

TITLE 8

TRAFFIC CODE

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CHAPTER 1 – IN GENERAL

SECTION 8-101 MEANING OF WORDS AND PHRASES

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

“AUTHORIZED EMERGENCY VEHICLE” means vehicles of the Fire Department, duly chartered rescue squad, police vehicles, and such ambulances and emergency vehicles of municipal department or public service corporations as are designated or authorized by the Commissioner of Motor Vehicles or the Chief of Police and such privately owned ambulances and emergency vehicles as are designated by the Commissioner.

“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 twenty 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 street or 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 street or highway.

“CONTROLLED-ACCESS HIGHWAY” means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no right of access to or from 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.

“CROSSWALK” includes:

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

“DRIVER” means every person who drives or is in actual physical control of a vehicle.

“EXPLOSIVES” means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosive and which contains any oxidizing and combustive 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 cable of producing destructive effects on contiguous objects or of destroying life or limb.

“FLAMMABLE LIQUID” means any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device.

“GROSS WEIGHT” means the weight of a vehicle without load plus the weight of any load thereon:

- (a) The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict; and
- (b) Where a street or highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided street or highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting street or highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such streets or highways shall be regarded as a separate intersection.

“LANED ROADWAY” means a roadway is divided into two or more clearly marked lanes for vehicular traffic.

“MOPED” means every motorcycle or motor-driven cycle unless otherwise specified in this Traffic Code, 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 rotor displacement shall be fifty 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 thirty 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.

“MOTORCYCLE” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not 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 fifty cubic centimeters but not more than 150 cubic centimeters, or with not more than five brake horsepower.

“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.

“OWNER” means a person who holds the legal title of 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 conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Traffic Code.

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

“PARKING AREA” means lots, areas or other accommodations for the parking of vehicles off the street or highway and open to public use with or without charge.

“PEDESTRIAN” means any person afoot.

“PERSON” means every natural person, firm, co-partnership, association or corporation.

“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 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.

“PRIVATE PROPERTY” means real estate in private ownership without regard to the manner in which it is used.

“RAILROAD” means a carrier of persons or property, upon cars, other than streetcars, operated upon stationary rails.

“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.

“RAILROAD TRAIN” means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

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

“RESIDENTIAL STREET” means the entire width between the boundary lines of every way, whether publicly or privately maintained, located within any subdivision,

development or other similar area used primarily for residential purposes when any part thereof is open to the common use of those living in such area for the purpose of vehicular travel.

“RIGHT OF WAY” means the privilege of the immediate use of the street of highway.

“ROADWAY” means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street or highway includes two or more separate roadways, the term “roadway” as used herein shall refer to any such roadway separately but not 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 while set apart as a safety zone.

“SCHOOL BUS” means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school.

“SCHOOL GROUNDS” includes 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, other than a pole trailer, 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 or highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

“STOP” when required, means complete cessation from movement.

“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 or signal.

“STREET” or **“HIGHWAY”** means the entire width between the boundary lines or every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel and for purposes of this Traffic Code includes alleys.

“THROUGH STREET” or **“THROUGH HIGHWAY”** means every street or highway or portion thereof at the entrances to which vehicular traffic from intersecting

streets or highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in this Traffic Code.

“TRAFFIC” means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any street or highway for purposes of travel.

“TRAFFIC CONTROL DEVICE” means any sign, signal, marking and device not inconsistent with this Traffic Code placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

“TRAFFIC CONTROL SIGNAL” 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, other than a pole trailer, 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.

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

SECTION 8-102 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS

- (a) It shall be the duty of the officers of the Police Department to enforce all street traffic laws of this municipality and all of the State vehicle laws applicable to street traffic in this municipality.
- (b) Officers of the Police Department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- (c) Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

SECTION 8-103 OBEDIENCE TO POLICE OFFICERS

No person shall willfully fail or refuse to comply with a lawful order or direction of any police officer invested by or with authority to direct, control or regulate traffic.

**SECTION 8-104 APPLICATION TO GOVERNMENT VEHICLES,
EXCEPTION**

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

SECTION 8-105 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:
 - a. Park or stand irrespective of the provisions of this Traffic Code;
 - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - c. Exceed the speed limits so long as he does not endanger life or property;
 - d. Disregard regulations governing direction of movement of turning in specified directions.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds 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 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.

SECTION 8-106 APPLICATION 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 of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Traffic Code, except those provisions of this Traffic Code, which by their very nature can have no application.

SECTION 8-107 PERMITTING PERSONS TO DRIVE UNLAWFULLY

No person shall authorize or knowingly permit a motor vehicle owned by his or under his control to be driven upon any street or public way of the municipality by any person in violation of any of the provisions of this Traffic Code.

SECTION 8-108 PARTIES TO COMMISSION OF VIOLATIONS

Every person who commits, attempts to commit, conspires to commit or knowingly aids or abets in the commission of any act declared herein to be a crime, whether individually or in connection with one or more other persons 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 Traffic Code is likewise guilty of such offense.

SECTION 8-109 ADOPTION OF STATE LAWS

All of the laws of the State and all rules, regulations and orders made by the Public Service Commission of the State and the State Department of Highways, in effect on the effective date of this section, in the future, insofar as such laws, rules, regulations and orders relate or apply to motor vehicles or traffic upon the streets, highways and public ways of incorporated villages, Towns and cities are hereby adopted and made a part of this Traffic Code.

SECTION 8-110 AUTHORITY TO IMPOUND VEHICLES

- (a) Members of the Police Department are hereby authorized to move a vehicle from a street or highway, any parking lot or parking facility owned and/or operated by the municipality to the nearest garage or other place of safety or to a garage designated by the Police Department without prior notice under the circumstances hereafter enumerated:

- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway where such vehicle constitutes an obstruction of traffic.
- (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
- (3) When any vehicle is involved in a wreck and is not removed by the owner or any authorized person within a reasonable time thereafter.
- (4) When any vehicle is parked on any street, highway or avenue within the municipality during hours designated for the cleaning of maintenance of any such street, highway or avenue. Such designation shall be made by the Mayor or Chief of Police as authorized and the street, highway or avenue shall be posted by appropriate signs at least twenty-four hours prior to such cleaning or maintenance. These signs shall clearly set forth that parking is prohibited and that vehicles that remain in the designated areas during the prohibited times will be towed.
- (5) When a vehicle is illegally parked and impedes the flow of traffic.
- (6) When there are more than six or more unpaid parking citations outstanding and the citations contain notices that the vehicle may be towed for nonpayment of the fine.
- (7) Where a vehicle is parked within fifteen feet of a fire hydrant.
- (8) When any vehicle has been abandoned or junked on private or public property as provided in West Virginia Code Article 17-24.
- (9) When any vehicle has been stolen or operated without the consent of the owner.
- (10) When any vehicle displays illegal license plates or fails to display the current lawfully requires license plates.
- (11) When any vehicle has been used in or connected with the commission of a felony.
- (12) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code or West Virginia Code Article 17C-15 whereby its continued operation would constitute a condition hazardous to life, limb or property.

- (13) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision.
- (14) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked.
- (b) Any vehicle removed under authority of subsection (a)(8) hereof shall be disposed of as provided under West Virginia Code Article 17-24.
- (c) A vehicle may be impounded after prior notice when the vehicle is parked and/or used in violation of any law, ordinance or regulation not hereinbefore provided for.

