

lights required on the rear of the rearmost vehicle of any combination shall be lighted.

(See West Virginia Code 17C-15-13)

10-414. Lamp or flag on projecting load. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Section 10-402 of this article, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

(See West Virginia Code 17C-15-14)

10-415. Lamps on parked vehicles. (a) Whenever a vehicle is lawfully parked upon a street within the limits of the town during the hours between a half hour after sunset and a half hour before sunrise and in the event, there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street no lights need be displayed upon such parked vehicle.

(b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such roadway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

(c) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

(See West Virginia Code 17C-15-15)

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10-416. Lamps on animal-drawn and other vehicles and equipment. All vehicles including animal-drawn vehicles and including those referred to in Section 10-401(c) of this article not hereinbefore specifically required to be equipped with lamps, shall at the times specified in Section 10-402 of this article be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear.

(See West Virginia Code 17C-15-16)

10-417. Spot lamps and other auxiliary lamps. (a) Spot lamps: Any motor vehicle except a public utility company maintenance vehicle may be equipped with not to exceed one spot lamp and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle. A public utility company maintenance vehicle may be equipped with more than one spot lamp but all lighted spot lamps shall be aimed and used in conformity to the requirements of this section.

(b) Fog lamps: Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes.

(c) Auxiliary passing lamp: Any motor vehicle may be equipped with not to exceed one auxiliary passing lamp mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands and every auxiliary passing lamp shall meet the requirements and limitations set forth in this article.

(d) Auxiliary driving lamp: Any motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the

vehicle stands and every such auxiliary driving lamp shall meet the requirements and limitations set forth in this article.
(See West Virginia Code 17C-15-17)

10-418. Signal lamps and signal devices. (a) Any motor vehicle may be equipped and when required under this article shall be equipped with the following signal lamps or devices: (1) Two lamps on the rear which shall emit a red and which shall be actuated upon application of the service (foot) brake and which may but need not be incorporated with a tail lamp; (2) A lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.

(b) A stop lamp shall be plainly visible and understandable from a distance of one hundred feet to the rear both during normal sunlight and at nighttime and a signal lamp or lamps indicating intention to turn shall be visible and understandable during daytime and nighttime from a distance of one hundred feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

(c) All mechanical signal devices shall be self-illuminated when in use at the times mentioned in Section 10-402 of this article.

(See west Virginia Code 17C-15-18)

10-419. Additional lighting equipment. (a) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(b) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(c) Any motor vehicle may be equipped with not more than two backup lamps either separately or in combination with other lamps, but any such backup lamp shall not be lighted when the motor vehicle is in forward motion.

(d) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking, or passing,

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and when so equipped may display such warning in addition to any other warning signals required by this chapter. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable and shall display simultaneously flashing amber lights. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red.

(See West Virginia Code 17C-15-19)

10-420. Multiple-beam road-lighting equipment - requirements generally. Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combinations thereof on motor vehicles other than a motorcycle or motor-driven cycle shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

(a) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred and fifty feet ahead for all conditions of loading.

(b) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(c) Every new motor vehicle, other than a motorcycle or motor-driven cycle, operated within the limits of the town of Sutton after the date of adoption of this code, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

(See West Virginia Code 17C-15-20)

10-421. Same - Use of; dimming lights upon approaching or overtaking. (a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 10-402 of this article, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a

safe distance in advance of the vehicle, subject to the following requirements and limitations:

(b) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in Section 10-420(b) of this article shall be aimed to avoid glare at all times, regardless of road contour and loading.

(c) Whenever the driver of a vehicle follows another vehicle within two hundred feet to the rear, except when engaged in the act of overtaking and passing, such driver shall use a distribution of light permissible under this article other than the uppermost distribution of light specified in Section 10-420(a) of this article.
(See West Virginia Code 17C-15-21)

10-422. Single-beam road-lighting equipment. Head lamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to July 1, 1952, in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(a) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.
(See West Virginia Code 17C-15-22)

10-423. Lighting equipment on motor-driven cycles. The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(a) Every said head lamp or head lamps on a motor-driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two

hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour.

(b) In the event the motor-driven cycle is equipped with a multiple-beam type head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in Section 10-420(a) of this article and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in Section 10-420(b) of this article.

(c) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

(See West Virginia Code 17C-15-23)

10-424. Alternate road-lighting equipment. Any motor vehicle may be operated under the conditions specified in Section 10-402 of this article when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in Section 10-420 or Section 10-422 of this article; provided, however, that at no time shall it be operated at a speed in excess of twenty miles per hour.

