

ARTICLE 347
Commercial and Heavy Vehicles

347.01 Oversize or overweight vehicles.	347.02 Projecting loads on passenger vehicles.	347.03 Maximum height, width and length.	347.04 Loads dropping or leaking.	347.05 Towing requirements.	347.06 Oil delivery vehicles.	347.07 Repairing street damage.	347.99 Penalty.
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CROSS REFERENCES

See sectional histories for similar State law

Authority to designate weight limits on local streets

See W. Va. Code 17C-2-8(a)(7)

Authority to permit oversized buses – see W. Va.

Code 17C-17-2(b)

Red light or flag on extended load – see TRAF. 345.07

Transporting Explosives – see TRAF. 345.27

347.01 OVERSIZE OR OVERWEIGHT VEHICLES.

(a) Use of State Route. No person shall operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in West Virginia Code Article 17C-17 upon any State route within the Municipality, except pursuant to special written permit issued by the Commissioner of Highways, or upon any local truck route. Every such permit issued shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

No holder of a permit issued by the commissioner of Highways shall be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality; however, it shall be unlawful to operate any such vehicle or combination of vehicles upon any roadway within the municipality which is not a State route, except as provided in subsection (c) hereof.

(b) Use of Local Streets. No person shall operate a vehicle exceeding a size as specified in Section 347.03 or exceeding a gross weight of five tons, upon any street in the Municipality other than a State route, except those local streets designated as a truck route and marked as such by appropriate traffic signs, and except when such operation is necessary to load or unload property, to go to or from the usual place of storage of such vehicle or to perform any other legitimate business or act other than passage through the Municipality. Operators of vehicles so deviating from either a State route or a designated truck route within the Municipality shall confine such deviation to that required in order to accomplish the purpose of the departure.

(c) Local Permit and Conditions. Upon application and for good cause, the Police Chief may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets.

No permittee shall be required to obtain a special permit from the Commissioner of Highways for the movement of the vehicle or combination of vehicles on streets or highways under local jurisdiction; however, the approval of the Commissioner of Highways shall be required for movement upon State routes as provided in subsection (a) hereof. The Police Chief may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Police Chief in his discretion deems advisable, or for the duration of any construction project. The Police Chief may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The Police Chief may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure.

For each such permit, the Police Chief shall charge five dollars (\$5.00), and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay the sum of ten dollars (\$10.00).

Signs shall be posted indicating "no thru trucks - gross weight 5 tons" or words of similar import to apprise drivers of the limitations imposed by this section. No driver shall disobey the instructions indicated on any such sign.

Violation of any of the limitations, terms or conditions of the permit granted by the Police Chief shall be cause for immediate revocation or suspension of such permit, and denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by Section 303.99.

(d) Any person(s) or company(ies) or corporation(s) engaged in hauling over the streets or roadways shall be responsible for returning the streets or roadways to the condition they were in prior to the time the hauling began.

(Passed 6-13-95)

347.02 PROJECTING LOADS ON PASSENGER VEHICLES.

No passenger-type vehicle shall be operated on any street or highway with any load carried thereon extending beyond the line of the fenders of the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

(WVaC 17C-17-3)

347.03 MAXIMUM WIDTH, HEIGHT AND LENGTH.

(a) A vehicle including any load thereon shall not exceed a height of thirteen feet six inches, but the owner or owners of such vehicles shall be responsible for damage to any bridge or highway structure and to the municipality for any damage to traffic control devices or other highway structures where such bridges, devices or structures have a vehicle clearance of less than thirteen feet six inches.

(b) A motor vehicle including any load thereon shall not exceed a length of forty feet extreme overall dimension, inclusive of front and rear bumpers.

(c) Except as hereinafter provided, a combination of vehicles coupled together shall not consist of more than two units, and no such combination of vehicles including any load thereon shall have an overall length, inclusive of front and rear bumpers, in excess of fifty-five feet, except as provided in West Virginia Code 17C-17-11b, and except as otherwise provided in respect to the use of a pole trailer as authorized in West Virginia Code 17C-17-5: provided, that the limitation that a combination of vehicles coupled together shall not consist of more than two units shall not apply to a combination of vehicles coupled together by a saddle mount device used to transport motor vehicles in a drive-away service when no more than three saddle mounts are used: provided, however, that equipment used in such combination meets the requirements of the safety regulations of the United States Department of Transportation and shall not exceed an overall length of more than sixty-five feet.

