "go" signal:

- a. Vehicular traffic facing the signal is thereby warned that the red or "stop" signal will be exhibited immediately thereafter and such vehicular traffic shall not enter or be crossing the intersection when the red or "stop" signal is exhibited.
- b. Pedestrians facing such signal are thereby advised that there is insufficient time to cross the roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.

(3) Red alone or "stop":

- a. Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until green or "go" is shown alone.
- b. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(4) Red with green arrow:

- a. Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
- b. No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

(b) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at

a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(Code 1981, § 13-357)

Sec. 78-186. Pedestrian walk and wait signals.

Whenever special pedestrian-control signals exhibiting the words "walk" or "wait" are in place such signals shall indicate as follows:

- (1) *Walk.* Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- (2) *Wait.* No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

(Code 1981, § 13-358)

Sec. 78-187. Flashing red (stop) signals.

When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed through the intersection or past such signal only with caution.

(Code 1981, § 13-359)

Sec. 78-188. Display of unauthorized devices, signs, etc.; such devices, etc., declared nuisance and subject to removal.

- (a) No person shall place, maintain, or display upon or in view of any highway any authorized traffic control device or traffic control signal, or any unauthorized, sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic control device bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highway of signs giving useful directional information of a type that cannot be mistaken for official signs.
- (b) Every such prohibited device, signal, sign or marking is hereby declared to be a public nuisance and the chief of police or other authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

(Code 1981, § 13-360)

Sec. 78-189. Interference with official traffic control devices or railroad signs or signals.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

(Code 1981, § 13-361)

Sec. 78-190. Accidents involving damage to vehicle.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of section 78-191. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor.

(Code 1981, § 13-362)

Sec. 78-191. Duty to give information and render aid.

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle he is driving and shall, upon request if available, exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of a person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

(Code 1981, § 13-363)

Sec. 78-192. Duty upon striking unattended vehicle.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

(Code 1981, § 13-364)

Sec. 78-193. Immediate reports of accidents.

The driver of a vehicle involved in an accident resulting in injury to or death of any person shall immediately by the quickest means of communications, whether oral or written, give notice of such accident to the local police department if such accident occurs within the town, otherwise to the office of the county sheriff or the nearest office of the department of public safety.

(Code 1981, § 13-365)

Sec. 78-194. Unlawful taking of vehicle.

Any person who drives a vehicle, not his own, without consent of the owner thereof, and with intent temporarily to deprive said owner of his possession of such vehicle, without intent to steal the same, is guilty of a misdemeanor. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving of such vehicle by the same or a different person. Any person who assists in or is a party or accessory to or an accomplice in any such unauthorized taking or driving is guilty of a misdemeanor.

(Code 1981, § 13-366)

Secs. 78-195—78-211. Reserved.

FOOTNOTE(S):

--- (3) ---

State Law reference— Authority to designate through streets and stop intersections, W. Va. Code, §§ 17C-2-8(a)(6), 17C-12-5.

ARTICLE VI. SAFETY AND EQUIPMENT

Sec. 78-212. Unsafe and improperly equipped vehicles; additional parts and accessories; applicability of article to farm and road equipment.

Sec. 78-213. When lighted lamps are required.

Sec. 78-214. Visibility distance and mounted height of lamps.

Sec. 78-215. Headlights on motor vehicles.

Sec. 78-216. Tail lamps.

Sec. 78-217. New motor vehicles to be equipped with reflectors.

Sec. 78-218. Stop lamps required on new motor vehicles.

Sec. 78-219. Application of sections 78-220 to 78-224.

Sec. 78-220. Additional lighting and reflector equipment required on certain vehicles.

Sec. 78-221. Color of clearance lamps, side marker lamps and reflectors.

Sec. 78-222. Mounting of reflectors, clearance lamps and side marker lamps.

Sec. 78-223. Visibility of reflectors, clearance lamps and marker lamps.

Sec. 78-224. Obstructed lights not required to be lighted.

Sec. 78-225. Lamp or flag on projecting load.

Sec. 78-226. Lamps on parked vehicles.

Sec. 78-227. Lamps on animal-drawn and other vehicles and equipment.

Sec. 78-228. Spot lamps and other auxiliary lamps.

Sec. 78-229. Additional lighting equipment.

Sec. 78-230. Multiple-beam road-lighting equipment; requirements generally.

Sec. 78-231. Use of headlight beams.

Sec. 78-232. Single-beam road-lighting equipment.

Sec. 78-233. Lighting equipment on motor-driven cycles.

Sec. 78-234. Alternate road-lighting equipment.

Sec. 78-235. Number of driving lamps required or permitted.

Sec. 78-236. Brakes.

Sec. 78-237. Horns and warning devices.

Sec. 78-238. Mufflers; prevention of noise, fumes and smoke.

Sec. 78-239. Mirrors.

Sec. 78-240. Windshields must be unobstructed and equipped with wipers.

Sec. 78-241. Tire equipment restrictions; rules and regulations as to certain tires.

Sec. 78-242. Safety glass in motor vehicles.

Sec. 78-243. Flares and other warning devices to be carried in certain vehicles.

Sec. 78-244. Display of warning devices when vehicle is disabled.

Sec. 78-245. Vehicles transporting explosives.

Sec. 78-246. Safety equipment and requirements for motorcyclists, motorcycles, motor-driven cycles and mopeds; motorcycle safety standards and specifications board.

Sec. 78-247. Operation without certificate or failure to produce certificate; violation a misdemeanor.

Sec. 78-248. Injuring or tampering with vehicle.

Secs. 78-249—78-274. Reserved.

Sec. 78-212. Unsafe and improperly equipped vehicles; additional parts and accessories; applicability of article to farm and road equipment.

- (a) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any town highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this article, or which is equipped in any manner in violation of this article, or for any person to do any act forbidden or fail to perform any act required under this article.
- (b) Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this article.
- (c) The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable. Every farm tractor equipped with an electric lighting system mentioned in section 78-213 shall at all times display a red tail lamp and either multiple-beam or single-beam headlamps meeting the requirements of W. Va. Code, §§ 17C-15-20 and 17C-15-22.

(Code 1981, § 13-401)

Sec. 78-213. When lighted lamps are required.

Every vehicle other than a motorcycle, motor-driven cycle or moped operated upon a highway within the town at any time from sunset to sunrise, or during fog, smoke, rain or other unfavorable atmospheric conditions, and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead, shall display lighted headlamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated. Every school bus, motorcycle, motor-driven cycle, and moped shall display lighted headlamps at all times when upon the highway.

(Code 1981, § 13-402)

Sec. 78-214. Visibility distance and mounted height of lamps.

- (a) Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in section 78-213 in respect to a vehicle without load when upon a straight, level, unlighted street or highway under normal atmospheric conditions unless a different time or condition is expressly stated.
- (b) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

(Code 1981, § 13-403)

Sec. 78-215. Headlights on motor vehicles.

- (a) Every motor vehicle other than a motorcycle, motor-driven cycle or moped shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this article.
- (b) Every motorcycle, motor-driven cycle and moped shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this article.
- (c) Every headlamp upon every motor vehicle, including every motorcycle, motor-driven cycle and moped, shall be located at a height measured from the center of the headlamp of not more than 54 inches nor less than 24 inches to be measured as set forth in section 78-214(b).

(Code 1981, § 13-404)

Sec. 78-216. Tail lamps.

- (a) Every motor vehicle, trailer or semitrailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.
- (b) Every tail lamp upon every vehicle shall be located at a height of not more than 60 inches nor less than 20 inches to be measured as set forth in section 78-214(b).
- (c) Either a tail lamp or a separate lamp shall be constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. Any tail lamp, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

(Code 1981, § 13-405)

Sec. 78-217. New motor vehicles to be equipped with reflectors.

- (a) Every new motor vehicle hereafter sold and operated upon a highway, other than a truck tractor, shall carry on the rear, either as part of the tail lamps or separately, two red reflectors, except that every motorcycle, motor-driven cycle and moped shall carry at least one reflector, meeting the requirements of this section, and except that vehicles of the type mentioned in section 78-220 shall be equipped with reflectors as required in those sections applicable thereto.

- (b) Every such reflector shall be mounted on the vehicle at a height not less than 20 inches nor more than 60 inches measured as set forth in section 78-214(b) and shall be of such size and characteristics and so mounted as to be visible at night from all distances within 300 feet to 50 feet from such vehicle when directly in front of lawful upper beams of headlamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

(Code 1981, § 13-406)

Sec. 78-218. Stop lamps required on new motor vehicles.

No person may sell any new motor vehicle, including any motorcycle, motor-driven cycle or moped, in the town and no person may drive such vehicle on the highway unless it is equipped with a stop lamp meeting the requirements of W. Va. Code, § 17C-15-18.

(Code 1981, § 13-407)

Sec. 78-219. Application of sections 78-220 to 78-224.

Those sections of this article which follow immediately, including sections 78-220 to 78-224, and relating to clearance and marker lamps, reflectors, and stop lights shall apply as stated in said sections to vehicles of the type therein enumerated, namely passenger buses, truck tractors, and certain trailers, semitrailers, and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in section 78-213 except that clearance and side marker lamps need not be lighted on any said vehicle when operated within the town where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet.

(Code 1981, § 13-408)

Sec. 78-220. Additional lighting and reflector equipment required on certain vehicles.