(See West Virginia Code 17C-15-24)

10-425. Number of driving lamps required or permitted. (a) At all times specified in Section 10-402 of this article at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(b) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with an auxiliary lamp or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

(See West Virginia Code 17C-15-25)

10-426. Special restrictions on lamps. (a) Any lighted lamp or illuminating device upon a motor vehicle other than head lamps, spot lamps, auxiliary lamps, or flashing front-direction signals which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of

the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(b) No person shall drive or move any vehicle or equipment upon any road or street of the town with any lamp or device thereon displaying other than a white or amber light visible from directly in front of the center thereof except as authorized by subsection (d) of this section.

(c) Except as authorized in Section 10-419 of this article, flashing lights are prohibited on motor vehicles, except on an authorized emergency vehicle, school bus, snow removal equipment, or on any vehicle as a means for indicating right or left turn, or on any vehicle as a means of indicating the same is disabled or otherwise stopped for any emergency.

(d) Notwithstanding any other provisions of this article, the following colors of flashing warning lights are restricted for the use of the type of vehicle designated:

(1) Blue flashing warning lights are restricted to police vehicles, except as authorized by Section 10-427 of this article.

(2) Except as authorized by Sections 10-419 and 10-427 of this article, red flashing warning lights are restricted to ambulances, fire-fighting vehicles, school buses, wreckers, and personal car or truck of those volunteer firemen who are authorized by their fire chief to have such lights.

(3) All other emergency vehicles authorized by this chapter and by Section 10-427 of this article shall be restricted to amber or yellow flashing warning lights. It shall be unlawful for flashing warning lights of an unauthorized color to be installed or used on a vehicle other than as specified in this section, except that a police vehicle may be equipped with either or both blue or red warning lights.
(See West Virginia Code 17C-15-26)

10-427. Lights on snow removal equipment must conform to state code. It shall be unlawful to operate any snow removal equipment on any road, street, or alley of the town unless the lamps thereon comply with the standards and specifications adopted by the West Virginia Department of Highways as authorized in the West Virginia Motor Vehicle Laws.
(See West Virginia Code 17C-15-9)

10-428. Selling and using unapproved lamps or equipment; legibility of name, etc., of approved equipment; use of

improperly mounted, etc., equipment. (a) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer, or use upon any such vehicle any head lamp, auxiliary or fog lamp, rear lamp, signal lamp, or reflector, which reflector is required hereunder, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the Commissioner of the West Virginia Department of Highways and approved by him. The foregoing provisions of this section shall not apply to equipment in actual use when this section is adopted or replacement parts therefor, provided that such equipment complies with the laws relating thereto prior to the enactment hereof.

(b) No person shall have for sale, sell, or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer, or semitrailer any lamp or device mentioned in this section which has been approved by the Commissioner of the West Virginia Department of Highways unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(c) No person shall use upon any motor vehicle, trailer, or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the Commissioner of the West Virginia Department of Highways.

(See West Virginia Code 17C-15-28)

10-429. Brakes - generally. (a) Brake equipment required:

(1) Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a road, street, or alley of the town shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(2) Every motorcycle and every motor-driven cycle, when operated upon a road, street, or alley of the town, shall be equipped with at least one brake which may be operated by hand or foot.

(3) Every trailer or semitrailer of a gross weight of three thousand pounds or more when operated upon a road,

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street, or alley of the town shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

(4) Every motor vehicle, trailer, or semitrailer hereinafter sold in this town or operated upon the streets shall be equipped with service brakes upon all wheels, with the following exceptions: (1) that trucks and truck tractors having three or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two steerable axles, the wheels of one such axle need not be equipped with brakes, and (2) any motorcycle or motor-driven cycle, and except that any semitrailer of less than one thousand five hundred pounds gross weight need not be equipped with brakes.

(5) In any combination of motor-driven vehicles, means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rear-most trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed.

(6) Every such vehicle and combination of vehicles, except motorcycles and motor-driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so

constructed that a failure of any one part shall not leave the vehicle without operative brakes.

(7) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

(b) Performance ability of brakes: Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, if being stopped on a dry, smooth, level road free from loose material, upon application of the service (foot) brake, within the distances specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

	Feet to stop from 20 miles per hour	Deceleration in feet per second
Vehicles or combinations of vehicles having brakes on all wheels	30	14
Vehicles or combinations of vehicles not having brakes on all wheels	40	10.7

(c) Maintenance of brakes: All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

(See West Virginia Code 17C-15-31)

10-430. Same - Brakes on motor-driven cycles. No person shall operate on any road, street, or alley of the town and motor-driven cycle in the event the Commissioner of the West Virginia Department of Highways has disapproved the brake equipment upon such vehicle or type of vehicle.