Prior notice shall consist of conspicuously posting a notification of intent to tow on the vehicle at least forty-eight hours prior to the removal of a vehicle or personally handing to the owner a notification of the intent to tow.

- (d) Any notice given under this section shall contain the particulars of the removal, the redemption procedure to be followed and the opportunity and procedure for obtaining a hearing contesting the right to redeem, the correctness of the towing and storage charges or the right of removal. Similar notice shall be given each person who seeks to redeem the vehicle. If the vehicle is redeemed prior to the giving of the notice, notice may be handed to the one seeking to redeem and notice need not be mailed.
- (e) If no inquiry from the owner or his representative is made to the Police Department within twenty-four hours after the towing, then the Police Department shall immediately send or cause to be sent a written report of such towing by mail to the State Department whose duty it is to register vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reason for such removal and name of the garage or place where the vehicle is stored. In addition, the Police Department shall notify the vehicle's last owner of record (as determined by the license tag thereon or if this cannot be done, such notice shall be given after receiving sufficient information from the State Department) of the place of impoundment of the vehicle.
- (f) Vehicles removed by the municipality shall be redeemed only under the following procedures:
 - (1) Only the person who can show that he is entitled to possession may redeem the vehicle. Proof may be in the form of the vehicle

registration, a notarized statement from the registered owner or other good and sufficient proof.

- (2) A person seeking to redeem an impounded vehicle has a right to a hearing to contest the validity of the removal or the amount accrued for removal and storage at a hearing. If a hearing cannot be held within the next day after written request for such hearings, a release for the vehicle shall immediately be given upon the posting of a bond to cover the potential fine for the criminal charge or charges, which caused the towing.

In the event the Police Court determines the towing was improper the municipality shall bear the expenses of the towing and storage not to exceed seventy-two hours/ storage fees.

- (g) When any other ordinance of this municipality provide for removal or impoundment, the notice provisions of this section shall govern.

SECTION 8-111 GENERAL CODE PENALTY

Whoever violates any provision of this Traffic Code for which another penalty is not provided, shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than thirty days.

CHAPTER 2 – DRIVING ON RIGHT; PASSING

SECTION 8-201 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS

- (a) 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 movements;
 - (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.
- (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for

traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an inter section or into a private road or driveway.

SECTION 8-202 PASSING TO RIGHT WHEN 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-travel portion of the roadway as nearly as possible.

SECTION 8-203 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES

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.

- (a) 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.
- (b) 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.

SECTION 8-204 OVERTAKING AND PASSING UPON RIGHT

- (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.

SECTION 8-205 OVERTAKING, PASSING TO LEFT OF CENTER

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.

SECTION 8-206 ADDITIONAL RESTRICTIONS ON DRIVING UPON 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 street or 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.

SECTION 8-207 HAZARDOUS OR 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.

SECTION 8-208 ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS

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

- (b) A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

SECTION 8-209 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 other consistent, herewith shall apply:

- (a) 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.
- (b) 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 where the roadway is clearly visible and such center lane is clear of traffic within 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.
- (c) 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.

SECTION 8-210 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 street or 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, follow within 200 feet of another motor truck, bus, special motor equipment or any motor vehicle drawing another vehicle; provided that this provision shall not be construed to:
 - (1) Prevent overtaking and passing;
 - (2) Apply upon any lane specially designated for the use of motor trucks or combinations of vehicles, or within any section of a roadway posted or marked as a “no-passing zone”;

(3) Apply to any convoy of vehicles of the military service of the United States of this State; and

(4) Apply to funeral processions.

(c) Motor vehicles being driven upon any roadway outside of 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 this State.

SECTION 8-211 DRIVING UPON DIVIDED ROADWAY

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.

SECTION 8-212 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY

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.

CHAPTER 3 – TURNING AND STARTING; SIGNALS

SECTION 8-301 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.

SECTION 8-302 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.

SECTION 8-303 LEFT TURNS ON OTHER THAN TWO-WAY ROADWAYS

At any intersections 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 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.

SECTION 8-304 SPECIFIED TURNS AT INTERSECTIONS

The Mayor may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this chapter be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

SECTION 8-305 U-TURNS

- (a) 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 five hundred feet.
- (b) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon the street in a business or congested district and shall not upon any other street so turn the vehicle unless such movement can be made in safety and without interfering with other traffic.

SECTION 8-306 STARTING VEHICLES

No person shall start a vehicle, which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

SECTION 8-307 SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING

- (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway 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.

SECTION 8-308 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 lamps or mechanical signal device, but when a vehicle is so constructed or loaded that hand-and-arm signal would not be visible both to the front and rear of such vehicle then such signals must be given by such a lamp or lamps or signal device.

SECTION 8-309 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:

- (a) Left Turn: Hand and arm extended horizontally
- (b) Right Turn: Hand and arm extended upward
- (c) Stop or Decrease Speed: Hand and arm extended downward

CHAPTER 4 – RIGHT OF WAY

SECTION 8-401 RIGHTS 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 street or highway.
- (b) When two vehicles enter an intersection from a different street or 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) hereof are modified at through streets or highways and otherwise as hereinafter stated in this article.

SECTION 8-402 RIGHT OF WAY WHEN TURNING LEFT

The driver of a vehicle within a 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 such driver, having so yielded and having given a signal when and as required by this Traffic Code may make such left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicles making the left turn.

SECTION 8-403 RIGHT OF WAY AT THROUGH STREET OR HIGHWAY OR STOP INTERSECTION

- (a) The driver of a vehicle shall stop at the entrance to a through street or highway and shall yield the right of way to other vehicles which have entered the intersection from such through streets or highways or which are approaching so closely on such through street or highway as to constitute an immediate hazard but the 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 street or 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.

SECTION 8-404 DRIVING ONTO ROADWAY FROM PRIVATE ROAD OR DRIVEWAY

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

SECTION 8-405 RIGHT OF WAY OF EMERGENCY VEHICLE

- (a) Upon the immediate approach of an authorized emergency vehicle equipped with at least one flashing lighted lamp 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 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 street or highway.

CHAPTER 5 – SPECIAL STOPS REQUIRED

SECTION 8-501 DRIVING ACROSS GRADE CROSSING

- (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen 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 or 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 of passage of a railroad train;
- (3) A railroad train approaching within approximately 1,500 feet of the street or 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.

SECTION 8-502 STOPS AT DANGEROUS GRADE CROSSINGS

Council with the approval of the State Commissioner of Highways is hereby authorized to designate particularly dangerous highway grade crossing of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

SECTION 8-503 STOPPING AT GRADE CROSSING

- (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 or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen 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, 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 such 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 track or tracks.
- (b) No stop need be made at any such crossing where a police officer or traffic-control signal directs traffic to proceed.
- (c) This section shall not apply at street railway grade crossing within a business or residence district.

SECTION 8-504 MOVING HEAVY EQUIPMENT ACROSS 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 railroad, 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 at such crossing
- (c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty 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.

SECTION 8-505 THROUGH STREETS AND STOP INTERSECTIONS

- (a) The Council may designate through streets or 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 such sign shall bear the word “Stop” in letters not less than six inches in height and such sign shall at night-time 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 on 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 street or highway where the driver has a view of approaching traffic on the intersecting street or highway before entering the intersection except when directed to proceed by a police officer or traffic control signal.