In addition to other equipment required in this article, the following vehicles shall be equipped as herein stated under the conditions stated in section 78-219:

- (1) On every bus or truck, whatever its size, there shall be the following: on the rear, two reflectors, one at each side, and one stop light.
- (2) On every bus or truck 80 inches or more in overall width, in addition to the requirements in subsection (a) of this section:
 - a. On the front, two clearance lamps, one at each side.
 - b. On the rear, two clearance lamps, one at each side.
 - c. On each side, two side marker lamps, one at or near the front and one at or near the rear.
- (3) On every truck tractor:
 - a. On the front, two clearance lamps, one at each side.
 - b. On the rear, one stop light.
- (4) On every trailer or semitrailer having a gross weight in excess of 3,000 pounds:
 - a. On the front, two clearance lamps, one at each side.
 - b. On each side, two side marker lamps, one at or near the front and one at or near the rear.

- c. On each side, two reflectors, one at or near the front and one at or near the rear.
 - d. On the rear, two clearance lamps, one at each side, also two reflectors one at each side, and one stop light.
- (5) On every pole trailer in excess of 3,000 pounds gross weight:
- a. On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side, and rear.
 - b. On the rear of the pole trailer or load, two reflectors, one at each side.
- (6) On every trailer, semitrailer, or pole trailer weighing 3,000 pounds gross or less: on the rear, two reflectors, one on each side. If any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stop light on the towing vehicle, then such vehicle shall also be equipped with one stop light.

(Code 1981, § 13-409)

Sec. 78-221. Color of clearance lamps, side marker lamps and reflectors.

- (a) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.
- (b) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.
- (c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber, or yellow, and except that the light illuminating the license plate or the light emitted by a backup light shall be white.

(Code 1981, § 13-410)

Sec. 78-222. Mounting of reflectors, clearance lamps and side marker lamps.

- (a) Reflectors when required by section 78-220 shall be mounted at a height not less than 24 inches and not higher than 60 inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than 24 inches, the reflector at such point shall be mounted as high as that part of the permanent structure will permit. The rear reflectors on a pole trailer may be mounted on each side of the bolster or load. Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this article.
- (b) Clearance lamps shall be mounted on the permanent structure of the vehicle in such manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

(Code 1981, § 13-411)

Sec. 78-223. Visibility of reflectors, clearance lamps and marker lamps.

- (a) Every reflector upon any vehicle referred to in section 78-220 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within 500 feet to 50 feet from the vehicle when directly in front of lawful upper beams of headlamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

- (b) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the front and rear, respectively, of the vehicle.
- (c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of 500 feet from the side of the vehicle on which mounted.

(Code 1981, § 13-412)

Sec. 78-224. Obstructed lights not required to be lighted.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

(Code 1981, § 13-413)

Sec. 78-225. Lamp or flag on projecting load.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the time specified in section 78-213, a red light or lantern plainly visible from a distance of at least 500 feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 12 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

(Code 1981, § 13-414)

Sec. 78-226. Lamps on parked vehicles.

- (a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between sunset and sunrise and in the event there is sufficient light to reveal any person or object within a distance of 500 feet upon such street or highway no lights need be displayed upon such parked vehicle.
- (b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between sunset and sunrise and there is not sufficient light to reveal any person or object within a distance of 500 feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle and the same lamp or at least one other lamp shall display a red light visible from a distance of 500 feet to the rear of the vehicle, and the location of said lamp shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motorcycle, motor-driven cycle or moped.
- (c) Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

(Code 1981, § 13-415)

Sec. 78-227. Lamps on animal-drawn and other vehicles and equipment.

All vehicles, including animal-drawn vehicles and including those referred to in section 78-212(c) not hereinbefore specifically required to be equipped with lamps, shall at the times specified in section 78-213 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of 500 feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear.

(Code 1981, § 13-416)

Sec. 78-228. Spot lamps and other auxiliary lamps.

- (a) *Spot lamps.* Any motor vehicle, except a public utility company maintenance vehicle, may be equipped with not to exceed one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than 100 feet ahead of the vehicle. A public utility company maintenance vehicle may be equipped with more than one spot lamp but all lighted spot lamps shall be aimed and used in conformity to the requirements of this subsection.
- (b) *Fog lamps.* Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than 12 inches nor more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of 25 feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes.
- (c) *Auxiliary passing lamp.* Any motor vehicle may be equipped with not to exceed one auxiliary passing lamp mounted on the front at a height not less than 24 inches nor more than 42 inches above the level surface upon which the vehicle stands and every auxiliary passing lamp shall meet the requirements and limitations set forth in this article.
- (d) *Auxiliary driving lamp.* Any motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height not less than 16 inches nor more than 42 inches above the level surface upon which the vehicle stands and every such auxiliary driving lamp shall meet the requirements and limitations set forth in this article.

(Code 1981, § 13-417)

Sec. 78-229. Additional lighting equipment.

- (a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.
- (b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.
- (c) Any motor vehicle may be equipped with not more than two backup lamps either separately or in combination with other lamps, but any such backup lamp shall not be lighted when the motor vehicle is in forward motion. School buses used for the transportation of school children in the town, whether owned and operated by a county board of education or privately owned and operated under contract with a county board of education, shall be equipped with two backup lamps, one on each side of the rear door, with white lens or reflectors, capable of lighting the roadway and objects to the rear of the bus for safe backing during darkness, and which, at the option of the county board of education, may each provide 50 candlepower in illumination intensity instead of 32 candlepower.
- (d) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may

display such warning in addition to any other warning signals required by this article. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade or color between amber and red.

- (e) Vehicles used by rural mail carriers in carrying or delivering mail in rural areas may be equipped with amber flashing lights. Such lights shall be on the front and rear of the vehicle and may be activated when the vehicle is stopped or decreasing speed in order to stop in the course of carrying, delivering or picking up mail along the route.
- (f) Notwithstanding any other provision of this Code to the contrary, any motor vehicle may be equipped with not more than one electroluminescent solid state ceramic front identification plate without glare, mounted in conformance with the manufacturer's specifications.
- (g) Vehicles used as the lead car in a funeral procession are hereby authorized to be equipped with, but are not required to use, purple lamps or purple flashing lights. Such lamps may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing a funeral procession, and when so equipped may display such warning in addition to any other warning signals required by this article. The lamps or flashing lights used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously either illuminating or flashing purple lights. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing or illuminated purple lights.

(Code 1981, § 13-418)

Sec. 78-230. Multiple-beam road-lighting equipment; requirements generally.

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

- (1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.
- (2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead, and on a straight level road under any condition of loading. None of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.
- (3) Every new motor vehicle, other than a motorcycle, motor-driven cycle or moped, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(Code 1981, § 13-419)

Sec. 78-231. Use of headlight beams.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in section 78-213, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal person and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

- (1) Whenever a driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam specified in section 78-230, shall be deemed to avoid glare at all times, regardless of good contour and loading.
- (2) Whenever the driver of a vehicle follows another vehicle within 200 feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this article other than the uppermost distribution of light specified in section 78-230(1).

(Code 1981, § 13-420)

Sec. 78-232. Single-beam road-lighting equipment.

Headlamps arranged to provide a single distribution of light shall be permitted on motor vehicles in lieu of multiple-beam road-lighting equipment specified if the single distribution of light complies with the following requirements and limitations:

- (1) The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of light shall at a distance of 25 feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.
- (2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

(Code 1981, § 13-421)

Sec. 78-233. Lighting equipment on motor-driven cycles.

The headlamp upon every motorcycle, motor-driven cycle and moped may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

- (1) Every said headlamp shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than 100 feet when the motorcycle, motor-driven cycle or moped is operated at any speed less than 25 miles per hour and at a distance of not less than 200 feet when it is operated at a speed of 25 or more miles per hour.
- (2) In the event the motorcycle, motor-driven cycle or moped is equipped with a multiple-beam type headlamp the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in section 78-230(1) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section 78-230(2).
- (3) In the event the motorcycle, motor-driven cycle or moped is equipped with a single-beam lamp, said lamp shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of 25 feet ahead, shall project higher than the level of the center of the lamp from which it comes.

(Code 1981, § 13-422)

Sec. 78-234. Alternate road-lighting equipment.

Any motor vehicle may be operated under the conditions specified in section 78-213 when equipped with two lighted lamps upon the front thereof capable of revealing person and objects 75 feet ahead in lieu of lamps required in section 78-230 or 78-232; provided, however, that at no time shall it be operated at a speed in excess of 25 miles per hour.

(Code 1981, § 13-423)

Sec. 78-235. Number of driving lamps required or permitted.

- (a) At all times specified in section 78-213 at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle, motor-driven cycle or moped, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.
- (b) Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than 300 candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any time when upon a street or highway.

(Code 1981, § 13-424)

Sec. 78-236. Brakes.

- (a) *Brake equipment required.* Vehicles shall be equipped with the following brake equipment:
 - (1) Every motor vehicle, other than a motorcycle, motor-driven cycle or moped, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
 - (2) Every motorcycle, motor-driven cycle and moped, when operated upon a highway, shall be equipped with at least one brake which may be operated by hand or foot.
 - (3) Every trailer or semitrailer of a gross weight of 3,000 pounds or more, when operated upon a highway, shall be equipped with brakes adequate to control the movement and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.
 - (4) Every new motor vehicle, trailer or semitrailer hereinafter sold in the state and operated upon the highways shall be equipped with service brakes upon all wheels, with the following exceptions:
 - a. Trucks and truck tractors having three or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two steerable axles, the wheels of one such axle need not be equipped with brakes; and
 - b. Any motorcycle, motor-driven cycle or moped, and except that any semitrailer of less than 1,500 pounds gross weight need not be equipped with brakes.
 - (5) In any combination of motor-driven vehicles, means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking

The Code of the Town of Bath, West Virginia

effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed.