(See West Virginia Code 17C-15-32; Section amended 1989)

10-431. Horns and warning devices. (a) Every motor vehicle when operated upon a road, street, or alley of the town shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a roadway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(c) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the W.Va. Dept. of Motor Vehicles, but such siren shall not be used except when such vehicle is operated in response to an emergency or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.
(See West Virginia Code 17C-15-33)

10-432. Mufflers; prevention of noise, fumes and smoke. (a) Every motor vehicle operated within the corporate limits of the town shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise. Such muffler shall be the muffler originally installed by the manufacturer of the vehicle or, if a replacement, the equivalent thereof. No person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on any road, street or alley of the town.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.
(See West Virginia Code 17C-15-34; Section amended 1989)

10-433. Mirrors. Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

(See West Virginia Code 17C-15-35)

10-434. Windshields must be unobstructed and equipped with wipers. (a) No person shall drive any motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such vehicle

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which obstructs the driver's clear view of the highway or any intersecting highway.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

(See West Virginia Code 17C-15-36)

10-435. Tire equipment restrictions; rules and regulations as to certain tires. (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) No person shall operate or move on any road, street, or alley of the town any motor vehicle, trailer, or semitrailer having any metal tire in contact with the roadway.

(c) No tire on a vehicle moved on a road or street shall have on it periphery any block, stud, flange, cleat, or spike, or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that (1) it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway; (2) it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid, and (3) it shall be permissible to use studded tires during the period from the first day of November each year until the fifteenth day of April of the following year; provided, that in the interest of highway maintenance, no vehicle moved on a highway, other than school buses, shall be equipped with studded tires which are operational with a recommended air pressure greater than forty pounds per square inch.

(d) No studded tires or chains shall be sold or used within the Town of Sutton which do not meet the specifications established by the rules and regulations which the commissioner of the West Virginia Department of Highways shall promulgate.

(e) The Common council may in its discretion issue special permits authorizing the operation upon the roads of

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traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such moveable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this article.

(See West Virginia Code 17C-15-37; Section amended 1989)

10-436. Safety glass in motor vehicles.

(See West Virginia Code 17C-15-38, Section deleted 2023)

10-437. Vehicles transporting explosives. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon any road, street, or alley of the town shall at all times comply with the provisions of this section.

(a) Said vehicle shall be marked or placard on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "Danger" in white letters six inches high.

(b) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

(See West Virginia Code 17C-15-41)

10-438. Television receivers in view of driver prohibited. No motor vehicle shall be operated on any road, street, or alley within the corporate limits of the town when equipped with a television receiver unless such receiver is so placed that the screen or picture tube of such receiver is visible only in the rear seat of such motor vehicle and not in view of the operator of such motor vehicle.

(See West Virginia Code 17C-15-42)

10-439. Vehicles to be equipped with safety belts. No dealer in new or used automobiles shall sell, lease, transfer or trade, at retail, any passenger automobile which is manufactured after January 1, 1965, unless such vehicle is equipped with safety seat belts for the front seat, which seat belts shall meet the standards set and approved by the Society of Automotive Engineers.

(See West Virginia Code 17C-15-43)

10-440. Safety equipment and requirements for motorcyclists and motorcycles. (a) No person shall operate or be a passenger on any motorcycle unless he is wearing securely fastened on his head by either a neck or chin strap a protective helmet designed to deflect blows, resist penetration and spread impact forces.

Any helmet worn by a motorcycle operator or motorcycle passenger shall meet the performance specifications established by the United States of America Standards Institute, Specifications for Protective Headgear for Vehicle Users, Standard Z 90.1 - 1966. Helmets worn by motorcycle operators and motorcycle passengers shall be coated with a reflectorized substance, or have attached thereto a reflectorized material, on both sides and the back thereof, with a minimum of ten square inches of coated substance or attached material in each of the three locations.

(b) No person shall operate or be a passenger on any motorcycle unless he is wearing safety, shatter resistant eyeglasses (excluding contact lenses), or eye goggles or face shield that complies with the performance specifications established by the United States of America Standards Institute, Specification for Head, Eye and Respiratory Protection Z 2.1 - 1959. In addition, if any motorcycle be equipped with a windshield or wind screen, the windshield or wind screen shall be constructed of safety, shatter resistant material that complies with the performance specifications established by the United States of America Standards Institute, Safety Glazing Materials for Glazing Motor Vehicles Operated on Land Highways, Standard z 26.1 - 1966.