SECTION 8-506 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY; STOPPING AT SIDEWALK

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 such roadway.

SECTION 8-507 STOPPING FOR SCHOOL BUS; SIGNS AND WARNING LIGHTS

- (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 such school bus flashing warning signal lights, and such 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 street or 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.
- (c) The driver of a vehicle upon a street or 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 street or highway and where pedestrians are not permitted to cross the roadway.

SECTION 8-508 OBSTRUCTING INTERSECTION OR CROSSWALK

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

CHAPTER 6 – DRIVING UNSAFE VEHICLES; APPLICATION, FARM AND ROAD EQUIPMENT EXCEPTIONS

SECTION 8-601 DRIVING UNSAFE VEHICLES; APPLICATION, FARM AND ROAD EQUIPMENT EXCEPTIONS

- (a) No person shall drive or move and no owner shall cause or knowingly permit to be driven or moved on any street or 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 on husbandry, road machinery, road rollers or farm tractors except as herein made applicable. Every farm tractor equipped with

an electric lighting system shall display a red tail lamp and either multiple-beam or single-beam headlamps.

SECTION 8-602 WHEN LIGHTED LIGHTS REQUIRED

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

SECTION 8-603 MEASUREMENT OF DISTANCES AND HEIGHTS

- (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 such provisions shall apply during the times stated in section 8-602 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.

SECTION 8-604 HEADLIGHTS ON MOTOR VEHICLES AND MOTORCYCLES

- (a) Every motor vehicle other than a motorcycle, motor-driven cycle or moped shall be equipped with at least two head lamps 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 fifty-four inches nor less than twenty-four inches to be measured as set forth in Section 8-603.

SECTION 8-605 TAIL LIGHT; ILLUMINATION OF REAR LICENSE PLATE

- (a) Every motor vehicle, trailer or semi-trailer 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 sixty inches nor less than twenty inches to be measured as set forth in Section 8-603(b).
- (c) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration place and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps 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.

SECTION 8-606 RED LIGHT OR RED FLAG ON EXTENDED LOADS

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 8-603, 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 twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

SECTION 8-607 LIGHTS ON SLOW-MOVING VEHICLES

All vehicles including animal-drawn vehicles shall at the times specified in Section 8-602 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.

SECTION 8-608 SPOTLIGHTS AND AUXILIARY LIGHTS

- (a) **Spot Lamps.** Any motor vehicle except a public utility company maintenance vehicle and/or emergency 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 no more than 100 feet ahead of the vehicle. A public utility company maintenance vehicle and/or and emergency 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 section.

- (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 twelve inches nor more than thirty 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 twenty-five 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 twenty-four inches nor more than forty-two 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 sixteen inches nor more than forty-two 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.

SECTION 8-609 SIGNAL LAMPS AND SIGNAL DEVICES

- (a) Any motor may be equipped and when required under this Traffic Code shall be equipped with the following signal lamps or devices:
 - (1) A stop lamp on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a tail lamp.
 - (2) A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.
- (b) A stop lamp shall be plainly visible and understandable from a distance of 100 feet to the rear both during normal sunlight and at nighttime and a signal lamp or lamps indicating intention to turn shall be visible and understandable during daytime and nighttime from a distance of 100 feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall be at all times be maintained in good working

condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

SECTION 8-610 COWL, FENDER AND BACK-UP LIGHTS; FLASHING HAZARD LIGHTS

- (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 back-up lamps either separately or in combination with other lamps, but any such back-up lamps shall not be lighted when the motor vehicle is in forward motion.
- (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 of color between amber and red.

SECTION 8-611 MULTIPLE-BEAM ROAD-LIGHTING EQUIPMENT REQUIREMENTS

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:

- (a) 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.
- (b) 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.

- (c) Every new motor vehicle, other than a motorcycle, motor-driven cycle or moped, registered in the State after January 1, 1852, 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. Such 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.

SECTION 8-612 USE OF HEADLIGHT BEAMS

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 8-602, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

- (a) Whenever a driver of a vehicle approaches and 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 shall be deemed to avoid glare at all times regardless of road contour and loading.
- (b) 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 Traffic Code.

SECTION 8-613 SINGLE-BEAM ROAD-LIGHTING EQUIPMENT

Headlamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to July 1, 1852 in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

- (a) The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five 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 forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.
- (b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

SECTION 8-614 LIGHTS ON MOTORCYCLES, MOTOR-DRIVEN CYCLES AND MOPEDS

The headlamp or headlamps 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:

- (a) Every such headlamp or headlamps 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 twenty-five miles per hour and at a distance of not less than 200 feet when it is operated at a speed of twenty-five or more miles per hour.
- (b) In the event the motorcycle, motor-driven cycle or moped is equipped with a multiple-beam type headlamp or headlamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in Section 8-611(a) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in Section 8-611(b).
- (c) In the event the motorcycle, motor-driven cycle or moped is equipped with a single-beam lamp or lamps such lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

SECTION 8-615 ALTERNATE ROAD-LIGHTING EQUIPMENT

Any motor vehicle may be operated under the conditions specified in section 8-602 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in Section 8-611, or Section 8-613, provided that at no time shall it be operated at a speed in excess of twenty miles per hour.

SECTION 8-616 NUMBER OF DRIVING LIGHTS REQUIRED OR PERMITTED

- (a) At all times specified in Section 8-602, 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 one time when upon a street or highway.

SECTION 8-617 SPECIAL RESTRICTIONS ON LIGHTS

- (a) Any lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps or flashing front-direction signals which projects a beam of light of an intensity greater than 300 candlepower shall; be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.
- (b) No person shall drive or move any vehicle or equipment upon any street or highway with any lamp or device thereon displaying other than a white or amber light visible from directly in front of the center thereof except as authorized by subsection (d) thereof.
- (c) Except as authorized in Section 8-610 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, or on any vehicle as a means of indicating the same is disabled or otherwise stopped for an emergency.
- (d) Notwithstanding any other provisions of this Traffic Code, the following color of flashing warning lights are restricted for the use of the type of vehicle designated:
 - (1) Blue flashing warning lights are restricted to police vehicles, except as authorized by West Virginia Code 17C-15-27.
 - (2) Except as authorized by Section 8-610 red flashing warning lights are restricted to ambulances, fire-fighting vehicles, school buses, Class A vehicles, as defined by West Virginia Code 17A-10-1 of those volunteer firemen who are authorized by their fire chiefs to have such lights and to Class A vehicles of members of volunteer ambulance services or duly chartered rescue squads who are authorized by their respective chiefs to have such lights, provided that red flashing warning lights attached to such Class A vehicles may be operated only when responding to or engaged in handling an emergency requiring the attention of such volunteer firemen or member of such volunteer ambulance service or chartered rescue squads.
 - (3) All other emergency vehicles, including tow trucks and wreckers, authorized by this Traffic Code and by West Virginia Code 17C-15-27 shall be restricted to amber or yellow flashing warning lights. No person shall install or use flashing warning lights of an unauthorized

color 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.