- (6) Every such vehicle and combination of vehicles, except motorcycles, motor-driven cycles and mopeds, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that a failure of any one part shall not leave the vehicle without operative brakes.
- (7) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.
- (b) *Performance ability of brakes.* Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service (foot) brake, within the distances specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

	Feet to stop from 20 miles per hour	Deceleration (in feet per second)
Vehicles or combinations of vehicles having brakes on all wheels	30	14
Vehicles or combinations of vehicles not having brakes on all wheels	40	10.7

- (c) *Maintenance of brakes.* All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

(Code 1981, § 13-425)

Sec. 78-237. Horns and warning devices.

- (a) Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn or other warning device shall emit an

unreasonable loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to ensure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

- (b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.
- (c) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.
- (d) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department, but such siren shall not be used except when such vehicle is operated in response to an emergency or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

(Code 1981, § 13-426)

Sec. 78-238. Mufflers; prevention of noise, fumes and smoke.

- (a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise. Such muffler shall be the muffler originally installed by the manufacturer of the vehicle or, if a replacement, the equivalent thereof. No person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a highway.
- (b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(Code 1981, § 13-427)

Sec. 78-239. Mirrors.

Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

(Code 1981, § 13-428)

Sec. 78-240. Windshields must be unobstructed and equipped with wipers.

- (a) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.
- (b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
- (c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

(Code 1981, § 13-429)

Sec. 78-241. Tire equipment restrictions; rules and regulations as to certain tires.

- (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch above the edge of the flange of the entire periphery.
- (b) No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway.
- (c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid; and it shall be permissible to use studded tires during the period from November 1 of each year until April 15 of the following year; provided that in the interest of highway maintenance, no vehicle moved on a highway, other than school buses, shall be equipped with studded tires which are operational with a recommended air pressure greater than 40 pounds per square inch.
- (d) No studded tires or chains shall be sold or used within the state which do not meet the specifications established by the rules and regulations which the commissioner of highways shall promulgate, but the commissioner may not by those rules and regulations prohibit the use of studded tires or chains within the state.
- (e) The commissioner of highways and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon the highway of traction engines of tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this chapter.

(Code 1981, § 13-430)

Sec. 78-242. Safety glass in motor vehicles.

- (a) On and after July 1, 1951, no person shall operate any motor vehicle as specified herein, nor shall any motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glass of a type approved by the state road commissioner (commissioner of highways) wherever glass is used in doors, windows, and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glass shall apply to all glass used in doors, windows, and windshields in the driver's compartments of such vehicles.
- (b) The term "safety glass" means any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the commissioner.

(Code 1981, § 13-431)

Sec. 78-243. Flares and other warning devices to be carried in certain vehicles.

- (a) No person shall operate any motor truck, passenger bus, road tractor or truck tractor upon any highway inside the corporate limits of the town at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle the following equipment except as provided in subsection (b) of this section:
 - (1) *Flares or lanterns.*

The Code of the Town of Bath, West Virginia

- a. At least three flares or three red electric lanterns, each of which shall be capable of being seen and distinguished at a distance of 500 feet under normal atmospheric conditions at nighttime.
 - b. Each flare (liquid-burning pot torch) shall be capable of burning for not less than 12 hours in five miles per hour wind velocity and capable of burning in any air velocity from zero to 40 miles per hour. Every such flare shall be substantially constructed so as to withstand reasonable shocks without leaking. Every such flare shall be carried in the vehicle in a metal rack or box. Every such red electric lantern shall be capable of operating continuously for not less than 12 hours and shall be substantially constructed so as to withstand reasonable shock without breakage.
- (2) *Fuses.*
- a. At least three red-burning fuses unless red electric lanterns are carried.
 - b. Every fusee shall be made in accordance with specifications of the Bureau of Explosives, Thirty Vesey Street, New York City, and so marked and shall be capable of burning at least 15 minutes.
- (3) *Cloth flags.* At least two red cloth flags, not less than 12 inches square, with standards to support same.
- (b) No person shall operate at the time and under the conditions stated in subsection (a) of this section any motor vehicle used in the transportation of flammable liquids in bulk, or transporting compressed flammable gases, unless there shall be carried in such vehicle three red electric lanterns meeting the requirements stated in subsection (a) of this section, and there shall not be carried in any said vehicle any flares, fuses, or signal produced by a flame.
 - (c) As an alternative it shall be deemed a compliance with this section in the event a person operating any motor vehicle described in this section shall carry in such vehicle three portable reflector units on standards of a type approved by the state road commissioner. No portable reflector unit shall be approved unless it is so designated and constructed as to include two reflectors, one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within 500 feet to 50 feet under normal atmospheric conditions at nighttime when directly in front of lawful upper beams of headlamps.

(Code 1981, § 13-432)

Sec. 78-244. Display of warning devices when vehicle is disabled.

- (a) Whenever any motor truck, passenger bus, truck tractor, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway of the shoulder thereof inside of this municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (b) of this section:
 - (1) A lighted fusee shall be immediately placed on the roadway at the traffic side of the motor vehicle unless electric lanterns are displayed.
 - (2) Within the burning period of the fusee and as promptly as possible three lighted flares (pot torches) or three electric lanterns shall be placed on the roadway as follows: one at a distance of approximately 100 feet in advance of the vehicle, one at a distance of approximately 100 feet to the rear of the vehicle, each in the center of the lane of traffic occupied by the disabled vehicle, and one at the traffic side of the vehicle approximately ten feet rearward or forward thereof.
- (b) Whenever any vehicle used in the transportation of flammable liquids in bulk, or transporting compressed flammable gases is disabled upon a highway at any time or place mentioned in subsection (a) of this section, the driver of such vehicle shall display upon the roadway the following lighted warning devices: One red electric lantern shall be immediately placed on

the roadway at the traffic side of the vehicle and two other red electric lanterns shall be placed to the front and rear of the vehicle in the same manner prescribed in subsection (a) of this section for flares. When a vehicle of a type specified in this subsection is disabled, the use of flares, fuses, or any signal produced by flame as warning signals is prohibited.

- (c) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof inside of this municipality at any time when the display of fuses, flares, or electric lanterns is not required, the driver of such vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately 100 feet in advance of the vehicle, and one at a distance of approximately 100 feet to the rear of the vehicle.
- (d) In the alternative, it shall be deemed a compliance with this section in the event three portable reflector units on standards of a type approved by the state road commissioner are displayed at the times and under the conditions specified in this section either during the daytime or at nighttime and such portable reflector units shall be placed on the roadway in the locations as described with reference to the placing of electric lanterns and lighted flares.
- (e) The flares, fuses, lanterns and flags to be displayed as required in this section shall conform with the requirements of section 78-243 applicable thereto.

(Code 1981, § 13-433)

Sec. 78-245. Vehicles transporting explosives.

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

- (1) Said vehicle shall be marked or placarded on each side and the rear with the word "explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than 24 inches square marked with the work "Danger" in white letters six inches high.
- (2) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

(Code 1981, § 13-434)

Sec. 78-246. Safety equipment and requirements for motorcyclists, motorcycles, motor-driven cycles and mopeds; motorcycle safety standards and specifications board.

- (a) No person shall operate or be a passenger on any motorcycle or motor-driven cycle unless he is wearing securely fastened on his head by either a neck or chin strap a protective helmet designed to deflect blows, resist penetration and spread impact forces. Any helmet worn by an operator or passenger shall meet the performance specifications established by the United States of America Standards Institute, Specifications for Protective Headgear for Vehicle Users, Standard Z 90.1-1966. Helmets worn by operators and passengers shall be coated with a reflectorized substance, or have attached thereto a reflectorized material, on both sides and the back thereof, with a minimum of ten square inches of coated substance or attached material in each of the three locations.
- (b) No person shall operate or be a passenger on any motorcycle or motor-driven cycle unless he is wearing safety, shatter-resistant eyeglasses (excluding contact lenses), or eyegoggles or a face shield that complies with the performance specifications established by the United States of America Standards Institute, Specifications for Head, Eye and Respiratory Protection Z 2.1-1959. In addition, if any motorcycle, motor-driven cycle or moped be equipped with a windshield or windscreen, the windshield or windscreen shall be constructed of safety, shatter-resistant material that complies with the performance specifications

established by the United States of America. Standards Institute, Safety Glazing Materials for Glazing Motor Vehicles Operated on Land Highways, Standard Z 26.1-1966.