(c) No person shall operate a motorcycle on which the handlebars or grips are more than fifteen inches higher than the uppermost part of the operator's seat when the seat is not depressed in any manner.

(d) A person operating a motorcycle shall ride in a seated position facing forward and only upon a permanent operator's seat attached to the motorcycle. No operator shall carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride behind the operator upon the permanent operator's seat if it is designed for two persons, or upon another seat firmly attached to the motorcycle to the rear of the operator's seat and equipped with footrests designed and located for use by the passenger or in a sidecar firmly attached to the motorcycle. No more than two persons, the motorcycle operator and one passenger, shall ride the same motorcycle at the same time. No person shall ride sidesaddle on a motorcycle seat.

(e) Every motorcycle shall be equipped with a rear view mirror affixed to the motorcycle handlebars and adjusted so that the motorcycle operator shall have a clear view of the road and

condition of traffic behind him for a distance of at least two hundred feet.

(See West Virginia Code 17C-15-44)

10-441. Lamps and other equipment on bicycles. (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 five hundred feet to the front and with a red reflector on the rear of a type approved by the W.Va. Dept. of Motor Vehicles which shall be visible from all distances from fifty feet to three hundred 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 five hundred feet to the rear may be used in addition to the red reflector.

(b) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(See West Virginia Code 17C-11-7, Section amended 2022)

10-442. Child passenger safety device required. Every driver who transports a child under the age of nine years in a passenger automobile, van or pickup truck other than one operated for hire, shall while such motor vehicle is in motion and operated on a street, highway, or alley within the corporate limits of the town, provide for the protection of such child by properly placing, maintaining and securing such child in a child passenger safety device system meeting applicable federal motor vehicle safety standards: Provided, that if such child is between the age of three and eight, both inclusive, a vehicle seat belt shall be sufficient to meet the requirements of this section. Provided further, that if all seat belts required to have been installed in the vehicle at the time of its manufacture are being used by passengers at the time of examination by a law officer, the driver shall not be considered to be in violation of this section.

(See West Virginia Code 17C-15-46; Section added 1989)

ARTICLE FIVE

DRIVING UNDER THE INFLUENCE, RECKLESS DRIVING

10-501. Driving under the influence.

(a) Any person who:

(1) Drives a vehicle within the corporate limits of the Town of Sutton while:

(A) He is under the influence of alcohol, or

(B) He is under the influence of any controlled substance, or

(C) He is under the influence of any other drug, or

(D) He is under the combined influence of alcohol and any controlled substance or any other drug, or

(E) He has an alcohol concentration in his blood of eight hundredths of one percent or more by weight; and

(2) Shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the jail for not less than one day nor more than six months, which jail term shall include actual confinement of not less than twenty-four hours, and shall be fined not less than one hundred dollars nor more than five hundred dollars.

(b) Any person who, being an habitual user of narcotic drugs or amphetamine or any derivative thereof, drives a vehicle within the corporate limits of the Town of Sutton, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the jail for not less than one day nor more than six months, which jail term shall include actual confinement of not less than twenty-four hours, and shall be fined not less than one hundred dollars nor more than five hundred dollars.

(c) Any person who:

(1) Knowingly permits his vehicle to be driven within the corporate limits of the Town of Sutton by any other person who is:

(A) Under the influence of alcohol, or

(B) Under the influence of any controlled substance, or

(C) Under the influence of any other drug, or

(D) Under the combined influence of alcohol and any controlled substance or any other drug, or

(E) Has an alcohol concentration in his blood of eight hundredths of one percent or more by weight; and

(2) Shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the jail for not less than six months and shall be fined not less than one hundred dollars nor more than five hundred dollars.

(d) Any person who knowingly permits his vehicle to be driven within the corporate limits of the Town of Sutton by any other person who is a habitual user of narcotic drugs or amphetamine or any derivative thereof, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the jail for not more than six months and shall be fined not less than one hundred dollars nor more than five hundred dollars.

(e) A person violating any provision of subsection (a), (b), (c) or (d) of this section shall, for the second offense under this section, be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned in the jail for a period of not less than six months nor more than one year, and the court may, in its discretion, impose a fine of not less than one thousand dollars nor more than three thousand dollars.

(f) For purposes of subsection (e) of this section relating to second offenses, the following types of convictions shall be regarded as convictions under this section:

(1) Any conviction under the provisions of subsection (a), (b), (c), or (d), of the prior enactment of this section for an offense which occurred on or after the first day of September, one thousand nine hundred eighty-one, and prior to the effective date of this section.

(g) It shall be no defense hereunder that the person charged could legally possess or consume the substance causing the driver's intoxication.

