
PART THREE — TRAFFIC CODE

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CROSS REFERENCES

See sectional histories for similar State law.

301.01 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. (WV Code 17C-1-1.)

301.02 Authorized emergency vehicle.

“Authorized emergency vehicle” means vehicles of the Fire Department, duly chartered rescue squad, Police Department, ambulance service, state, county or municipal agency and such privately owned ambulances, tow trucks, wreckers, flag car services, vehicles providing road service to disabled vehicles, service vehicles of a public service corporation, postal service vehicles, snow removal equipment, Class A vehicles of firefighters, Class A vehicles of members of ambulance services, and Class A vehicles of members of duly chartered rescue squads, and all other emergency vehicles as are designated by the agency responsible for the operation and control of these persons or organizations. Class A vehicles are as defined by West Virginia Code 17A-10-1. Agency authorization and emergency equipment are defined in West Virginia Code 17C-15-26. Agencies responsible for issuing authorization for emergency vehicle permits may promulgate such regulations that are necessary for the issuance of permits for emergency vehicles. (WV Code 17C-1-6. Amended 02-11-2013.)

301.03 Bicycle.

“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. (WV Code 17C-1-8.)

301.04 Bus.

“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. (WV Code 17C-1-13.)

301.05 Business district.

“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. (WV Code 17C-1-45.)

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301.06 Controlled-access 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 legal 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. (WV Code 17C-1-41.)

301.07 Crosswalk.

“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. (WV Code 17C-1-43.)

301.08 Driver.

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

301.081 Driveway access.

“Driveway access” means a portion of a public street or of the full width right of way which provides an unobstructed passage from the roadway to a private road and / or an off street area used for parking motor vehicles. (Ord. 2013-01, passed 02-11-2013.)

301.082 Electric personal assistive mobility device.

“Electric personal assistive mobility device” or “EPAMD” means a self-balancing, two nontandem-wheeled device, designed to transport only one person, with an electric propulsion system with average power of seven hundred fifty watts (one horse power), whose maximum speed on a paved level surface, when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy pounds, is less than twenty miles per hour. (WV Code 17C-1-66. Ord. 2013-01, passed 02-11-2013.)

301.09 Explosives.

“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 capable of producing destructive effects on contiguous objects or destroying life or limb. (WV Code 17C-1-24.)

301.10 Flammable liquid.

“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. (WV Code 17C-1-25.)

301.11 Gross weight.

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

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301.12 Intersection.

“Intersection” includes:

- (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. (WV Code 17C-1-42. Amended 02-11-2013.)

301.13 Laned roadway.

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

301.14 Moped.

“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. (WV Code 17C-1-5a.)

301.15 Motorcycle.

“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. (WV Code 17C-1-4.)

301.16 Motor-driven cycle.

“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. (WV Code 17C-1-5.)

301.17 Motor vehicle.

“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, except motorized wheelchairs. (WV Code 17C-1-3. Amended 02-11-2013.)

301.18 Owner.

“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

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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. (WV Code 17C-1-32.)

301.182 Paper street.

“Paper street” means a public right-of-way platted as a street on the Howell Brown map of Harpers Ferry dated 26 April 1869 which has not been subsequently improved by the Town for vehicular access, nor has been ceded to the US Government as part of the National Park. (Ord. 2013-01, passed 02-11-2013.)

301.19 Park.

“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. (WV Code 17C-1-54.)

301.20 Parking area.

“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. (WV Code 17C-1-60.)

301.201 Passenger van.

“Passenger van” means any van or other motor vehicle owned by any agency, business or other legal entity and operated for the purpose of transportation of children under the age of eighteen years, other than a van utilized for private use, taxicab, bus or school bus. Passenger vans include, but are not limited to, vehicles used by daycare centers, after-school centers and nursery schools; provided, that the term “passenger van” does not include any van or other motor vehicle which is utilized for the specific purpose of transporting children to medical facilities for the purpose of medical or dental treatment and which loads and unloads the children on private property, making no stops for loading or unloading along public roads or highways. (WV Code 17C-1-64. Ord. 2013-01, passed 02-11-2013.)