- (c) No person shall operate a motorcycle, motor-driven cycle or moped on which the handlebars or grips are more than 15 inches higher than the uppermost part of the operator's seat when the seat is not depressed in any manner.
- (d) A person operating a motorcycle, motor-driven cycle or moped shall ride in a seated position facing forward and only upon a permanent operator's seat attached to the vehicle. No operator shall carry any other person nor shall any other person ride on such a vehicle unless the vehicle is designed to carry more than one person, in which event a passenger may ride behind the operator upon the permanent operator's seat if it is designed for two persons, or upon another seat firmly attached to the vehicle to the rear of the operator's seat and equipped with footrests designed and located for use by the passenger or in a sidecar firmly attached to the vehicle. No more than two persons, the operator and one passenger, shall ride the same vehicle at the same time. No person shall ride sidesaddle on a seat.
- (e) Every motorcycle, motor-driven cycle and moped shall be equipped with a rearview mirror affixed to the handlebars and adjusted so that the operator shall have a clear view of the road and condition of traffic behind him for a distance of at least 200 feet.

(Code 1981, § 13-435)

Sec. 78-247. Operation without certificate or failure to produce certificate; violation a misdemeanor.

- (a) It is a misdemeanor for any owner or operator, or both owner and operator, of any vehicle required to be inspected under W. Va. Code, § 17C-16-4(a) to operate or permit to be operated such vehicle without having displayed thereon a current and valid certificate of inspection designated under W. Va. Code, § 17C-16-4(a).
- (b) Unless another penalty is by the laws of the state provided, every person convicted of a misdemeanor for operating a vehicle without having displayed thereon a current and valid certificate of inspection and approval or for failure to produce such certificate upon demand of an authorized person shall be punished by a fine of not more than \$100.00.

(Code 1981, § 13-436)

Sec. 78-248. Injuring or tampering with vehicle.

- (a) Any person who either individually or in association with one or more persons willfully injures or tampers with any vehicle or breaks or removes any part of or from a vehicle without the consent of the owner is guilty of a misdemeanor.
- (b) Any person who with intent to commit any malicious mischief, injury or other crime climbs into or upon a vehicle whether it is in motion or at rest or with like intent attempts to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of a vehicle while the same is at rest and unattended or with like intent sets in motion any vehicle while the same is at rest and unattended is guilty of a misdemeanor.

(Code 1981, § 13-437)

Secs. 78-249—78-274. Reserved.

ARTICLE VII. SIZE, WEIGHT AND LOAD ^[4]

Sec. 78-275. Unlawful to exceed size and weight limitations; application of article to fire apparatus, farm machinery, etc.

Sec. 78-276. Width of vehicles.

Sec. 78-277. Projecting loads on passenger vehicles.

Sec. 78-278. Height and length of vehicles and loads.

Sec. 78-279. Special load limits.

Sec. 78-280. Loads to be securely fastened and not allowed to leak, escape, etc.

Sec. 78-281. Trailers and towed vehicles.

Sec. 78-282. Single-axle load limit.

Sec. 78-283. Tandem-axle load limit.

Sec. 78-284. Gross weight of vehicles and loads.

Sec. 78-285. Officers may weigh, measure, etc., vehicles and require removal or rearrangement of excess loads.

Sec. 78-286. Liability for damage to highway or structure.

Sec. 78-287. Penalties for violation of weight laws; impounding vehicles.

Secs. 78-288—78-307. Reserved.

Sec. 78-275. Unlawful to exceed size and weight limitations; application of article to fire apparatus, farm machinery, etc.

- (a) It shall be unlawful for any owner, lessee or borrower of a vehicle or combination of vehicles to operate on any highway such vehicle or combination of vehicles, whether driven by such owner, lessee or borrower, or by some person on behalf of such owner, lessee or borrower, of a size or weight exceeding any limitation stated in this article, or otherwise in violation of any provision of this article, whether such limitation or provision be specifically stated in this article or set by express authority granted in this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout the town. Subject to the penalties for weight violations provided in this article, violation of this section shall constitute a misdemeanor.
- (b) The provisions of this article governing size, weight and load shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.
- (c) The phrase "operate a vehicle or combination of vehicles" shall in this article be interpreted to mean the use of such vehicle or combination of vehicles on behalf of the owner, lessee or borrower, whether driven by him or by some person on behalf of him.

(Code 1981, § 13-501)

Sec. 78-276. Width of vehicles.

- (a) The total outside width, exclusive of safety equipment authorized by the United States Department of Transportation, of any vehicle or the load thereon shall not exceed 96 inches, except as otherwise provided in this article; provided that any vehicle with a total outside width of 102 inches, exclusive of safety equipment authorized by the United States Department of Transportation, may operate on any highway within the state designated by the United States department of transportation or the commissioner of the department of highways or on any highway having a minimum lane width of ten feet.

- (b) Motor homes, travel trailers, truck campers, motor buses and trackless trolley coaches with a total outside width of 102 inches, excluding safety equipment authorized by the United States Department of Transportation, may operate on any highway.

(Code 1981, § 13-502)

Sec. 78-277. Projecting loads on passenger vehicles.

- (a) No passenger-type vehicle shall be operated on any street or highway with any load carried thereon extending beyond the line of the fenders of the left side of such vehicle nor extending more than six inches beyond the line of the fender on the right side thereof.
- (b) A motor home, travel trailer or truck camper may exceed the maximum width prescribed in this article, if the excess width is attributable to an appurtenance that does not exceed more than six inches beyond the body of the vehicle.

(Code 1981, § 13-503)

Sec. 78-278. Height and length of vehicles and loads.

- (a) A vehicle, including any load thereon, shall not exceed a height of 13 feet six inches, but the owner of such vehicles shall be responsible for damage to any bridge or highway structure and to municipalities for any damage to traffic control devices or other highway structures where such bridges, devices or structures have a vehicle clearance of less than 13 feet six inches.
- (b) A motor vehicle, including any load thereon, shall not exceed a length of 40 feet extreme overall dimension, inclusive of front and rear bumpers, except that a motor home may not exceed a length of 45 feet, exclusive of front and rear bumpers.
- (c) Except as hereinafter provided in this subsection or in subsection (d) of this section, a combination of vehicles coupled together shall not consist of more than two units, and no such combination of vehicles including any load thereon shall have an overall length, inclusive of front and rear bumpers, in excess of 55 feet, except as provided in this article, and except as otherwise provided in respect to the use of a pole trailer as authorized in this article. Provided that the limitation that a combination of vehicles coupled together shall not consist of more than two units shall not apply to:
 - (1) A combination of vehicles coupled together by a saddle-mount device used to transport motor vehicles in a drive-away service when no more than three saddle mounts are used. Provided, however, that equipment used in said combination meets the requirements of the safety regulations of the United States Department of Transportation and shall not exceed an overall length of more than 75 feet; or
 - (2) A combination of vehicles coupled together, one of which is a travel trailer or folding camping trailer having an overall length, exclusive of front and rear bumpers, not exceeding 65 feet.
- (d) A combination of two vehicles coupled together, one of which is a motor home, or a combination of vehicles coupled together, one of which is a travel trailer or folding camping trailer, may not exceed an overall length, exclusive of front and rear bumpers of 65 feet.
- (e) Notwithstanding the provisions of subsections (a) through (d) of this section, the commissioner of highways may designate, upon his own motion or upon the petition of an interested party, a combination vehicle length not to exceed 70 feet.
- (f) The length limitations for truck tractor-semitrailer combinations and truck tractor-semitrailer-trailer combinations operating on the national system of interstate and defense highways and those classes of qualifying federal-aid primary system highways so designated by the United States Secretary of Transportation, and those highways providing reasonable access to and from terminals, facilities for food, fuel, repairs and rest, and points of loading and

unloading for household goods carriers from such highways, and further, as to other highways so designated by the state commissioner of highways, shall be as follows: The maximum length of a semitrailer unit operating in a truck tractor-semitrailer combination shall not exceed 48 feet in length except where semitrailers have an axle spacing of not more than 37 feet between the rear axle of the truck tractor and the front axle of the semitrailer, such semitrailer shall be allowed to be not more than 53 feet in length, and the maximum length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination shall not exceed 28 feet in length and in no event shall any combinations exceed three units, including the truck tractor. Provided that nothing herein contained shall impose an overall length limitation as to commercial motor vehicles operating in truck tractor-semitrailer or truck tractor-semitrailer-trailer combinations.

Sec. 78-279. Special load limits.

- (a) Subject to the foregoing provisions of this article limiting the length of vehicles and loads, the load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six feet beyond the rear of the bed or body of such vehicle. Provided that a digger/derrick line truck may be operated with a load of no more than 40 feet in length, with the load extending no more than six feet beyond the foremost part of the truck and no more than nine feet beyond the rear of the bed of the body of the truck, between sunrise and sunset except in an emergency, and the operation of the truck shall comply with the provisions of W. Va. Code, § 17C-15-14.
- (b) The limitations as to length of vehicles and loads heretofore stated in this article shall not apply to any load upon a pole trailer when transporting poles or pipes or structural material which cannot be dismembered, provided that no pole or pipe or other material exceeding 80 feet in length shall be so transported unless a permit has first been obtained as authorized.

(Code 1981, § 13-505)

Sec. 78-280. Loads to be securely fastened and not allowed to leak, escape, etc.

- (a) No vehicle or combination of vehicles shall be operated on any highway unless such vehicle or combination of vehicles is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.
- (b) It shall be unlawful to operate on any highway any vehicle or combination of vehicles with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(Code 1981, § 13-506)

Sec. 78-281. Trailers and towed vehicles.

- (a) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and said drawbar or other connection shall not exceed 15 feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipes, machinery, or other objects of structural nature which cannot be readily dismembered.
- (b) When one vehicle is towing another and the connection consists of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

(Code 1981, § 13-507)

Sec. 78-282. Single-axle load limit.

