

PART THREE — TRAFFIC CODE

ARTICLE 318 Bicycles

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CROSS REFERENCES

See sectional histories for similar State law.
Authority to regulate bicycle operation—see WV Code 17C-2-8(a)(8)
Bicycle defined—see Ord. 301.03
Moped equipment and operation—see Ord. 311.29

318.01 Compliance; code application to bicycles.

- (a) No person shall do any act forbidden or fail to perform any act required in this article.
- (b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Traffic Code.
- (c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein. (WV Code 17C-11-1. Ord. 2013-01, passed 02-11-2013.)^[318.01]

318.02 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. (WV Code 17C-11-2. Ord. 2013-01, passed 02-11-2013.)^[318.02]

318.03 Riding upon seats; number of persons.

A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. (WV Code 17C-11-3. Ord. 2013-01, passed 02-11-2013.)^[318.03]

318.04 Attaching bicycle or sled to vehicle.

No person riding upon any bicycle, coaster, skateboard, roller skates, sled or toy vehicle shall

FOOTNOTES:

- 318.01 This section was previously codified as 373.01.
- 318.02 This section was previously codified as 373.02.
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attach the same or himself to any vehicle upon a roadway. (WV Code 17C-11-4. Ord. 2013-01, passed 02-11-2013.) ^[318.04]

318.05 Riding on roadways and bicycle paths.

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. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. (WV Code 17C-11-5. Ord. 2013-01, passed 02-11-2013.) ^[318.05]

318.06 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. (WV Code 17C-11-6. Ord. 2013-01, passed 02-11-2013.) ^[318.06]

318.07 Lights and reflector on bicycles; 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 fifty 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. (WV Code 17C-11-7. Ord. 2013-01, passed 02-11-2013.) ^[318.07]

318.08 Reckless operation; control, course and speed.

No person shall operate a bicycle:

- (a) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
- (b) Without exercising reasonable and ordinary control over such bicycle;
- (c) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
- (d) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 318.06;
- (e) At a speed greater than is reasonable and prudent under the conditions then existing. (Ord. 2013-01, passed 02-11-2013.) ^[318.08]

FOOTNOTES:

- 318.04 This section was previously codified as 373.04.
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318.09 Parental duties.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article. (Ord. 2013-01, passed 02-11-2013.)

318.10 Impounding.

In case of violation of any provision of this article, the court may, in lieu of or in addition to the penalties provided, impound a bicycle involved in such violation of any person for a period of not more than thirty days. Jurisdiction to enforce this article is specifically vested in the juvenile court of the county in all cases where the age of the persons is within the jurisdiction of the court; in all other cases, jurisdiction is in the Municipal Court of the Corporation of Harpers Ferry. (Ord. 2013-01, passed 02-11-2013.)

318.11 Riding on sidewalk prohibited.

No person shall ride any bicycle upon any sidewalk within the Corporation of Harpers Ferry. (Ord. 2013-01, passed 02-11-2013.)

318.12 Bicycle helmets for children.

(a) Definitions. As used in this section:

- (1) "Bicycle" means a human-powered vehicle with wheels designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. Such term also includes a human-powered vehicle, and any attachment to such vehicle designed to transport by pedaling when the vehicle is used on a public roadway, public bicycle path or other public right-of-way, but does not include a tricycle.
- (2) "Tricycle" means a three-wheeled human-powered vehicle designed for use as a toy by a single child under the age of six years, the seat of which is no more than two feet from ground level.
- (3) "Public roadway" means a right of way under the jurisdiction and control of this State or the Corporation for use primarily by motor vehicles.
- (4) "Public bicycle path" means a right of way under the jurisdiction and control of this State or the Corporation for use primarily by bicycles and pedestrians.
- (5) "Other public right-of-way" means any right of way other than a public roadway or public bicycle path that is under the jurisdiction and control of this State or the Corporation and is designed for use and used by vehicular or pedestrian traffic.
- (6) "Protective bicycle helmet" means a piece of headgear which meets or exceeds the impact standards for protective bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation's standards for protective headgear or American Society for Testing and Materials (ASTM) for use in bicycling.
- (7) "Passenger" means any person who travels on a bicycle in any manner except as an operator.
- (8) "Operator" means a person who travels on a bicycle seated on a saddle seat from which that person is intended to and can pedal the bicycle. (WV Code 17-11A-3.)

(b) Requirements for helmet use.

- (1) It is unlawful for any person under fifteen years of age to operate or be a passenger on a bicycle or any attachment to a bicycle used on a public

FOOTNOTES:

318.08 This section was previously codified as 373.08.

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roadway, public bicycle path or other public right of way unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet.

- (2) It is unlawful for any parent or legal guardian of a person under fifteen years of age to knowingly permit such person to operate or be a passenger on a bicycle or on any attachment to a bicycle used on a public roadway, public bicycle path or other public right of way unless at all times when the person is so engaged he or she wears a protective bicycle helmet of good fit, fastened securely upon the head with the straps of the helmet. (WV Code 17C-11A-4.)
- (c) Sale of bicycle helmets. Any helmet sold or offered for sale for use by operators and passengers of bicycles shall be conspicuously labeled in accordance with the standard described in subsection (a) hereof ("Protective bicycle helmet"), which shall constitute the manufacturer's certification that the helmet conforms to the applicable safety standards. (WV Code 17C-11A-5.)
- (d) Civil actions. A violation of subsection (b) hereof is not admissible as evidence of negligence or contributory negligence or comparative negligence in any civil action or proceeding for damages, and shall not be admissible in mitigation of damages. (WV Code 17C-11A-6. Ord. 2013-01, passed 02-11-2013.)

318.99 Penalty.

- (a) Notwithstanding the provisions of Section 302.99, any parent or legal guardian violating any requirement set forth in Section 318.13(b) shall be fined ten dollars (\$10.00) or be required to perform two hours in community service related to a child injury prevention program which includes injury prevention education or both fined and required to perform such community service. Notwithstanding the provisions of West Virginia Code 8-11-1, no court costs may be assessed to any person violating the requirements of Section 118.13(b).
- (b) In the case of a first violation of Section 318.13(b), the court may waive the fine upon receipt of satisfactory proof that the person has a helmet or within a reasonable time from the date of the violation, purchased or otherwise obtained, a protective bicycle helmet.
- (c) It is an absolute defense to a charge for a violation of Section 318.13 that a parent or legal guardian is unable to pay for the protective bicycle helmet. Inability to pay may be demonstrated by the filing of a financial affidavit in accordance with the provisions of West Virginia Code 59-2-1(c). Any person who demonstrates inability to pay shall be referred to the Governor's highway safety program for assistance in obtaining the appropriate helmet or helmets. (WV Code 17C-11A-7. Ord. 2013-01, passed 02-11-2013.)