

## CHAPTER THREE - Streets and Traffic Control Devices

Art. 311. Street Obstructions and Special Uses

Art. 313. Traffic Control Devices

Art. 314. Adoption of Chapter 17

Art. 315. Adoption of Chapter 60

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### ARTICLE 311 Street Obstructions and Special Uses

**311.01 Placing injurious material  
in street.**

**311.04 Parades and assemblages.**  
**311.99 Penalty.**

**311.02 Play streets.**

**311.03 Toy vehicles on streets.**

#### CROSS REFERENCES

See sectional histories for similar State law

Authority to prohibit littering in streets - see  
W. Va. Code 8-12-5(3)

Authority to regulate processions or assemblages -  
see W. Va. Code 17C-2-8(a)(3)

Dropping, leaking loads - see TRAF. 347.04

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#### **311.01 PLACING INJURIOUS MATERIAL IN STREET.**

(a) No person shall throw or deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such street or highway.

(b) Any person who drops, or permits to be dropped or thrown, upon any street, alley or highway any destructive or injurious material, including motor oil, transmission fluid, mud, dirt, manure, etc., shall immediately remove same or cause it to be removed.

If the material is cleaned up by the Town of Nutter Fort Maintenance Department or Fire Department, the vehicle owner is responsible for the cost of clean-up.

(Passed 10-27-98.)

(c) Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the street or highway from such vehicle. (WVaC 17C-14-11)

(d) No person shall throw, place or deposit upon any street or highway any material, article or substance which injures or damages, or is likely to injure or damage, the street or highway.

**311.02 PLAY STREETS.**

(a) No person shall use the public streets, highways, alleys, thoroughfares, roads or avenues of the Municipality for the purpose of engaging in or playing any games or athletic activities, except public ways specifically set aside for such purposes.

(b) When authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or highway or portion thereof except drivers of vehicles having business or whose residence is within such closed area, and then any such driver shall exercise the greatest care in driving upon any such street or highway or portion thereof.

**311.03 TOY VEHICLES ON STREETS.**

No person on roller skates or riding in or by means of any sled, toy vehicle, skateboard or similar device shall go upon any roadway except while crossing a street on a crosswalk or at an intersection and except on streets set aside as play streets.

Any person under the age of sixteen that operates, rides, plays with, or wears any of the following toy vehicles commonly called skateboard, roller blades, roller-skates, scooters, sleds, etc. must wear a protective helmet while doing so in the Municipality.

(Passed 5-14-02)

**311.04 PARADES AND ASSEMBLAGES.**

No person, group of persons or organization shall conduct or participate in any parade, assemblage or procession other than a funeral procession upon any street or highway, or block off any street or highway area, without first obtaining a permit from the Police Chief.

Applications for such permit shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage.

The permit may be refused or canceled if:

(a) the time, place, size or conduct of the parade including the assembly areas and route of march would unreasonably interfere with the public convenience and safe use of the streets and highways.

(b) the parade would require the diversion of so great a number of police officers to properly police the line of movement, assembly area and areas contiguous thereto so as to deny normal police protection to the Municipality.

(c) the parade route of march or assembly areas would unreasonably interfere with the movement of police vehicles, fire-fighting equipment or ambulance service to other areas of the Municipality.

(d) the parade would unreasonably interfere with another parade for which a permit has been issued.

(e) the information contained in the application is found to be false, misleading or incomplete in any material detail.

(f) an emergency such as a fire or storm would prevent the proper conduct of the parade.

The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the places of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

**311.99 PENALTY.**

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty.)