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## PART THREE — TRAFFIC CODE

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### ARTICLE 319 Motorcycles

- 319.01 Riding.**
- 319.02 Noise.**
- 319.03 Motorcycle packs prohibited.**
- 319.04 Requirements for helmet use.**
- 319.99 Penalty.**

#### CROSS REFERENCES

See sectional histories for similar State law.

#### **319.01 Riding.**

Any person, or persons operating a motorcycle, or motor-driven vehicles shall ride only upon the permanent and regular seat attached thereto. Operators shall not 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 upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of such vehicle. (Ord. 2013-01, passed 02-11-2013.)

#### **319.02 Noise.**

Every motorcycle shall be operated as quietly as possible at all times within the Corporation of Harpers Ferry, and when so operated, shall be equipped with a muffler designed with baffles, resonator cylinder and other factory-made noise reducers. The muffler shall not be altered, changed or designed in any manner which would tend to increase the noise-producing effects above that of the manufacturer's design in the original equipment. A driver, operator or controller of any motorcycle shall not use the cutout of a motor while operating the same within the Corporation, or operate a motor vehicle without a proper muffler functioning in good order, or race the motor of any vehicle, above described, so as to cause a backfire or other loud noise. The provisions of this section shall apply to the operator or operators or controllers of any motor vehicle whether on a street or within private property and in addition to other prescribed penalties, the operators of such motor vehicle in violation of this section shall be hereby declared to be a nuisance. (Ord. 2013-01, passed 02-11-2013.)

#### **319.03 Motorcycle packs prohibited.**

Any driver, drivers, operators or controllers of a motorcycle, motor bike or any two-wheeled motor driven vehicle is hereby prohibited from banding together with another driver, or other drivers, operators or controllers of motorcycles, motor bikes or any two-wheeled motor driven vehicles for the purpose of forming a "pack" (i.e., not more than two abreast and with at least twenty—five feet between following motorcycles) and operating such vehicles upon the streets and alleys of the Corporation of Harpers Ferry whereby the pack or number of such two wheeled motor driven vehicles shall cause an excessive amount of noise or create a menace or hazard to the safe flow of traffic within the Corporation, and if pack or grouping of the vehicles shall occur, they shall be deemed to be in violation of this section. (Ord. 2013-01, passed 02-11-2013.)

#### **319.04 Requirements for helmet use.**

- (a) Use required. It is unlawful for any person to operate or be a passenger on a motorcycle or any attachment to a motorcycle used on a public roadway or other public

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right of way unless at all times when the person is so engaged he or she wears a protective helmet of good fit, fastened securely upon the head with the straps of the helmet. (WV Code 17C-11A-4.)

- (b) Sale of helmets. Any helmet sold or offered for sale for use by operators and passengers of motorcycles shall be conspicuously labeled in accordance with the standard described in 318(a) ("Protective bicycle helmet"), which shall constitute the manufacturer's certification that the helmet conforms to the applicable safety standards. (WV Code 17C-11A-5.)
- (c) 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.)

### **319.99 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). (Ord. 2013-01, passed 02-11-2013.)