(d) the length limitations for truck tractor-semi trailer combinations and truck tractor-semi trailer-trailer combinations operating on the national system of interstate and defense highways and those classes of qualifying federal-aid primary system highways so designated by the United States Secretary of Transportation, and those highways providing reasonable access to and from terminals, facilities for food, fuel, repairs and rest, and points of loading and unloading for household goods carriers from such highways, and further, as to other highways so designated by the West Virginia Commissioner of Highways, shall be as follows: the maximum length of a semi trailer unit operating in a truck tractor-semi trailer combination shall not exceed forty-eight feet in length, except where semi trailers have an axle spacing of not more than thirty-seven feet between the rear axle of the truck tractor and the fifty-three feet in length and the maximum length of any semi trailer or trailer operating in a truck tractor-semi trailer-trailer combination shall not exceed three units, including the truck tractor: provided, that nothing herein contained shall impose an overall length limitation as to commercial motor vehicles operating in truck tractor-semi trailer or truck tractor-semi trailer-trailer combinations.

(WVaC 17C-17-4)

(e) The total outside width, exclusive of safety equipment authorized by the United States Department of Transportation, of any vehicle or the load thereon shall not exceed ninety-six inches, except as otherwise provided in West Virginia Code Article 17C-17: provided, that any vehicle with a total outside width of 102 inches, exclusive of safety equipment authorized by the United States Department of Transportation, may be operated on any street or highway designated by the United States Department of Transportation or the Commissioner of the Department of Highways or on any street or highway having a minimum lane width of ten feet.

(f) Motor buses with a total outside width of 102 inches, excluding safety equipment authorized by the United States Department of Transportation may operate on any street or highway.

(WVaC 17C-17-2)

347.04 LOADS DROPPING OR LEAKING.

(a) No vehicle or combination of vehicles shall be operated on any street or highway unless such vehicle or combination of vehicles is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

(b) No person shall operate on any street or highway any vehicle or combination of vehicles with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the street or highway.

(WVaC 17C-17-6)

(c) No person shall carry or convey or cause to be carried or conveyed in any vehicle any earth, sand, gravel, manure, broken stone, dirt, ashes, paper or other rubbish, or any fluid or offensive articles or matter, or any articles whatsoever, so therefrom; and if any such contents are spilled or blown from any vehicle it shall be the duty of the owner, driver or person in charge thereof to pick up or clean up all of the articles so having fallen, spilled, blown or dropped from such vehicle; and all vehicles conveying foul, dusty or offensive matter of any sort shall have tight bodies and be closely and securely covered so as to prevent the contents from being dropped while being removed, and so as to limit as much as practicable the escape of odors.

(1978 Code Sec. 12-64)

347.05 TOWING REQUIREMENTS.

(a) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and such drawbar or other connection shall not exceed fifteen feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

(WVaC 17C-17-7)

347.06 OIL DELIVERY VEHICLES.

All oil delivery vehicles shall have securely fastened under the taps or faucets thereunto attached an absolutely oil or watertight, zinc lined box or tray, and in filling any tank or other vessel from such taps or faucets any drip or overflow shall flow into such box or tray, and in removing any vessel over any pavement no drip or overflow shall be permitted to fall upon such pavement and no receptacle for holding oil shall be placed on the asphalt pavement.

(1978 Code Sec. 12-65)

347.07 COST OF REPAIRING STREET DAMAGE.

Whenever the owner or occupant of any real property within the Town causes, by his or her activities, or those of his or her agent, any street to fall into a state of disrepair, it shall be the duty of Council to cause the street to be paved, repaved, repaired or constructed upon reasonable terms and for reasonable cost. Council shall cause an itemized statement of the expense against the owner or occupant who shall have been the cause of the damage; and shall certify the assessment to the Recorder for collection. The Town may, at its election, sue such owner or occupant who caused the damage or enforce a lien placed against the real property of the party which caused the damage.

(Passed 4-27-99)

347.99 PENALTY.

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