- (a) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 20,000 pounds.
- (b) For the purpose of this article, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

(Code 1981, § 13-508)

Sec. 78-283. Tandem-axle load limit.

- (a) The gross weight imposed on the highway by the wheels of a tandem-axle of a vehicle shall not exceed 30,000 pounds.
- (b) For the purpose of this article, a tandem-axle load shall be defined as the total load transmitted to the road by two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than 40 inches and not more than 96 inches apart, extending the full width of the vehicle.

(Code 1981, § 13-509)

Sec. 78-284. Gross weight of vehicles and loads.

- (a) It shall be unlawful for any owner, lessee or borrower of a vehicle or combination of vehicles to operate on any highway such vehicle or combination of vehicles with a gross weight in excess of the gross weight for which such vehicle or combination of vehicles is registered or in excess of any weight limitation set forth in this chapter, whether such limitation be specifically stated in this chapter or set by express authority granted in this chapter.
- (b) Subject to the limit upon the weight imposed upon the highway through any one axle as set forth in this article, or the limit imposed upon the highway through any tandem-axle as set forth in this article, the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the total group of axles measured longitudinally to the nearest foot as set forth in the following table:

Group of Two or More Consecutive Axles	Two or More Consecutive Axles				
	2 axles	3 axles	4 axles	5 axles	6 axles
	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
9	39,000	42,500			
10	4,000	43,500			

The Code of the Town of Bath, West Virginia

11		44,000			
12		45,000	50,000		
13		45,500	50,500		
14		46,500	51,500		
15		47,000	52,000		
16		48,000	52,500	58,000	
17		48,500	53,500	58,500	
18		49,500	54,000	59,000	
19		50,000	54,500	60,000	
20		51,000	55,500	60,500	66,000
21		51,500	56,000	61,000	66,500
22		52,500	56,500	61,500	67,000
23		53,000	57,500	62,500	68,000
24		54,000	58,000	63,000	68,500
25		54,500	58,500	63,500	69,000
26		55,500	59,500	64,000	69,500
27		56,000	60,000	65,000	70,000
28		57,000	60,500	65,500	71,000
29		57,500	61,500	66,000	71,500
30		58,500	62,000	66,500	72,000
31		59,000	62,500	67,500	72,500
32		60,000	63,500	68,000	73,000
33			64,000	68,500	74,000
34			64,500	69,000	74,500
35			65,500	70,000	75,000
36			66,000	70,500	75,500
37			66,500	71,000	76,000
38			67,500	72,000	77,000
39			68,000	72,500	77,500
40			68,500	73,000	78,000
41			69,500	73,500	78,500

The Code of the Town of Bath, West Virginia

42			70,000	74,000	79,000
43			70,500	75,000	80,000
44			71,500	75,500	80,500
45			72,000	76,000	81,000
46			72,500	76,500	81,500
47			73,500	77,500	82,000
48			74,000	78,000	83,000
49			74,500	78,500	83,500
50			75,500	79,000	84,000
51			76,000	80,000	84,500
52			76,500	80,500	85,000
53			77,500	81,000	86,000
54			78,000	81,500	86,500
55			78,500	82,500	87,000
56			79,500	83,000	87,500
57			80,000	83,500	88,000
58				84,000	89,000
59				85,000	89,500
60				85,500	90,000

- (c) Provided that no vehicle or combination of vehicles shall have a gross weight, including the load, in excess of 65,000 pounds, except that the maximum gross weight of vehicles operating on the national system of interstate and defense highways and any highway providing reasonable access to and from terminals and facilities for food, fuel, repairs and rest within the state shall not be in excess of 80,000 pounds and except as otherwise provided in this article. Notwithstanding the limits prescribed in subsection (b) of this section, two consecutive sets of tandem-axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem-axles is 36 feet or more; provided, however, that the limits prescribed in subsection (b) of this section shall not prohibit the operation of any vehicle or combination of vehicles of a type which could be lawfully operated in accordance with gross vehicle weights otherwise established under state law. Provided further, that no maximum weight in excess of or in conflict with any weight limitations prescribed by or pursuant to any act of Congress shall be permitted on the national system of interstate and defense highways.

(Code 1981, § 13-510)

Sec. 78-285. Officers may weigh, measure, etc., vehicles and require removal or rearrangement of excess loads.

- (a) Any police officer or employee of the department of highways designated by the commissioner of highways as a member of an official weighing crew may require the driver of any vehicle or combination of vehicles on or within 100 feet of any highway or public right-of-way, and whether moving or stopped, to submit such vehicle or combination of vehicles to a weighing with portable or stationary weighing devices or submit such vehicle or combination of vehicles to a measuring or to any other examination necessary to determine if such vehicle or combination of vehicles is in violation of any of the provisions of this article or state law, and may require that such vehicle or combination of vehicles be driven to the nearest weighing device.
- (b) No police officer or member of an official weighing crew may stop a vehicle or combination of vehicles for weighing unless a portable or stationary weighing device is actually present at the location where, and at the time, the vehicle or combination of vehicles is stopped or unless the vehicle or combination of vehicles is escorted immediately after being stopped to a portable or stationary weighing device. In no case, may a vehicle or combination of vehicles be detained more than one hour from the time the same is stopped for weighing unless the vehicle or combination of vehicles or combination of vehicles is impounded for a violation in accordance with the provisions in section 78-287.
- (c) Whenever an officer or a member of an official weighing crew determines that a vehicle or combination of vehicles is in violation of any of the provisions of this article or W. Va. Code, § 17C-17A-1 et seq., he may require the driver to stop such vehicle or combination of vehicles in a suitable place and to remain standing until such vehicle or combination of vehicles is brought into conformity with the provisions violated.
- (d) In the case of a weight violation, all material unloaded shall be cared for by the owner, lessee or borrower of such vehicle or combination of vehicles at the risk of such owner, lessee or borrower; provided that no criminal charge shall be preferred against any driver, operator or owner of a vehicle when a rearrangement of the load upon the vehicle therefrom reduces the axle loads of said vehicle to such limit as is permitted under this chapter.
- (e) Any driver of a vehicle or combination of vehicles who fails or refuses to comply with any requirement or provision of this section shall be guilty of a misdemeanor or, in the case of any driver of a vehicle engaged in the transportation of coal, any other additional penalties that may be applicable under the provisions of W. Va. Code, § 17C-17A-1 et seq.

(Code 1981, § 13-511)

Sec. 78-286. Liability for damage to highway or structure.

- (a) The owner, lessee or borrower of any vehicle, object or contrivance driven or moved upon any highway or highway structure shall be liable for all damage which said highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance or as a result of operating, driving, or moving any vehicle, object, or contrivance weighing in excess of the maximum weight in this article but authorized by a special permit issued as provided by the West Virginia Code, as amended.
- (b) Such damage may be recovered in civil action brought by the authorities in control of such highway or highway structure.

(Code 1981, § 13-512)

Sec. 78-287. Penalties for violation of weight laws; impounding vehicles.

- (a) Any owner, lessee or borrower of a vehicle or combination of vehicles who operate or permit to be operated on any highway such vehicle or combination of vehicles with any axle load in

The Code of the Town of Bath, West Virginia

excess of that permitted herein, or with a total gross weight with load imposed upon the highway by any one group of two or more consecutive axles in excess of that permitted herein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine scheduled in proportion to the amounts of pounds in excess of the registered weight, or in excess of allowable weights for single axle, or in excess of allowable weights for groups of two or more consecutive axles, in accordance with the schedule in words and figures as follows:

Pounds	Amount of Fine
1 to 4,000	\$20.00
4,001 to 5,000	\$25.00
5,001 to 6,000	\$60.00
6,001 to 7,000	\$70.00
7,001 to 8,000	\$80.00
8,001 to 9,000	\$90.00
9,001 to 10,000	\$100.00
10,001 to 11,000	\$165.00
11,001 to 12,000	\$180.00
12,001 to 13,000	\$195.00
13,001 to 14,000	\$210.00
14,001 to 15,000	\$225.00
15,001 to 16,000	\$320.00
16,001 to 17,000	\$340.00
17,001 to 18,000	\$360.00
18,001 to 19,000	\$380.00
19,001 to 20,000	\$400.00
20,001 to 21,000	\$525.00
21,001 to 22,000	\$550.00
22,001 to 23,000	\$575.00
23,001 to 24,000	\$600.00
24,001 to 25,000	\$625.00
25,001 to 26,000	\$780.00
26,001 to 27,000	\$810.00
27,001 to 28,000	\$840.00
28,001 to 29,000	\$870.00

The Code of the Town of Bath, West Virginia

29,001 to 30,000	\$900.00
30,001 to 40,000	\$1,200.00
40,001 to 50,000	\$1,400.00
50,001 and over	\$1,600.00

- (b) Pounds in excess of registered weight, or in excess of allowable weights for single axle, or in excess of allowable weights for groups of two or more consecutive axles.
- (c) In the event any owner, lessee or borrower of a vehicle is charged with violating this section, the vehicle which is charged to be overloaded shall be impounded by the arresting officer and shall not be released to such owner, lessee or borrower unless and until such owner, lessee or borrower either shall have been found guilty and paid any fine assessed against such owner, lessee or borrower, or shall have furnished cash or surety bond in at least double the amount of the fine which may be assessed against such owner, lessee or borrower for such violation of this section and conditioned upon the payment of any such fine and costs assessed for such violation, or shall have been acquitted of such charge. Such owner, lessee or borrower shall be liable for any reasonable storage costs incurred in storing such vehicles; provided that if the owner of such vehicle is a resident of or has a principal place of business located in this state, and said vehicle has been duly licensed in the state, then said vehicle shall not be impounded but the arresting officer shall deliver to the driver a written notice stating such violation; the place, date and time; the license number of said vehicle; the title number and name and address of the owner, the driver's name, address, and the number of this operator's or chauffeur's card or permit; and the court, place, date and time for hearing, which shall be within five days of such violation (Saturdays, Sundays and holidays, excluded). A copy of such notice shall be mailed within 48 hours to the owner of said vehicle. Upon the failure by such owner or his agent to appear at the designated place and time, or upon failure to pay the fine and costs assessed for such violation, unless such owner shall have been acquitted of such charge, the court shall order a bond or the impounding of said vehicle as provided in this section.