SECTION 8-618 MOTOR VEHICLE OR MOTORCYCLE BRAKES

(a) Brake Equipment Required

- (1) Every motor vehicle, other than a motorcycle, motor-driven cycle or moped, when operated upon a street or 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 street or highway, shall be equipped with at least one brake which may be operated by hand or foot.
- (3) Every trailer or semi-trailer of a gross weight of 3,000 pounds or more when operated upon a street or highway shall be equipped with brakes adequate to control the movement of 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 such 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 semi-trailer hereinafter sold in this State and operated upon the streets or 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 any semi-trailer 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 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-driven 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
Vehicle 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.

SECTION 8-619 INSPECTION OF BRAKES ON MOTORCYCLES, MOTOR-DRIVEN CYCLES AND MOPEDS

No person shall operate on any street or highway any motorcycle, motor-driven cycle or moped in the event the Commissioner of Highways has disapproved the brake equipment upon such vehicle.

SECTION 8-620 HORN, SIREN AND THEFT ALARM SIGNAL

- (a) Every motor vehicle when operated upon a street or 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 unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a street or 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.

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 of Motor Vehicles, 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 such latter

events the driver of such vehicle shall sound such siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

SECTION 8-621 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE

- (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 street or 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.

SECTION 8-622 REAR-VIEW MIRROR

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 street or highway for a distance of at least 200 feet to the rear of such vehicle.

SECTION 8-623 WINDSHIELD TO BE UNOBSTRUCTED; WINDSHIELD WIPER

- (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 view of the street or highway or any intersecting street or highway.
- (b) The windshield on every motor vehicle shall be equipped with a device for clearing rain, snow or other moisture from the windshield, which device shall be 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.

SECTION 8-624 TIRE EQUIPMENT RESTRICTIONS

- (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick 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 semi-trailer 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:
 - (1) It shall be permissible to use farm machinery with tires having protuberance which will not injure the street or highway;
 - (2) 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
 - (3) 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 street or highway, other than school buses, shall be equipped with studded tires, which are operational with a recommended air pressure greater than forty pounds per square inch.
- (d) No studded tires or chains shall be sold or used within the Municipality which does not meet the specifications established by the rules and regulations which the Commissioner of Highways shall promulgate.
- (e) Council may in its discretion issue special permits authorizing the operation upon the street or highway of traction engines or 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 Traffic Code.

SECTION 8-625 SAFETY GLASS IN MOTOR VEHICLES

- (a) For motor vehicles manufactured 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 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 drivers' compartments of such vehicles.
- (b) The term "safety glass" shall mean 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.

SECTION 8-626 VEHICLES TRANSPORTING EXPLOSIVES

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

- (a) Such 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 twenty-four inches square marked with the word "Danger" in white letters six inches high.
- (b) Every such 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.

SECTION 8-627 TELEVISION RECEIVER IN DRIVER'S VIEW PROHIBITED

No motor vehicle shall be operated on any street or highway in this Town when equipped with a television receiver unless such receiver is so placed that the screen or picture tube of such receiver is visible only in the rear seat of such motor vehicle and not in view of the operator of such motor vehicle.

SECTION 8-628 SAFETY EQUIPMENT FORMOTORCYCLISTS, MOTORCYCLES, MOTOR-DRIVEN CYCLES AND MOPEDS

- (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 chinstrap 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 80 1-1866.

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 of motor-driven cycle unless he is wearing safety, shatter-resistant eyeglasses (excluding contact lenses), or eye-goggles or 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 2.1-1858. In addition, of 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 26.1-1866.

- (c) No person shall operate a motorcycle, motor-driven cycle or moped on which the handlebars or grips are more than fifteen 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.

SECTION 8-629 CERTIFICATION LABELS ON MOPEDS

Every moped sold in this Municipality shall have permanently affixed to it a certification label, which shall contain the following information:

- (1) Name of Manufacturer;
- (2) Month and year of manufacturer;
- (3) Gross vehicle weight rating (GVWR);
- (4) Gross axle weight rating for front and rear axles (GAWR);
- (5) Vehicle identification number;
- (6) Classification type; and

- (7) Statement of conformance to federal standards as required by federal law.

CHAPTER 7 – COMMERCIAL AND HEAVY VEHICLES

SECTION 8-701 PROJECTING LOADS IN PASSENGER VEHICLES

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 fenders on the right side thereof.

SECTION 8-702 MAXIMUM HEIGHT, WIDTH AND LENGTH

- (a) No vehicle including any load thereon shall exceed a height of twelve feet six inches, except as provided in West Virginia Code 17C-17-11b and except that vehicles used as automobile transports including any load thereon shall not exceed a height of thirteen feet six inches, but the owners of such automobile transports shall be responsible to the Commissioner of Highways for any damage to bridges or other road structures and to municipalities and utility companies for any damage to wires, traffic devices or other structures, and to any person suffering property damage when any such damage is proximately caused by the height of such vehicle or vehicles and load being in excess of twelve feet six inches.
- (b) No motor vehicle including any load thereon shall exceed a length of thirty-five feet extreme overall dimension, inclusive of front and rear bumpers, except that any bus, truck or trackless trolley coach equipped with three axles or any school bus with two axles shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet.
- (c) No combination of vehicles coupled together shall 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 fifty feet, except as provided in West Virginia Code 17C-17-11b and except as otherwise provided in respect to the use of a pole trailer as authorized in West Virginia Code 17C-17-5. Provided, however, that the limitation that no combination of vehicles coupled together shall consist of more than two units shall not apply to 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 two saddle mounts are used; provided further, that equipment used in such combination meets the requirements of the safety regulations of the Interstate Commerce Commission (WvaC 17C-17-4).

- (d) The total outside width of any vehicle or the load thereon shall not exceed eight feet.
- (e) No motor vehicle with a declared or licensed gross vehicular weight (gvw) or gross weight of more than 28,000 pounds shall be operated or allowed to stand or park on any street in the Town of Pratt. The following streets, roads and highways are exempt from this section:
 - (1) U.S Route 61
 - (2) Pratt Avenue from the Paint Creek Bridge to the intersection with Center Street.
 - (3) Center Street from the intersection with Pratt Avenue to State Route 61.

Provided, however, that any vehicle subject to this section may be operated or allowed to stand or park on any street in the Town of Pratt, provided that the operator is performing essential delivery and/or pick-up service to any residence, business institution, church or school.

SECTION 8-703 LOADS DROPPING OR LEAKING

- (a) No vehicle or combination of vehicles shall be operated on any street or 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 there from, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.
- (b) No person shall operate on any street or highway any vehicle or combination of vehicles with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the streets or highway.

SECTION 8-704 TOWING REQUIREMENTS

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

- (c) No vehicle shall tow more than one disabled vehicle at a time. No vehicle shall have attached to it more than one trailer at any one time.

SECTION 8-705 SPECIAL LOAD LIMITS

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.

SECTION 8-706 DAMAGE BY HEAVY LOADING; UNUSUAL TRAFFIC

Notwithstanding compliance with all other provisions of this article, whenever any person has damaged or is likely to damage, by means of heavy loading or unusual traffic, any street or alley herein classified, to such an extent that the cost of repairs or maintenance of will be more than the average cost of repairs or maintenance of other streets or alleys of like type and construction in the municipality the Mayor shall have power to further regulate the loading of such vehicles and to assess the excessive cost of repairs and maintenance of such streets and alleys against the person causing such damage and require the payment thereof before further use of the street or alley by such person is permitted.