301.21 Pedestrian.

“Pedestrian” means any person afoot or any person using a wheelchair. (WV Code 17C-1-30. Ord. 2013-01, passed 02-11-2013.)

301.22 Person.

“Person” means every natural person, firm, copartnership, association or corporation. (WV Code 17C-1-29.)

301.23 Pole trailer.

“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. (WV Code 17C-1-17.)

301.24 Police officer.

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

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301.25 Private road or driveway; private property.

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

301.26 Railroad.

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

301.27 Railroad sign or signal.

“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. (WV Code 17C-1-49.)

301.28 Railroad train.

“Railroad train” means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars. (WV Code 17C-1-22. Amended 02-11-2013.)

301.29 Residence district.

“Residence district” means the territory contiguous to and including a street or highway not comprising a business district when the property on 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. (WV Code 17C-1-46.)

301.30 Residential street.

“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. (WV Code 17C-1-62.)

301.31 Right of way.

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

301.311 Right of way width.

“Right of way width” means the full width of the street or highway between the adjacent boundary lines of every public way as shown on survey maps including the roadway and adjoining public property. (WV Code 17-1-3. Ord. 2013-01, passed 02-11-2013.)

301.32 Roadway.

“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 to all such roadways collectively. (WV Code 17C-1-37.)

301.321 Road; public road; highway.

The words or terms “road”, “public road”, or “highway” shall be deemed to include, but shall not be limited to, the right-of-way, roadbed and all necessary culverts, sluices, drains, ditches,

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waterways, embankments, slopes, retaining walls, bridges, tunnels and viaducts necessary for the maintenance of travel, dispatch of freight and communication between individuals and communities; and such public road or highway shall be taken to include any road to which the public has access and which it is not denied the right to use, or any road or way leading from any other public road over the land of another person, and which shall have been established pursuant to law. Any road shall be conclusively presumed to have been established when it has been used by the public for a period of ten years or more, and public monies or labor has been expended thereon, whether there be any record of its conveyance, dedication or appropriation to public use or not. For those roads established by ten or more years of use and in the absence of any other mark or record, the center of the traveled way shall be taken as the center of the road and the right-of-way shall be designated therefrom an equal distance on each side, but a road may be constructed on any part of the located right-of-way when it is deemed advisable so to do. (WV Code 17-1-3. Ord. 2013-01, passed 02-11-2013.)

301.33 Safety zone.

“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. (WV Code 17C-1-44.)

301.34 School bus.

“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. (WV Code 17C-1-7. Amended 02-11-2013.)

301.35 School grounds.

“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. (WV Code 17C-1-55.)

301.36 Semi-trailer.

“Semi-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 some part of its weight and that of its load rests upon or is carried by another vehicle. (WV Code 17C-1-16.)

301.37 Sidewalk.

“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. (WV Code 17C-1-38.)

301.38 Stop.

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

301.39 Stop, stopping or standing.

“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. (WV Code 17C-1-53.)

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301.40 Street or highway; alley.

- (a) “Street” or “Highway” means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (WV Code 17C-1-35.)
- (b) “Alley” means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

301.401 Street lawn.

“Street lawn” means the strip of grass or plants between the roadway or curb and the boundary of a road. (Ord. 2013-01, passed 02-11-2013.)

301.41 Through street or through highway.

“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. (WV Code 17C-1-40.)

301.42 Traffic.

“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. (WV Code 17C-1-50.)

301.43 Traffic control devices.

“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. (WV Code 17C-1-47.)

301.44 Traffic control signal.

“Traffic control signal” means any device, weather manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. (WV Code 17C-1-48.)

301.45 Trailer.

“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 vehicle. (WV Code 17C-1-15.)

301.46 Truck.

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

301.47 Vehicle.

“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, or wheelchairs. (WV Code C17-1-2. Amended 02-11-2013.)

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301.48 Wheelchair.

“Wheelchair” means a motorized or non-motorized wheeled device designed for, and used by, a person with disabilities, that is incapable of a speed in excess of eight miles per hour. (WV Code 17C-1-65. Ord. 2013-01, passed 02-11-2013.)