(Code 1981, § 13-513)

Secs. 78-288—78-307. Reserved.

FOOTNOTE(S):

--- (4) ---

State Law reference— Authority to designate weight limits on local streets, W. Va. Code, § 17C-2-8(a)(7); authority for oversized buses, etc., W. Va. Code, § 17C-17-2(b).

ARTICLE VIII. PEDESTRIANS

Sec. 78-308. Subject to traffic regulations; powers of local authorities.

Sec. 78-309. Right-of-way in crosswalks.

Sec. 78-310. Crossing at other than crosswalks.

Sec. 78-311. Drivers to exercise due care.

Sec. 78-312. Right half of crosswalks to be used.

Sec. 78-313. Blind pedestrians.

Sec. 78-314. Pedestrians on roadways; soliciting rides.

Sec. 78-315. Persons working on streets and highways.

Secs. 78-316—78-333. Reserved.

Sec. 78-308. Subject to traffic regulations; powers of local authorities.

Pedestrians shall be subject to traffic control signals at intersections as provided in this article and the West Virginia Code, as amended, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

(Code 1981, § 13-601)

Sec. 78-309. Right-of-way in crosswalks.

- (a) When traffic control signals are not in place or not in operation. The driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated in section 78-310.
- (b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(Code 1981, § 13-602)

Sec. 78-310. Crossing at other than crosswalks.

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- (b) Between adjacent intersections at which traffic control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(Code 1981, § 13-603)

Sec. 78-311. Drivers to exercise due care.

Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(Code 1981, § 13-604)

Sec. 78-312. Right half of crosswalks to be used.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(Code 1981, § 13-605)

Sec. 78-313. Blind pedestrians.

- (a) Whenever a pedestrian is crossing or attempting to cross a public street or highway, at or near an intersection crosswalk, guided by a service animal, or carrying in a raised or extended position a cane or walking stick which is metallic or white in color, or white tipped with red, the driver of every vehicle approaching such intersection or crosswalk shall take such precautions as may be necessary to avoid injuring or endangering such pedestrian, and if injury or danger to such pedestrian can be avoided only by bringing the vehicle to a full stop, the driver shall do so. No person who is not totally or partially blind or otherwise incapacitated shall carry on any public street or highway in a raised or extended position a cane or walking stick which is metallic or white in color, or white tipped with red.
- (b) Nothing contained in this section shall be construed to deprive any totally or partially blind or otherwise incapacitated person, not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing the streets or highways nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a service animal upon the streets, highways or sidewalks of the town be held to constitute or be evidence of contributory negligence.

(Code 1981, § 13-606)

Sec. 78-314. Pedestrians on roadways; soliciting rides.

- (a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- (b) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.
- (c) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

(Code 1981, § 13-706)

Sec. 78-315. Persons working on streets and highways.

The driver of a vehicle shall yield the right-of-way to persons engaged in maintenance or construction work on a street or highway whenever he is notified of their presence by an official traffic control device or flagman.

(Code 1981, § 13-707)

Secs. 78-316—78-333. Reserved.

ARTICLE IX. BICYCLES AND PLAY VEHICLES

DIVISION 1. - GENERALLY

DIVISION 2. - OPERATION

DIVISION 3. - CHILD BICYCLE SAFETY ACT

DIVISION 1. GENERALLY

Sec. 78-334. [Restricting bicycles and other devices on certain sidewalks.]

Secs. 78-335—78-354. Reserved.

Sec. 78-334. [Restricting bicycles and other devices on certain sidewalks.]

It shall be unlawful for any person to ride any bicycle, skateboard, scooter, roller skates or any device which is powered by human power, or any Segway, bicycle, skateboard, roller skates, scooter or any device which has a motor attached to propel same, on any sidewalk within the restricted area.

The restricted area is defined as all the sidewalk area of North and South Washington Street within the town limits and all of the sidewalk area of East and West Fairfax Street within the town limits.

Nothing in this [section] denies the use of the sidewalks to any legitimate ADA approved device.

Penalty:

Any person in violation of this section shall be issued a warning for the first offense. The written warning shall state: "If in violation of this Ordinance, (Ordinance # 2013-01), after the date of this warning the violator's device (bicycle, scooter, skate board, etc.) shall be seized by the Town of Bath/Berkeley Springs Police Department and the violator, if under the age of 18, shall have his/her parent contact the Police Department within 48 hours. This second violation also carries a minimum fine of \$100.00.

If there is a third violation, the fine shall be a minimum of \$200.00 and the violator's device shall be held for 60 days from the date of the violation.

For a fourth violation the fine shall be a minimum of \$300.00, and the device shall be held for 90 days.

The fine for any violation of this section shall not exceed \$500.00.

Enforcement and record retention:

The Town of Bath Police Chief shall be responsible for the enforcement and record retention of any violations by direction of this section and the town council.

(Ord. No. 2013-01, 5-21-2013)

Cross reference— Ch. 66, Art. III, Curbs and Sidewalks

Secs. 78-335—78-354. Reserved.

DIVISION 2. OPERATION

Sec. 78-355. Obedience to division provisions; duty of parents and guardians; applicability of division to bicycles.

Sec. 78-356. Traffic laws apply to persons riding bicycles.

Sec. 78-357. Riding on bicycle seats; carrying more than one person on bicycle.

Sec. 78-358. Clinging to vehicles.

Sec. 78-359. Riding on roadways and bicycle paths.

Sec. 78-360. Carrying articles.

Sec. 78-361. Lamps and other equipment on bicycles.

Secs. 78-362—78-380. Reserved.

Sec. 78-355. Obedience to division provisions; duty of parents and guardians; applicability of division to bicycles.

- (a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this division.
- (b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.
- (c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

(Ord. of 3-17-1999, § 13C-11-1)

Sec. 78-356. Traffic laws apply to persons riding bicycles.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this article, except as to special regulations in this division and except as to those provisions of this article which by their nature can have no application.

(Ord. of 3-17-1999, § 13C-11-2)

Sec. 78-357. Riding on bicycle seats; carrying more than one person on bicycle.

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is intended.

(Ord. of 3-17-1999, § 13C-11-3)

Sec. 78-358. Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any streetcar or vehicle upon a roadway.

(Ord. of 3-17-1999, § 13C-11-4)

Sec. 78-359. Riding on roadways and bicycle paths.

- (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

- (b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.
- (c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(Ord. of 3-17-1999, § 13C-11-5)

Sec. 78-360. Carrying articles.

No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars.

(Ord. of 3-17-1999, § 13C-11-6)

Sec. 78-361. Lamps and other equipment on bicycles.

- (a) Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.
- (b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.
- (c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(Ord. of 3-17-1999, § 13C-11-7)

Secs. 78-362—78-380. Reserved.

DIVISION 3. CHILD BICYCLE SAFETY ACT

Sec. 78-381. Definitions.

Sec. 78-382. Requirements for helmet use.

Sec. 78-383. Sale of bicycle helmets.

Sec. 78-384. Civil actions.

Sec. 78-385. Penalties.

Secs. 78-386—78-413. Reserved.

Sec. 78-381. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bicycle means a human-powered vehicle with wheels designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. Such term also includes a human-powered vehicle, and any attachment to such vehicle designed to transport by

pedaling when the vehicle is used on a public roadway, public bicycle path or other public right-of-way, but does not include a tricycle.

Operator means a person who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle.

Other public right-of-way means any right-of-way other than a public roadway or public bicycle path that is under the jurisdiction and control of this state or a local political subdivision thereof and is designed for use and used by vehicular or pedestrian traffic.

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

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

Public bicycle path means a right-of-way under the jurisdiction and control of this state or a local political subdivision thereof for use primarily by bicycles and pedestrians.

Public roadway means a right-of-way under the jurisdiction and control of this state or a local political subdivision thereof for use primarily by motor vehicles.

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

(Ord. of 3-17-1999, § 13C-11A-3)

Sec. 78-382. Requirements for helmet use.

- (a) It is unlawful for any person under 15 years of age to operate or be a passenger on a bicycle or any attachment to a bicycle used on a public roadway, public bicycle path or other public right-of-way unless at all times when the person is so engaged he wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.
- (b) It is unlawful for any parent or legal guardian of a person under 15 years of age to knowingly permit such person to operate or be a passenger on a bicycle or on any attachment to a bicycle used on a public roadway, public bicycle path or other public right-of-way unless at all times when the person is so engaged he wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

(Ord. of 3-17-1999, § 13C-11A-4)

Sec. 78-383. Sale of bicycle helmets.