SECTION 8-708 APPLICABILITY OF ARTICLE

- (a) No person shall drive or move, and no owner, leases or borrower shall cause or knowingly permit to be driven or moved, on any street or alley any vehicle of a size exceeding the limitations stated in this articles or otherwise in violation of this article.
- (b) The provisions of this article governing size 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 provided in this article.

CHAPTER 8 – TRAFFIC CONTROL AND STREET OBSTRUCTIONS

SECTION 8-801 POLICE DEPARTMENT

- (a) **Power and Duties.** Generally the Police Department shall have the powers and duties granted or given by this Traffic Code in relation to the management and control of traffic and all police officers shall see that all provisions of this Traffic Code are rigidly enforced and observed.

- (b) **Traffic Control Devices.** The Police Department shall place, erect, install, provide, maintain and keep in repair such markings, signs, signals, lights and other traffic-control devices as Council may deem necessary to properly control traffic within the Town, in conformity with the Commissioner of Highways manual and specifications.
- (c) **Inspection of Vehicles.** The Police Department may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit to an inspection and a test with reference thereto an may be appropriate.

SECTION 8-802 MUNICIPAL COUNCIL

The Council shall have the power to regulate, restrict, or prohibit traffic, parking, loading zones, one-way streets, through streets, and pedestrian use of streets.

SECTION 8-803 OBEDIENCE TO TRAFFIC CONTROL DEVICES

- (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 Traffic Code, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Traffic Code.
- (b) No provision of this Traffic 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.

SECTION 8-804 OBEDIENCE TO TRAFFIC CONTROL INSTRUCTIONS AT STREET CONSTRUCTION

The driver of any vehicle shall obey traffic control instructions of persons authorized by the Commissioner of Highways or by proper local authorities to operate traffic control devices, act as flagman 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 Traffic Code.

SECTION 8-805 TRAFFIC CONTROL SIGNAL TERMS AND LIGHTS

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 such terms and lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (a) Green alone or “go”:
 - (1) Vehicular traffic facing the signal may proceed straight though 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.
 - (2) Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

- (b) Yellow alone or “caution” when showing following the green or “go” signal:
 - (1) 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.
 - (2) 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.

- (c) Red alone or “stop”:
 - (1) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if one, then before entering the intersection and shall remain standing until green or “go” is shown alone except as provided in subsection (c)(2) and (3) hereof.
 - (2) A vehicle which is stopped in obedience to a red or “stop” signal as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection, may cautiously make a right turn but such vehicle shall yield the right of way to pedestrians lawfully within a crosswalk and to other vehicular traffic proceeding as directed by the signal at such intersection, except that Council may by ordinance prohibit any such

right turn against a red or “stop” signal at any intersection which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

- (3) A vehicle which is stopped in obedience to a red or “stop” signal as close as practicable at the entrance to the crosswalk on the near side of the intersection or, if none, then at the entrance to the intersection on a one-way street on which traffic moves to the left, may cautiously make a left turn into the one-way street but such vehicle shall yield the right of way to pedestrians lawfully within a crosswalk and to the vehicular traffic proceeding as directed by the signal at such intersection, except that Council may by ordinance prohibit any such left turn against a red or “stop” signal at any intersection, which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.
 - (4) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
- (d) Red with green arrow:
- (1) Vehicular traffic facing such signal may cautiously enter the intersection only to make a movement indicated by such arrow but shall yield the right of way to pedestrians lawfully using the intersection.
 - (2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.
- (e) 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.

SECTION 8-806 FLASHING TRAFFIC SIGNALS

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

- (a) **Flashing Red (Stop Signal).** 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 with marked, or, if none, then

before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

- (b) **Flashing Yellow (Caution Signal).** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

SECTION 8-807 UNAUTHORIZED SIGNS AND SIGNALS, HIDING FROM VIEW, ADVERTISING

- (a) No local authority or person shall place, maintain or display upon or in view of any street or highway any unauthorized 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 street or highway any traffic control device bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to a street or highway of signs giving useful directional information and 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 Commissioner of Highways or other authority having jurisdiction over the street or highway is hereby empowered to remove the same or cause it to be removed without notice.

SECTION 8-808 ALTERATION, INJURY, REMOVAL OF TRAFFIC CONTROL DEVICES

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.

SECTION 8-809 PLACING INJURIOUS MATERIAL IN STREET

- (a) No person shall throw or deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street or highway.
- (b) Any person who drops, or permits to be dropped or thrown, upon any street or highway any 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 street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle.

SECTION 8-810 PARADES AND ASSEMBLAGES

No person, groups of persons or organization shall conduct or participate in any parade, procession, or block off any street or highway other than a funeral procession, or block off any street or highway area, without first obtaining a permit from the Police Chief or Mayor.

Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage.

The permit may be refused or canceled if:

- (a) The time, place, size or conduct of the parade including the assembly areas and route of march would unreasonably interfere with the public convenience and safe use of the streets and highways.
- (b) The parade would require the diversion of so great a number of police officers to properly police the line of movement, assembly area and areas contiguous thereto so as to deny normal police protection to the Municipality.
- (c) The parade route of march or assembly areas would unreasonably interfere with the movement of police vehicles, fire-fighting equipment or ambulance service to other areas of the Municipality.
- (d) The parade would unreasonably interfere with another parade for which a permit has been issued.
- (e) The information contained in the application is found to be false, misleading or incomplete in any material detail.

The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the places of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

SECTION 8-811 TOY VEHICLES ON STREETS

No person on roller skates or riding in or by means of any sled, toy vehicle, skateboard or similar device shall go upon any roadway except while crossing a street on a crosswalk.

SECTION 8-812 QUIET ZONES

Wherever authorized signs are erected indicating quiet zones, any person operating a vehicle within any such zone shall not sound his horn or other warning device on such vehicle, except in an emergency, or make or create any unnecessary noise within the zone.

CHAPTER 9 – ACCIDENTS; DRIVING UNDER THE INFLUENCE; RECKLESS DRIVING; SPEEDING

SECTION 8-901 ACCIDENTS INVOLVING DEATH OR PERSONAL INJURIES

The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 9-903. Every stop shall be made without obstructing traffic more than is necessary.

SECTION 8-902 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 9-903. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with such requirements under such circumstances shall be guilty of a misdemeanor.

SECTION 8-903 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 and if available exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or 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.

SECTION 8-904 COLLISION WITH UNATTENDED VEHICLES

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.

SECTION 8-905 COLLISION WITH FIXTURES UPON A STREET ON HIGHWAY

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request and if available exhibit his operator's or chauffeur's license and shall make report of such accident when and as required.

SECTION 8-906 IMMEDIATE REPORTS OF ACCIDENTS

The driver of a vehicle involved in an accident resulting in injury to or death of any person or damage to fixtures shall immediately by the quickest means of communication, whether oral or written, give notice of such accident to the Police Department.

SECTION 8-907 WHEN DRIVER UNABLE TO REPORT

- (a) Whenever the driver of a vehicle is physically incapable of making an immediate report of an accident as required in section 9-906 and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made such report not made by the driver.
- (b) Whenever the driver is physically incapable of making a written report of an accident as required by law and such driver is not the owner of the vehicle then the owner of the vehicle involved in such accident shall within five (5) days after learning of the accident make such report not made by the driver.

SECTION 8-908 WRITTEN REPORT REQUIRED

The owner, operator or person in charge of a vehicle which is in any manner involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of Two Hundred Fifty Dollars (\$250.00) or more shall within twenty-four (24) hours after such accident, forward to the Police department a copy of any report he is required to forward to the State Department of Motor Vehicles.

