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## PART THREE — TRAFFIC CODE

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### ARTICLE 306 Speed Restrictions

- 306.01 Maximum speed limits.**
- 306.02 Slow speed.**
- 306.03 Special speed limitations.**
- 306.04 Racing on streets and highways prohibited.**
- 306.05 Penalty.**

#### CROSS REFERENCES

See sectional histories for similar State law.  
Authority to regulate speed – see WV Code 17C-2-8, 17C-6-3  
Minimum speed regulations – see WV Code 17C-6-3(a)  
Special speed limitations – see WV Code 17C-6-4 *et seq.*

#### **306.01 Maximum speed limits.**

- (a) No person may drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the existing conditions and the actual and potential hazards. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the streets and highways in compliance with legal requirements and the duty of all persons to use due care.
  - (b) Where no special hazard exists that requires lower speed for compliance with subsection (a) of this section the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized is lawful, but any speed in excess of the limits specified below in this subsection or established as hereinafter authorized is unlawful.
    - (1) Fifteen miles per hour in a school zone during school recess or while children are going to or leaving school during opening or closing hours. A school zone is all school property including school grounds and any street or highway abutting such school grounds and extending one hundred twenty-five feet along such street or highway from the school grounds. Such speed restriction does not apply to vehicles traveling on a controlled access highway which is separated from the school or school grounds by a fence or barrier approved by the Division of Highways.
    - (2) Ten miles per hour on Potomac Street.
    - (3) Twenty-five miles per hour in any other business or residential district.
    - (4) Fifty-five miles per hour on open country streets and highways, except as otherwise provided by this article.
    - (5) Forty-five miles per hour on US Highway 340, from the southern end of the Shenandoah River Bridge to the Harpers Ferry town limit just before Union Street.
- The speed set forth in this section may be altered as authorized in West Virginia Code Article 17C-6.
- (c) The driver of every vehicle shall, consistent with the requirements of subsection (a) of this section, 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.

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- (d) The speed limit on controlled-access highways and interstate highways, where no special hazard exists that requires a lower speed, shall be not less than fifty-five miles per hour and the speed limits specified in subsection (b) of this section do not apply. (WV Code 17C-6-1. Ord. 2018-02, passed 09-10-2018.) <sup>[306.01]</sup>

### **306.02 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. (WV Code 17C-6-3a[a]. Ord. 2013-01, passed 02-11-2013.)  
<sup>[306.02]</sup>

### **306.03 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 country highway;
  - (4) Trucks licensed at 8,000 pounds gross vehicle weight or less shall be permitted the same speed as passenger cars. (WV Code 17C-6-4.)
- (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. (WV Code 17C-6-5. Ord. 2013-01, passed 02-11-2013.)  
<sup>[306.03]</sup>

### **306.04 Racing on streets and highways prohibited.**

- (a) 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 Corporation. For the purposes of this section, "speed race" means:
- (1) The operation of a motor vehicle in speed acceleration competition with another motor vehicle or motor vehicles; or
  - (2) The operation of a motor vehicle in speed acceleration competition against time; or
  - (3) The operation of a motor vehicle in speed competition with another motor vehicle or motor vehicles where the speed exceeds the lawful speed limit. (WV Code 17C-6-8 (a).)
- (b) Any person who violates the provisions of subsection (a) hereof shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished for a first offense by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), and for a second offense by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for not less than six days nor more than thirty days, or by both. (Ord. 2013-01, passed 02-11-2013.) <sup>[306.04]</sup>

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#### **FOOTNOTES:**

- 306.01 This section was previously codified as 335.01 (Ord. 1984-4, passed 10-08-1984). Amended and recodified by Ord. 2013-01, passed 02-11-2013.
- 306.02 This section was previously codified as 335.02.
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### 306.99 Penalty.

- (a) General article penalty. Whoever violates any provision of this article for which no other penalty is provided shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter shall be fined not more than two hundred dollars (\$200.00); and upon a third or subsequent conviction, shall be fined not more than five hundred dollars (\$500.00).
- (b) Speeding.
- (1) Unless otherwise provided in this subsection (b) hereof, any person who violates the provisions of Section 306.01 shall be fined not more than one hundred dollars (\$100.00); upon a second conviction within one year thereafter, shall be fined not more than two hundred dollars (\$200.00); and, upon a third or subsequent conviction within two years thereafter, shall be fined not more than five hundred dollars (\$500.00).
  - (2) Any person who violates the provisions of Section 306.01(b)(1) shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00); provided, that if such conviction is based upon a violation of the provisions of Section 306.01(b)(1) where the offender exceeded the speed limit by fifteen miles per hour or more in the presence of one or more children, then the person shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). (WV Code 17C-6-1.)
- (c) Street racing. Whoever violates Section 306.04 shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00); for a second offense fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for not less than six days nor more than thirty days, or both; and for a third and each subsequent offense fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000), or by imprisonment for not more than thirty days or both. For the purposes of this section, a forfeiture of bail or collateral deposited to secure such person's appearance in court, which forfeiture has not been vacated, shall be equivalent to a final conviction. If at the time of any violation of the provisions of Section 306.04 by any person as an operator of a motor vehicle, such person was not entitled to operate a motor vehicle in this State because his operator's or chauffeur's license, or privilege to drive in this State if such person be a nonresident, had earlier been suspended or removed, then in addition to the penalties provided for in this section, the provisions of Section 314.10 shall be applicable. (WV Code 17C-6-8. Ord. 2013-01, passed 02-11-2013.)