Any helmet sold or offered for sale for use by operators and passengers of bicycles shall be conspicuously labeled in accordance with the standard described in the definition of "protective bicycle helmet" in section 78-381, which shall constitute the manufacturers certification that the helmet conforms to the applicable safety standards.

(Ord. of 3-17-1999, § 13C-11A-5)

Sec. 78-384. Civil actions.

A violation of section 78-382 is not admissible as evidence of negligence or contributory negligence or comparative negligence in any civil action or proceeding for damages, and shall not be admissible in mitigation of damages.

(Ord. of 3-17-1999, § 13C-11A-6)

Sec. 78-385. Penalties.

- (a) Notwithstanding the provisions of W. Va. Code, § 17C-18-1, any parent or legal guardian violating any requirement set forth in section 78-382 shall be fined \$10.00 or be required to perform two hours in community service related to a child injury prevention program which includes injury prevention education or both fined and required to perform such community service. Notwithstanding the provisions of W. Va. Code, § 8-11-1, no court costs may be assessed to any person violating the requirements of section 78-382.
- (b) In the case of a first violation of section 78-382, the court may waive the fine upon receipt of satisfactory proof that the person has a helmet or within a reasonable time from the date of the violation, purchased or otherwise obtained, a protective bicycle helmet.
- (c) It is an absolute defense to a charge for a violation of this division that a parent or legal guardian is unable to pay for the protective bicycle helmet. Inability to pay may be demonstrated by the filing of a financial affidavit in accordance with the provisions of W. Va. Code, § 59-2-1(c). Any person who demonstrates inability to pay shall be referred to the governor's highway safety program for assistance in obtaining the appropriate helmet.

(Ord. of 3-17-1999, § 13C-11A-7)

Secs. 78-386—78-413. Reserved.

ARTICLE X. PARTIES TO UNLAWFUL ACTS

Sec. 78-414. Parties to a crime.

Sec. 78-415. Offenses by persons owning or controlling vehicles.

Secs. 78-416—78-443. Reserved.

Sec. 78-414. Parties to a crime.

Every person who commits, attempts to commit, conspires to commit, or knowingly aids or abets in the commission of, any act declared herein to a crime, whether individually or in connection with one or more other person or as a principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this article is likewise guilty of such offense.

(Code 1981, § 13-801)

Sec. 78-415. Offenses by persons owning or controlling vehicles.

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or knowingly to permit the operation of such vehicle upon a highway in any manner contrary to law.

(Code 1981, § 13-802)

Secs. 78-416—78-443. Reserved.

ARTICLE XI. PROHIBITED ACTS

Sec. 78-444. Unlawful opening of doors.

Sec. 78-445. Using streets for sale of automobiles.

Sec. 78-446. Interference with funeral processions.

Sec. 78-447. Prohibited use of an electronic communications device, driving without handheld features; definitions; exceptions; penalties.

Secs. 78-448—78-475. Reserved.

Sec. 78-444. Unlawful opening of doors.

It shall be unlawful for any person to open the door of any vehicle parked in any street of the town in such a manner as to interfere with the lawful use of any other vehicle.

(Code 1981, § 13-901)

Sec. 78-445. Using streets for sale of automobiles.

It shall be unlawful for any person to use the street or median areas of the town for the habitual storage or parking of salable automobiles or other vehicles, and any continuous placing of such vehicles on the street of the town, without adequate license tags, from day to day shall constitute an offense within the meaning of this section.

(Code 1981, § 13-902)

Sec. 78-446. Interference with funeral processions.

It shall be unlawful within the town for any person to ride, drive or run or cause to be ridden, driven or run, any motorcycle, automobile, wagon, horse or any vehicle of any kind or character, in, through, across and over the line of any funeral procession moving upon any of the streets or alleys of the town.

(Code 1981, § 13-903)

Sec. 78-447. Prohibited use of an electronic communications device, driving without handheld features; definitions; exceptions; penalties.

- (a) Except as provided in subsection (c) of this section, a person may not drive or operate a motor vehicle on a public street or highway while:
 - (1) Texting; or
 - (2) Using a cell phone or other electronic communications device, unless the use is accomplished by hands-free equipment.
- (b) For purposes of this section, the following terms shall mean:
 - (1) *Cell phone* shall mean a cellular, analog, wireless or digital telephone.
 - (2) *Driving or operating a motor vehicle* means operating a motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays, but does not include operating a motor vehicle after the driver has moved the vehicle to the side of, or off, a highway and halted in a location where the vehicle can safely remain stationary.

The Code of the Town of Bath, West Virginia

- (3) *Electronic communication device* means a cell telephone, personal digital assistant, electronic device with mobile data access, laptop computer, pager, broadband personal communication device, two-way messaging device, electronic game, or portable computing device. For the purposes of this section, an "electronic communication device" does not include:
- a. Voice radios, mobile radios, land mobile radios, commercial mobile radios or two-way radios with the capability to transmit and receive voice transmissions utilizing a push-to-talk or press-to-transmit function; or
 - b. Other voice radios used by a law-enforcement officer, an emergency services provider, an employee or agent of public safety organizations, first responders, Amateur Radio Operators (HAM) licensed by the Federal Communications Commission and school bus operators.
- (4) *Engaging in a call* means when a person talks into or listens on an electronic communication device, but shall not include when a person dials or enters a phone number on a push pad or screen to initiate the call.
- (5) *Hands-free electronic communication device* means an electronic communication device that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such electronic communication device, by which a user engages in a call without the use of either hand or both hands.
- (6) *Hands-free equipment* means the internal feature or function of a hands-free electronic communication device or the attachment or addition to a hands-free electronic communication device by which a user may engage in a call or text without the use of either hand or both hands.
- (7) *Texting* means manually entering alphanumeric text into, or reading text from, an electronic communication device, and includes, but is not limited to, short message service, e-mailing, instant messaging, a command or request to access a World Wide Web page or engaging in any other form of electronic text retrieval or entry, for present or future communication. For purposes of this section, "texting" does not include the following actions:
- a. Reading, selecting or entering a telephone number, an extension number, or voicemail retrieval codes and commands into an electronic device by the pressing the device in order to initiate or receive a phone call or using voice commands to initiate or receive a telephone call;
 - b. Inputting, selecting or reading information on a global positioning system or navigation system; or
 - c. Using a device capable of performing multiple functions, including fleet management systems, dispatching devices, smart phones, citizens band radios or music players, for a purpose that is not otherwise prohibited in this section.
- (8) *Using a cell phone or other electronic communication device* means holding in a person's hand or hands an electronic communication device while:
- a. Viewing or transmitting images or data;
 - b. Playing games;
 - c. Composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving e-mail, text messages or other electronic data; or
 - d. Engaging in a call.
- (c) Subsection (a) of this section shall not apply to:
- (1) A law-enforcement officer, a firefighter, an emergency medical technician, a paramedic or the operator of an authorized emergency vehicle in the performance of their official duties;

The Code of the Town of Bath, West Virginia

- (2) A person using an electronic communication device to report to appropriate authorities a fire, a traffic accident, a serious road hazard, or a medical or hazardous materials emergencies.
- (3) The activation or deactivation of hands-free equipment or a function of hands-free equipment.
- (d) This section does not supersede the provisions of W. Va. Code, § 17B-2-3(a) or any more restrictive provisions for drivers of commercial motor vehicles prescribed by the provisions of W. Va. Code, ch. 17E of the West Virginia Code or federal law or rule.
- (e) Any person who violates the provisions of subsection (a) of this section is guilty of a traffic offense and, upon conviction thereof, shall for a first offense be fined \$100.00; for a second offense be fined \$200.00; and for a third or subsequent offense be fined \$300.00. No court costs or other fees shall be assessed for a violation of subsection (a) of this section.
- (f) Driving or operating a motor vehicle on a public street or highway while texting shall be enforced as a primary offense as of July 1, 2012. Driving or operating a motor vehicle on a public street or highway while using a cell phone or other electronic communication device without hands-free equipment shall be enforced as a secondary offense as of July 1, 2012, and as a primary offense as of July 1, 2013 for purposes of citation.
- (g) Nothing contained in this section shall be construed to authorize seizure of a cell phone or electronic device by any law-enforcement agency.

(Ord. No. 2013-03, 8-20-2013)

Secs. 78-448—78-475. Reserved.

ARTICLE XII. PARKING METERS

- Sec. 78-476. Parking meter zones.
- Sec. 78-477. Use of zones.
- Sec. 78-478. Holidays.
- Sec. 78-479. Placement.
- Sec. 78-480. Manner of parking.
- Sec. 78-481. Display of signals.
- Sec. 78-482. Deposit of coin required.
- Sec. 78-483. Overtime parking.
- Sec. 78-484. Parking in violation of article.
- Sec. 78-485. Purpose of fees.
- Sec. 78-486. Tampering.
- Sec. 78-487. Special police officers.
- Sec. 78-488. Penalties for violations.
- Sec. 78-489. Methods of payment of fines.
- Sec. 78-490. Information on complaint notice.
- Sec. 78-491. Fine and fee schedule.
- Secs. 78-492—78-520. Reserved.

