

**ARTICLE 335**  
**Speed Restrictions**

<b>335.01</b>	<b>Maximum speed limits.</b>	<b>335.04</b>	<b>Racing on streets and highways prohibited.</b>
<b>335.02</b>	<b>Slow Speed</b>	<b>335.05</b>	<b>Entering and exiting controlled – School.</b>
<b>335.03</b>	<b>Special speed limitations.</b>	<b>335.99</b>	<b>Penalty.</b>

**CROSS REFERENCES**

See sectional histories for similar State law

Authority to regulate speed - see W. Va. Code 17C-2-8,  
17C-6-3

Minimum speed regulations -see W. Va. Code 17C-6-3(a)

Special speed limitations - see W. Va. Code 17C-6-4  
et seq.

Use of radar - see W. Va. Code 17C-6-7

**335.01 MAXIMUM SPEED LIMITS.**

(a) No person shall drive a vehicle on a street or highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards, then existing. 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 street or highway 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) hereof the speed of any vehicle not in excess of the limits specified in this section or established as hereinafter authorized shall be lawful but any speed in excess of the limits specified in this section or established as hereinafter authorized shall be unlawful.

- (1) Fifteen miles per hour when passing a school building or school grounds abutting on a road, street or highway during school recess or while children are going to or leaving school during opening or closing hours. Such speed restriction shall 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 Commissioner of Highways;
- (2) Twenty-five miles per hour in any business or residence district;
- (3) Fifty-five miles per hour on open country streets and highways, except as otherwise provided by this article.

The speed set forth in this section may be altered as authorized in West Virginia Code Article 17C-6.

(c) Whenever the speed limitations have been so altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of vehicles shall be governed by the speed limitations set forth on such signs. No person shall exceed the speed limits posted upon such signs.

(d) The driver of every vehicle shall, consistent with the requirements of subsection (a) hereof 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.

(e) The speed limit on controlled-access highways and interstate highways, where no special hazard exists that requires a lower speed, shall in no event be lower than fifty-five miles per hour and the speed limits specified in subsection (b) hereof shall not apply. (WVaC 17C-6-1)

### **335.02 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.

(WVaC 17C-6-3a(a))

### **335.03 SPECIAL SPEED LIMITATIONS.**

(a) Subject to all other speed restrictions of the 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.

(WVaC 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.

(WVaC 17C-6-5)

**335.04 RACING ON STREETS AND HIGHWAYS PROHIBITED.**

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 Municipality. For the purposes of this section, "speed race" means:

- (a) The operation of a motor vehicle in speed acceleration competition with another motor vehicle or motor vehicles; or
- (b) The operation of a motor vehicle in speed acceleration competition against time; or
- (c) The operation of a motor vehicle in speed competition with another motor vehicle or motor vehicles where the speed exceeds the lawful speed limit.  
(WVaC 17C-6-8(a))

**335.05 ENTERING AND EXITING CONTROLLED - SCHOOL**

There is hereby established by the City of Nutter Fort an ordinance restricting entrance and exit from the parking lot driveway on the Harrison County Board of Education property bordering on Route 20 (Buckhannon Pike) and immediately adjacent to the Nutter Fort Public Library, on the north side of the library.

The following restrictions will be in effect upon passage of this ordinance:

- (a) There will be no entry into the aforementioned parking lot between the hours of 7 to 10 am and 2 to 4 pm.
- (b) There will be no left turn from the lot between the hours of 7 to 10 am and 2 to 4 pm. (Passed 09-14-93.)

**335.99 PENALTY.**

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