SECTION 8-909 NEGLIGENCE HOMICIDE

When the death of any person ensues within one (1) year, as a proximate result of injury received by the driving of any vehicle anywhere in this Town in reckless disregard

of the safety of others, the person so operating such vehicle shall be guilty of negligent homicide.

SECTION 8-910 DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCES OR DRUGS

(a) Whoever drives a vehicle in this Municipality while he is:

- (1) Under the influence of alcohol, or
- (2) Under the influence of any controlled substance, or
- (3) Under the influence of nay other drug, or
- (4) Under the combined influence of alcohol and any controlled substance or any other drug,

shall be imprisoned in the county jail for not less than one (1) day nor more than six (6) months, which jail term shall include actual confinement of not less than twenty-four (24) hours, and shall be fined not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00).

(b) Whoever being a habitual user of narcotic drugs or any amphetamine or any derivative thereof, drives a vehicle in this Municipality, shall be imprisoned in the County jail for not less than one (1) day nor more than six (6) months, which jail term shall include actual confinement of not less than twenty-four (24) hours and shall be fined not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00).

(c) Whoever knowingly permits his vehicle to be driven in this Municipality by any other person who is:

- (1) Under the influence of alcohol, or
- (2) Under the influence of any controlled substances, or
- (3) Under the influence of any other drug, or
- (4) Under the combined influence of alcohol and any controlled substances or any other drug,

shall be imprisoned in the County jail for not more than six (6) months, and shall be fined not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00).

- (d) Whoever knowingly permits his vehicle to be driven in this Municipality by any other person who is a habitual user of narcotic drugs or amphetamine or any derivative thereof, shall be imprisoned in the County jail for not more than six (6) months and shall be fined not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00).

SECTION 8-911 RECKLESS DRIVING

- (a) No person shall drive any vehicle upon any street or highway, or upon any residential street, or in any parking area, or upon the property of the Board of Education, or upon any property within the park and public recreation system, in willful or wanton disregard for the safety of persons or property.
- (b) The provisions of subsection (a) hereof shall not apply to those areas which have been temporarily closed for racing sport events or which may be set aside within the park and recreation system for exclusive use by motorcycle or other recreational vehicles.

SECTION 8-912 CERTIFICATION OF CONVICTIONS

The Municipal Judge (or Mayor) shall certify from his docket a record of all trials and convictions under sections 9-909, 9-910, and 9-911 of this Chapter to the Commission of Motor Vehicles.

SECTION 8-913 MAXIMUM SPEED LIMITS

- (a) No person shall drive a vehicle on a street or 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 street or highway 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) hereof 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) **Fifteen miles per hour** when passing a school building or school grounds abutting a road, street or highway during school recess or while children are going to or leaving school during opening or closing hours. Such speed restriction shall not apply to vehicles traveling on a controlled-access highway which is separated from the school or school grounds by a fence or barrier approved by the Commissioner of Highways;

- (2) **Twenty miles per hour** in any business or residence district;
 - (3) **Forty miles per hour** on open country streets and highways, except as otherwise provided by this article.
- (c) Whenever the speed limitations have been so altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of vehicles shall be governed by the speed limitations set forth on such signs. No person shall exceed the speed limits posted upon such signs.
 - (d) The driver of every vehicle shall, consistent with the requirements of subsection (a) hereof drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.
 - (e) The speed limit on controlled-access highways and interstate highways, where no special hazard exists that requires a lower speed, shall in no event be lower than fifty-five miles per our and the speed limits specified in subsection (b) hereof shall not apply.

SECTION 8-914 SLOW SPEED

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.

SECTION 8-915 SPECIAL SPEED LIMITATIONS

- (a) Subject to all other speed restrictions of this Traffic Code no person shall drive a vehicle not designed for carrying passengers and equipped with pneumatic tires at a speed in excess of:
 - (1) **Twenty miles per hour** in any business district;
 - (2) **Twenty-five miles per hour** in any residence district;
 - (3) **Forty miles per hour** on open county highway;
 - (4) Trucks licenses at 8,000 pounds gross vehicle weight or less shall be permitted the same speed as passenger cars.

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

No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a street or 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 so signposted.

SECTION 8-916 RACING ON STREETS AND HIGHWAYS PROHIBITED

No person shall 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 public street or highway in this municipality. For the purposes of this section, "speed race" means:

- (a) The operation of motor vehicle in speed acceleration competition with another motor vehicle or motor vehicles; or,
- (b) The operation of a motor vehicle in speed acceleration competition against time; or,
- (c) The operation of a motor vehicle in speed competition with another motor vehicle or motor vehicles where the speed exceeds the lawful speed limit.

SECTION 8-917 COMPLAINTS AND SUMMONS; BURDEN OF PROOF IN CIVIL ACTION

- (a) In every charge of violation of any speed regulations in this Traffic Code, 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 district or at the location and in the event the charge shall also be made of violation of any other provision of this Traffic Code, the complaint and the summons or notice to appear shall also specify such other offense alleged to have been committed.
- (b) The provisions of this Traffic Code declaring speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

CHAPTER 10 – MISCELLANEOUS RULES

SECTION 8-1001 BACKING A VEHICLE

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.

SECTION 8-1002 DRIVERS' VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD OR PERSONS

- (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 vehicles 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 view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

SECTION 8-1003 PASSENGERS IN SEAT WITH OPERATOR

No more than three (3) 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 such motor vehicle is being operated on the streets or highway of this Municipality. 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 (4) persons including the operator, and so designated on the registration card by the Department of Motor Vehicles.

SECTION 8-1004 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 fire apparatus has stopped in answer to a fire alarm.

SECTION 8-1005 DRIVING OVER FIRE HOSE

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

SECTION 8-1006 FUNERAL PROCESSIONS

No person shall drive or take any vehicle through a funeral procession or cortege, except by permission of a police officer; provided that this rule shall not apply to drivers of authorized emergency vehicles.

SECTION 8-1007 OPENING DOOR OF VEHICLE ON TRAFFIC SIDE

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

SECTION 8-1008 SQUEALING TIRES, CRACKING EXHAUST NOISES

No person shall operate any motor vehicle, except when necessary for safe operation or in compliance with law, in such a manner as to cause the engine or exhaust system to emit a loud, cracking or chattering noise unusual to its normal operation, or in such a manner as to cause the tires of such vehicle to squeal or leave tire marks on the roadway.

SECTION 8-1009 INJURING OR TAMPERING WITH VEHICLE

No person either individually or in association with one or more persons shall willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

No person with intent to commit any malicious mischief, injury or other crime shall climb into or upon a vehicle whether it is in motion or at rest or with like intent attempt to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of a vehicle while the same is at rest and unattached or with like intent set in motion any vehicle while the same is at rest and unattended.

SECTION 8-1010 DRIVING ON SIDEWALK PROHIBITED

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

SECTION 8-1011 DRIVING ON NEWLY PAVED, REPAIRED OR CLOSED STREETS PROHIBITED

When authorized signs or markers are erected indicating that any street or part thereof is newly paved or repaired or closed to traffic, no person shall drive any vehicle over any such street until the same is officially opened to traffic.

