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## PART THREE — TRAFFIC CODE

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### ARTICLE 317 Pedestrians

- 317.01 Compliance with traffic regulations.
- 317.02 Right-of-way in crosswalk.
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- 317.07 Persons working on streets and highways.
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- 317.09 Electric personal assistive mobility device.
- 317.99 Penalty.

#### CROSS REFERENCES

See sectional histories for similar State law.  
Pedestrian defined—see Ord. 301.21  
Pedestrian at traffic signal—see Ord. 303.03  
Pedestrian control signal—see Ord. 303.04

#### 317.01 Compliance with traffic regulations.

Pedestrians shall be subject to traffic control signals at intersections as provided in Section 303.03, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article. (WV Code 17C-10-1(a). Ord. 2013-01, passed 02-11-2013.) <sup>[317.01]</sup>

#### 317.02 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. This provision shall not apply under the conditions stated in Section 317.03(b).
- (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. (WV Code 17C-10-2. Ord. 2013-01, passed 02-11-2013.) <sup>[317.02]</sup>

#### 317.03 Crossing roadway outside crosswalk.

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. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway. Between adjacent intersections at which traffic control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk. (WV Code

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#### FOOTNOTES:

- 317.01 This section was previously codified as 371.01.
- 317.02 This section was previously codified as 371.02.

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17C-10-3. Ord. 2013-01, passed 02-11-2013.) <sup>[317.03]</sup>

### **317.04 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. (WV Code 17C-10-4. Ord. 2013-01, passed 02-11-2013.) <sup>[317.04]</sup>

### **317.05 Moving upon right half of crosswalk.**

Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (WV Code 17C-10-5. Ord. 2013-01, passed 02-11-2013.) <sup>[317.05]</sup>

### **317.06 Walking along streets and highways; soliciting rides.**

- (a) Where sidewalks are provided, no pedestrian 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 the traffic which may approach from the opposite direction.
- (c) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle. (WV Code 17C-10-6. Ord. 2013-01, passed 02-11-2013.) <sup>[317.06]</sup>

### **317.07 Person working on streets and highways.**

The driver of a vehicle shall yield the right of way to persons engaged in maintenance or construction work on a street or highway whenever he is notified of their presence by an official traffic control device or flagman. (WV Code 17C-10-8. Ord. 2013-01, passed 02-11-2013.) <sup>[317.07]</sup>

### **317.08 Protection of blind pedestrians.**

The driver of a vehicle approaching a blind pedestrian who knows, or in the exercise of reasonable care should know, that such pedestrian is blind because such pedestrian is carrying a cane predominantly white or metallic in color with or without a red tip, or is using a guide dog or otherwise, shall exercise care commensurate with the situation to avoid injuring such pedestrian. (WV Code 5-15-5. Ord. 2013-01, passed 02-11-2013.) <sup>[317.08]</sup>

### **317.09 Electric personal assistive mobility device.**

- (a) For purposes of this section, the definition of an “electric personal assistive mobility device” is the same definition as previously set forth in Section 301.082 and “operator” shall refer to the operator of an electric personal assistive mobility device. (WV Code 17C-10A-1.)
- (b) An electric personal assistive mobility device shall be equipped with: front, rear and side reflectors; a braking system that enables the operator to bring the device to a controlled stop; and, if operated at any time from one-half hour after sunset to one-half hour before sunrise, a lamp that emits a white light that sufficiently illuminates the area in front of the device.

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#### **FOOTNOTES:**

- 317.03 This section was previously codified as 371.03.  
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- (c) An operator of an electric personal assistive mobility device traveling on a sidewalk, roadway or bicycle path shall have the rights and duties of a pedestrian and shall exercise due care to avoid colliding with pedestrians. An operator shall yield the right of way to pedestrians.
- (d) Except as provided in this section, no other provisions of the motor vehicle code shall apply to electric personal assistive mobility devices. (WV Code 17C-10A-2. Ord. 2013-01, passed 02-11-2013.)

### **317.99 Penalty.**

- (a) 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). (WV Code 17C-10-7.)
- (b) An operator who violates a provision of Section 317.09 shall receive a warning for the first offense. For a second or subsequent offense, the operator shall be punished by a fine of not less than ten dollars (\$10.00) and not greater than one hundred dollars (\$100.00). (WV Code 17C-10A-2. Ord. 2013-01, passed 02-11-2013.)