Sec. 78-476. Parking meter zones.

The parking meter zones for the town shall be those streets on which parking meters have heretofore been established and maintained and such additional streets, alleys and parking lots as council may from time to time hereafter designate as a parking meter zone, except such spaces on the streets as are designated as "no parking," such as fireplugs, fire lanes, yellow curbs, handicapped or loading zones or any other place so designated or when such meters are properly "bagged" by the town police department for special use.

(Ord. of 4-15-1996, § 13-1001)

Sec. 78-477. Use of zones.

No owner or operator of any vehicle shall park any vehicle between the hours of 9:00 a.m. and 5:00 p.m., on any day except Sunday, or a legal holiday as established by this article, upon any streets or alleys or parking lots of the town which are now or may hereafter be established as parking meter zones, unless the owner or operator of such vehicle shall deposit in the meter such sum as may be provided in this article. The owner or operator of any vehicle shall have the right to park in such parking zones, so long as he maintains money in the meter.

(Ord. of 4-15-1996, § 13-1002)

Sec. 78-478. Holidays.

Municipal holidays shall be as set forth in the personnel policy manual.

(Ord. of 4-15-1996, § 13-1003)

Sec. 78-479. Placement.

Parking meters shall be erected or placed on the sidewalk or parkway as close to the curbline as practical.

(Ord. of 4-15-1996, § 13-1004)

Sec. 78-480. Manner of parking.

No person shall park any vehicle across any line or marking designating a parking meter space, or park any vehicle in any way that it shall not be wholly within a parking meter space as designated by such lines or markings.

(Ord. of 4-15-1996, § 13-1005)

Sec. 78-481. Display of signals.

Each parking meter erected shall be so set as to display a signal or other timing means showing legal parking upon the deposit of a proper coin of the United States of America therein for a period of time to be designated upon the meter.

(Ord. of 4-15-1996, § 13-1006)

Sec. 78-482. Deposit of coin required.

In order that the time during which a vehicle is parked in a parking meter space may be properly and conveniently computed, the owner or operator of a vehicle entering such parking meter space during the time of limited parking shall immediately deposit a proper coin of the United States of America in the parking meter adjacent to such parking meter space, and failure to do shall be unlawful.

(Ord. of 4-15-1996, § 13-1007)

Sec. 78-483. Overtime parking.

When any vehicle is parked in a space alongside of or next to a parking meter for said parking space, the vehicle operator, upon entering such parking space, shall immediately deposit or cause to be deposited in such parking meter a coin or coins of the United States, as may be specific on said meter, and at once shall put the meter into operation as thereon directed, and such parking space may then be lawfully occupied by such vehicle during the period of time which has been prescribed for the amount so deposited. If such vehicle shall remain parked in any such parking meter space beyond the time limit fixed for the deposit of the coin so deposited, such vehicle shall, except as otherwise provided in this article, be considered as parked overtime, and any such parking of a vehicle overtime in any such part of the streets where any such meter is located overtime parking (double overtime) shall constitute a separate offense and shall be unlawful.

(Ord. of 4-15-1996, § 13-1008)

Sec. 78-484. Parking in violation of article.

No person shall cause, allow, permit or suffer any vehicle registered in his name to be unlawfully parked in any meter zone.

(Ord. of 4-15-1996, § 13-1009)

Sec. 78-485. Purpose of fees.

The coins required to be deposited in parking meters are hereby levied and assessed as fees to cover the costs of the supervision, inspection, installation, operation, maintenance, control and use of the parking meter spaces and the regulation of the parking of vehicles in the parking meter zones, as well as for any other purpose deemed as necessary by the mayor and council of the town.

(Ord. of 4-15-1996, § 13-1010)

Sec. 78-486. Tampering.

No person shall deface, tamper with, damage, open or willfully break, destroy or impair the usefulness of any parking meter or its appurtenances.

(Ord. of 4-15-1996, § 13-1011)

Sec. 78-487. Special police officers.

The town may employ such persons and set such salaries as it shall deem advisable for the purpose of patrolling all metered areas and issuing notices of violation to any owner or operator of any vehicle in violation of the various parking rules and regulations of the town.

(Ord. of 4-15-1996, § 13-1012)

Sec. 78-488. Penalties for violations.

- (a) Any person cited for a violation of the parking regulations found in this article or a violation of parking regulations as enumerated upon the face of the parking violation complaint notice (commonly called a "ticket"), may settle and compromise a claim against him for such illegal parking by paying to the town the sum established by the town council within 30 days of the time such offense was committed.
- (b) Failure to settle and compromise the claim, as provided in this section, within 30 days by any person accused of a violation of this article shall, incur an additional penalty, such additional penalty to be assessed according to the provisions of the schedule of fines and fees established in section 78-491. Any person accused of a violation of this article shall, upon conviction thereof, be fined for the violation together with the cost of prosecution.

(Ord. of 4-15-1996, § 13-1013)

Sec. 78-489. Methods of payment of fines.

- (a) There shall be installed at suitable places and intervals within the town, under supervision of the police department, receptacles or fine boxes for the deposit of fine money relative to the parking violation cited on the parking violation complaint notice.
- (b) Persons receiving a parking violation complaint notice may enclose the proper fine amount in the envelope section of the complaint notice and place the complaint notice in the appropriate receptacle or fine box, or may bring the fine and complaint notice to town hall or may send the fine and complaint notice via the United States mail to the address printed on the face of the complaint notice.
- (c) Such action on the part of the person receiving the parking violation complaint notice or the owner or operator of the vehicle in question will settle and compromise a claim against him for such illegal parking.
- (d) Failure to pay the fine as provided in this section shall subject the violator to additional fines and fees which fines and fees shall be recovered in a manner relative to the recovery of other fines.

(Ord. of 4-15-1996, § 13-1014)

Sec. 78-490. Information on complaint notice.

The police officer placing the complaint notice relative to a parking meter violation upon any vehicle in any of the parking meter zones of the town shall, before placing the notice on the vehicle in question, write thereon the date and time of such notice, the violation in question, the license number of the vehicle involved, the meter number and any other information the officer deems appropriate.

(Ord. of 4-15-1996, § 13-1015)

Sec. 78-491. Fine and fee schedule.

A schedule of fines and fees relating to violations of the parking meter regulations is hereby established and is intended to include certain other parking related offenses. The schedule of fines and fees may be modified, altered or extended from time to time by action of the town council.

(Ord. of 4-15-1996, § 13-1016)

Secs. 78-492—78-520. Reserved.

ARTICLE XIII. EXHIBITION DRIVING

Sec. 78-521. Prima facie evidence.

Sec. 78-522. Unlawful act.

Sec. 78-523. Penalties.

Sec. 78-524. Fine schedule for stopping, standing and parking of vehicles.

Sec. 78-521. Prima facie evidence.

It is prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates, or turns at an unnecessary rate of speed so as to cause tires to squeal, gears to grind, soil to be thrown, engines to backfire, cars to fishtail or skid, or, as to two-wheeled or three-wheeled motor vehicles, the front wheel to lose contact with the ground or roadway surface.

(Ord. No. 2003-07, 10-20-2003)

Sec. 78-522. Unlawful act.

It is a misdemeanor for any person to do any exhibition driving on any street, parking lot, or other public or private property, except when an emergency creates necessity for such operation to prevent injury to persons or damage to property; provided that this section shall not apply to driving on a racetrack. For purposes of this section, the term "racetrack" means any track or premises whereon motorized vehicles, horses, dogs, or other animals or fowl legally compete in a race or timed contest for an audience, the members of which have directly or indirectly paid a consideration for admission.

(Ord. No. 2003-07, 10-20-2003)

Sec. 78-523. Penalties.

Any person violating this provision shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed \$100.00 for the first offense; for a second conviction, the fine shall not exceed \$200.00.

(Ord. No. 2003-07, 10-20-2003)

Sec. 78-524. Fine schedule for stopping, standing and parking of vehicles.

The fine schedule for stopping, standing and parking of vehicles is as follows, subject to change by approval from the town council:

Violation	Within 30 Days	30 Days or More
	\$ 8.00	\$ 30.00

The Code of the Town of Bath, West Virginia

Meter violation	10.00	30.00
In front of/blocking driveway	40.00	40.00
Within an intersection	40.00	40.00
On a sidewalk	25.00	50.00
On a crosswalk	40.00	40.00
Within 20 feet of intersection	25.00	25.00
Within 20 feet of fire station driveway	50.00	50.00
Double parking or standing	10.00	30.00
Upon a bridge	50.00	50.00
Where prohibited by official sign	10.00	30.00
Where safety endangered	50.00	50.00
Improper parking	10.00	30.00
Handicap zone	100.00	100.00
Unattended vehicle	35.00	35.00
Yellow line	15.00	30.00
Rates shall be subject to change by approval from the town council.		

Any parking violation that is not paid within 30 days will be in violation of this section 78-488 and after 30 days of non payment, vehicle will be booted.

Payment of all fines and a charge of \$50.00 booting fee will be required within 24 hours of boot placement. After 24 hours, vehicle will be towed and impounded at owner's expense. Vehicle will not be released until all fines and fees, have been satisfied.

(Ord. No. 2002-07, 7-16-2002; Ord. No. 2007-08, 10-2-2007; Amd. 2009-01, 1-7-2009; Ord. No. 2010-02, 5-4-2010)