CHAPTER 11 – LICENSING

SECTION 8-1101 CERTIFICATE OF TITLE REQUIRED

No person shall drive or move and no owner shall knowingly permit to be driven or moved upon any street or highway any vehicle of a type required to be registered under West Virginia Code Chapter 17-A which is not registered or for which a certificate of title has not been issued or applied for or for which the appropriate fee has not been paid when and as required, except as otherwise permitted by the provisions therein; provided, that in the event of the sale of a vehicle by a person other than a registered dealer, the person purchasing the same may, for a period of not more than ten days, operate such vehicle under the registration of its previous owner and display the registration thereof; provided further that he shall have and display on the demand of any proper officer the consent in writing of such previous owner so to use such registration.

SECTION 8-1102 REGISTRATION CARD

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.

SECTION 8-1103 DISPLAY OF REGISTRATION PLATES

Registration plates issued for vehicles required to be registered shall be attached to the rear thereof.

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 twelve 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.

SECTION 8-1104 OPERATION OF VEHICLE WITHOUT EVIDENCE OF REGISTRATION; USE OF TEMPORARY FACSIMILE

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

In the event that the registration plate or plates originally issued are lost, destroyed or stolen, a temporary facsimile of the plate or plates, showing the number of the same, may be attached to the vehicle by the owner for a period of not more than fifteen days, or until a new plate or plates are issued by the Department of Motor Vehicles whichever is earlier; provided, that no such facsimile shall be used and no such vehicle shall be driven upon the streets or highways of this municipality until the owner has notified in writing the Department of Public Safety of the loss of such registration plate or plates.

SECTION 8-1105 IMPROPER USE OF REGISTRATION CARD, PLATE OR PERMIT

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 thereof, nor shall 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 Traffic Code.

SECTION 8-1106 OPERATOR OR CHAUFFEUR LICENSE REQUIRED

No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a street or highway in this municipality or upon any subdivision street, as used in WV Code Article 8-24 when the use of such subdivision street is generally used by the public unless the person has valid license as an operator or chauffeur under the provisions of this Traffic Code.

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 and until he surrenders to the Department of Motor Vehicles any operator's license issued to him or an affidavit that he does not possess an operator's license.

SECTION 8-1107 DISPLAY OF LICENSE

Every license shall have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of a police officer. 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 or chauffeur's license theretofore issued to him and valid at the time of his arrest.

SECTION 8-1108 CERTAIN ACTS PROHIBITED

No person shall commit any one of the following acts:

- (a) 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;
- (b) Lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
- (c) Display or represent as one's own any operator's or chauffeur's license not issued to him;
- (d) Permit any unlawful use of an operator's or chauffeur's license issued to him; or
- (e) Do any act forbidden or fail to perform any act required by this Traffic Code.

SECTION 8-1109 DRIVING UNDER SUSPENSION OR REVOCATION

No person shall drive a motor vehicle on any public streets or highway of this Municipality at a time when his privilege so to do has been lawfully suspended or revoked.

SECTION 8-1110 OWNER OF OPERATOR ALLOWING ANOTHER TO DRIVE

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon the street or highway by any person who is not authorized hereunder or in violation of any of the provisions of this Traffic Code.

CHAPTER 12 – PARKING

SECTION 8-1201 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS

Upon any street or 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 street or highway when it is practicable to stop, park or so leave such vehicle off such part of the street or highway, but in every event an unobstructed width of the street or 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 or street.

SECTION 8-1202 POLICE MAY REMOVE ILLEGALLY STOPPED VEHICLES

Whenever any police officer finds a vehicle standing upon a street or highway in violation of Section 9-1201 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 street or highway.

SECTION 8-1203 PROHIBITED STOPPING, STANDING OR PARKING 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 fifteen feet of a fire hydrant;
 - (5) On a crosswalk;
 - (6) Within twenty feet of a crosswalk at an intersection;

- (7) Within thirty 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 thirty 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 fifty feet of the nearest rail of a railroad crossing;
- (10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of such 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 street or highway or within a street or highway tunnel;
- (14) At any place where official signs prohibit stopping;
- (15) Within twenty feet of any mail receptacle served regularly by a carrier using a motor vehicle for daily deliveries, if such parking interferences with or causes delay in the carrier's schedule;
- (16) Upon any controlled-access highway;
- (17) At any place on any street or highway where the safety and convenience of the traveling public is thereby endangered.

SECTION 8-1204 VEHICLES PARKED ON PRIVATE PROPERTY

No driver of a vehicle shall 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 damage done to such vehicle in moving it, unless the owner, tenant or lessee of such private road or driveway or private property was negligent in removing or authorizing the removal of the vehicle. The owner of such vehicle shall be responsible to the persons removing such vehicle for paying all

removal costs. Any person who removes any vehicle under provisions of this section shall notify the State Department of Public safety of such action, and, in addition notify the Police Department.

SECTION 8-1205 MANNER OF PARALLEL PARKING

Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb. Where there is no curb, every vehicle shall be stopped or parked on the extreme right-hand side of the roadway so that the free flow of traffic will not be interrupted.

SECTION 8-1206 PARKING WHICH OBSTRUCTS TRAFFIC

No person shall stop, stand or park any vehicle upon any street in the municipality in such a manner or under such conditions as to leave available less than ten feet of width of the roadway for free movement of vehicular traffic. A driver may stop at the curb temporarily during the actual loading or unloading or when necessary in obedience to traffic regulations or traffic signs or directions of a police officer.

SECTION 8-1207 LOADING ZONES

Spaces on the street that have been set out and officially marked as loading zones shall be used only by vehicles for reasonable length of time for the expeditious unloading and delivery or pickup and loading of materials of merchandise between 6:00 am and 6:00 pm.

SECTION 8-1208 RESPONSIBILITY OF OWNER

No person shall allow or permit any vehicle registered in his name to stand or park in any street in the municipality in violation of this Traffic Code or any ordinance of the municipality regulating the standing and parking of vehicles.

SECTION 8-1209 STREET CLEANING OR OTHER GOVERNMENTAL FUNCTION

- (a) No person shall park upon any street or alley at signs forbidding such parking, shall have been placed thereon by any employee of the municipality at the direction of the Recorder, advising the public that the street or alley shall be left clear for the purpose of cleaning, sweeping or repairing the same, or for any other governmental function of the municipality.
- (b) If such signs designate a time for removal of vehicles, all vehicles parked upon any street or alley after the time prescribed by such signs, shall be considered in violation of this section.

SECTION 8-1210 STORING VEHICLES ON STREET

- (a) For the purposes of this section, the term “store” shall mean:
 - (1) To leave a vehicle on a street, sidewalk, or public alley unattended for a period longer than twenty-four hours;
 - (2) To stop or park a vehicle on a street, sidewalk or public alley for the purpose of making repairs or adjustments thereon by a garage or mechanic, other than emergency repairs necessary to move a vehicle which has been temporarily stopped by a mechanical failure;
 - (3) The placing on a street, sidewalk or public alley of a vehicle constituting a part of the inventory or stock of or under the control of a person in the business of dealing or trading in vehicles, for longer than one hour; or
 - (4) The placing on a street, sidewalk or public alley of any bus, or any vehicle self-propelled (whether attached or unattached to a self-propelled vehicle) and not actually in use for pickup or delivery; or any disabled or wrecked vehicle, for a period of one hour.
- (b) It shall be unlawful for any person to store any vehicle on the streets, sidewalks, lanes, or public alleys within the municipality; provided nothing in this section shall prohibit the owner of a passenger automobile from leaving the same in front of his residence as a part of the normal use thereof so long as it shall not be in violation of this chapter.
- (c) Any vehicle stored in violation of this section may at the discretion of the Chief of Police be removed from said street, sidewalks or public alleys, and impounded in conformity with the provisions of section 9-110 of this Title.

SECTION 8-1211 FIRE LANES

- (a) The marking of fire lanes, on private property devoted to public use, shall be approved by the Fire Chief as well as by the Chief of Police.
- (b) Parking of motor vehicles or otherwise obstructing fire lanes is prohibited at all times.

SECTION 8-1212 PARKING ON ROUTE 61

Parking shall be prohibited at all times on the East Side of West Virginia Route 61 beginning at Milepost 4.04 (being a point 0.04 mile south of the intersection of County Route 61/7 and Center Street) and thence running north to Milepost 4.13 (being a

point 0.05 mile north of Center street, also being Early Drive), a distance of 0.09 mile, more or less.

Upon violation hereof, punishment will be by fine not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) payable by the owner or operator of such vehicle and such vehicle shall be towed at the expense of such owner or operator.

CHAPTER 13 – PEDESTRIANS AND BICYCLES

SECTION 8-1301 PEDESTRIANS AND TRAFFIC REGULATIONS: JAYWALKING; CONGESTED AREAS

- (a) Pedestrians shall be subject to traffic-control signals at intersections as provided in this Traffic Code.
- (b) Within congested areas, pedestrians are prohibited from crossing streets at places other than at street intersections and crosswalks.
- (c) Pedestrians crossing streets in congested areas shall move parallel with motor traffic and shall await the signal from the traffic policeman, wherever one is stationed, or a traffic-control light signal, where such light is in operation.

SECTION 8-1302 RIGHT OF WAY IN CROSSWALK

- (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.
- (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.

SECTION 8-1303 CROSSING ROADWAY OUTSIDE CROSSWALK

- (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.

SECTION 8-1304 DRIVERS TO EXERCISE DUE CARE

Notwithstanding any other provision 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.

SECTION 8-1305 WALKING ALONG STREETS AND HIGHWAYS; SOLICITING RIDES

- (a) Where sidewalks are provided, no pedestrians shall walk along and upon an adjacent roadway.
- (b) Where sidewalks are not provided, any pedestrian walking along and upon a street or 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 solicit a ride in an automobile or other vehicle on any street, alley or highway of the Municipality in the manner commonly known as “thumbing” or “hitchhiking”, or hail any such vehicle for the purpose of soliciting a ride therein by word or gesture, commonly known as “thumbing” or “hitchhiking” provided that this section shall not apply to taxicabs, buses or similar vehicles carrying passengers for hire.

Loitering or standing at any place on any street or other highway of the Municipality and gesturing in the manner commonly known as “thumbing” shall be considered prima-facie evidence of a violation of this section.

SECTION 8-1306 BLIND PEDESTRIANS

Whenever a pedestrian is crossing or attempting to cross a public street at or near an intersection or crosswalk, guided by a guide dog, or carrying in a raised or extended position a cane or walking stick which is metallic or white in color, or which tipped in 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 in a raised or extended position a cane or walking stick which is metallic or white in color, or white tipped with red.

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, 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 guide dog upon the streets or sidewalks of this Municipality be held to constitute or be evidence of contributory negligence.

SECTION 8-1307 CODE APPLICATION TO BICYCLES

- (a) 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 Traffic Code.
- (b) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or highway.

SECTION 8-1308 OBEDIENCE TO TRAFFIC RULES; EXCEPTIONS

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 Traffic Code, except as to special regulations in this article and except as to those provisions of this Traffic Code which by their nature can have no application.

SECTION 8-1309 RIDING UPON SEATS; NUMBER OF PERSONS

- (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 designed and equipped.

SECTION 8-1310 ATTACHING BICYCLE OR SLED TO VEHICLE

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

SECTION 8-1311 RIDING ON ROADWAYS

- (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 (2) abreast.

SECTION 8-1312 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.

SECTION 8-1313 LIGHTS AND REFLECTOR ON BICYCLE; SIGNAL DEVICE; BRAKES

- (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 of Motor Vehicles 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 head lamps 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.

SECTION 8-1314 RIDING ON SIDEWALK; USE OF HANDS AND FEET

No person shall ride a bicycle upon any sidewalk in the Municipality or ride a bicycle, with the feet of the rider removed from the pedals, or with both hands removed from the handlebars.

CHAPTER 14 – PARKING METERS

SECTION 8-1401 MARKING SPACES

On streets where parking is limited in time, the Mayor may cause parking spaces, approximately twenty (20) feet in length to be marked by lines on the curb or pavement or by other appropriate markings, and on the sidewalk adjacent to each such parking space may, with the consent of Council, cause to be erected a parking meter, which upon the deposit of a coin as hereinafter provided, will indicate the duration of the legal parking period and the time when such period has elapsed.

SECTION 8-1402 ON-STREET PARKING

Between hours of 8:30 am and 5:00 pm every day except Sunday, when any vehicle shall be parked in any space along side of a parking meter, the person parking such vehicle shall immediately deposit a coin of the United States, as indicated by the

parking meter, in payment of the fee imposed for such parking privilege, and failure to do so shall constitute a violation of this article. Such vehicle shall not be permitted to remain parked in any such parking space beyond the parking time limit fixed for such space. Whenever a parking meter shall display a sign or signal showing illegal parking of a vehicle in such parking space, it shall be prima facie evidence that such vehicle has been parked in violation of this article. No person shall cause, allow or permit any vehicle registered in his name to be parked where a parking meter has been installed in violation of this article.

SECTION 8-1403 SLUGS, TAMPERING, NOT PARKING IN SPACE PROHIBITED

No person shall deposit or cause to be deposited in any parking meter any slug, device or metallic substitute for such required coin or the United States. No person shall injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the terms of this article and no person, other than those duly authorized, shall remove coins from any parking meters. No person shall park any vehicle across any line or marking designating a parking space, or park such vehicle in any way that it is not wholly within the parking space as designated by such lines or markings.

SECTION 8-1404 PAYMENT OF PARKING TICKETS

When a police officer or other person properly designated by the Municipality to do so, has placed on any vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the provisions of Section 8-1402 and instructing such owner or operator to report in person, or by United States mail to police headquarters in the Town Hall in regard to such violation, each such owner or operator may, within twenty-four (24) hours of the time when such notice was attached to such vehicle, pay the Municipality, postmarked not later than twenty-four (24) hours from the time such such violation, the sum of One Dollar (\$1.00). The failure of such owner or operator to make such payment within twenty-four (24) hours shall render such owner or operator subject to the penalties provided for a violation of the provisions of this Chapter. For each hour which shall elapse after the expiration of the time paid for any parking without additional payment being made, whether such parking is on-street parking or off-street, shall constitute a separate offense for the purpose of determining violations of the provisions of this article and a police officer shall place on any vehicle remaining at a parking meter location after the time paid has expired a separate notice for each hour, or part thereof, which shall elapse after the expiration of the time paid for, and each notice shall constitute notice of a separate offense for which a separate payment shall be required under the provisions of this section.