(h) The sentences provided herein upon conviction for a violation of this article are mandatory and shall not be subject to suspension or probation: Provided, that a person convicted and sentenced pursuant to this section may apply to the court for alternative sentencing pursuant to the provisions of West Virginia Code §62-11A-1 et seq.

(See West Virginia Code §17C-5-2; Section amended 2022)

10-502. Reckless driving. Any person who drives any vehicle upon any street, road, or alley of the town in willful and wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so

as to endanger, or be likely to endanger, any person or property, is guilty of reckless driving.

Every person convicted of reckless driving may be punished upon a conviction by jail for a period of not less than five days nor more than thirty days, or by fine of not less than twenty-five dollars nor more than five hundred dollars, or by both such fine and imprisonment.

10-503. Chemical blood testing. (a) Any person who drives a motor vehicle within the corporate limits of the town of Sutton shall be deemed to have given his consent by the operation thereof, subject to the provisions of this article, to a secondary chemical test of either his blood, breath or urine for the purposes of determining the alcoholic content of his blood. A preliminary breath analysis may be administered in accordance with the provisions §17C-5-5 of the West Virginia Code whenever a law enforcement officer has reasonable cause to believe a person to have committed an offense prohibited by this section.

(b) The Sutton Police Department hereby designates as its secondary chemical test the intoxilyzer or breathalyzer as may be maintained in the offices of the Braxton County Sheriff's Department at the time of the arrest. Refusal to submit to such test may, in the discretion of the court, be admissible as evidence against the accused.

(c) A person accused under this section may demand a blood or urine test to be performed at his own expense, the results of which shall be admissible evidence against him. (See West Virginia Code §17C-5-4; Section amended 1989)

10-503-A. Evidence of blood testing results. Upon trial for any offense charged under section 10-501 of these ordinances, the results of a blood alcohol test may be admissible if the sample or specimen was taken within two hours from and after the time of arrest or of the acts alleged, and shall give rise to the following inferences or have the following effect:

(a) Evidence that there was, at that time, five hundredths of one percent or less, by weight, of alcohol in his blood, shall be prima facie evidence that the person was not under the influence of alcohol;

(b) Evidence that there was, at that time, more than five hundredths of one percent and less than eight hundredths of one percent, by weight, of alcohol in the person's blood shall be relevant evidence, but it is not to be given prima facie effect

in indicating whether the person was under the influence of alcohol;

(c) Evidence that there was, at that time, eight hundredths of one percent or more, by weight, of alcohol in his blood, shall be admitted as prima facie evidence that the person was under the influence of alcohol.

Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.

A chemical analysis of a person's blood, breath or urine, in order to give rise to the presumptions or to have the effect provided for in subdivisions (a), (b) and (c) of this section, must be performed in accordance with methods and standards approved by the state department of health. A chemical analysis of blood or urine to determine the alcoholic content of blood shall be conducted by a qualified laboratory or by the state police scientific laboratory of the criminal identification bureau of the department of public safety.

(See West Virginia Code §17C-5-8; Section amended 2022)

ARTICLE SIX

PEDESTRIANS

10-601. Pedestrians subject to traffic regulations.

Pedestrians shall be subject to traffic-control signals at intersections as provided in Section 10-203 of this code, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article. (See West Virginia Code 17C-10-1)

10-602. Pedestrians' right-of-way in crosswalks. (a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(See West Virginia Code 17C-10-2)

10-603. Crossing at other than crosswalks. Every pedestrian crossing a road at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway. (See West Virginia Code 17C-10-3.)

10-604. Drivers to exercise due care. Notwithstanding the foregoing provisions of this article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(See West Virginia Code 17C-10-4.)

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10-605. Pedestrians to use right half of crosswalks.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(See West Virginia Code 17C-10-5)

10-606. Pedestrians on roadways; soliciting rides. (a) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway, provided that said sidewalk is in adequate and safe condition.

(b) Where sidewalks are not provided any pedestrian walking along and upon the road or street shall when practicable walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

(c) No person shall stand in the roadway for the purpose of soliciting a ride from the driver of any vehicle.

(See West Virginia Code 17C-10-6)

10-607. Persons working on streets and highways. The driver of a vehicle shall yield the right of-way to persons engaged in maintenance or construction work on a street or highway whenever he is notified of their presence by an official traffic control device or flagman.

(See West Virginia Code 17C-10-8)

ARTICLE SEVEN

OPERATION OF BICYCLES AND PLAY VEHICLES

10-701. Obedience to article; duty of parents and guardians; applicability of article to bicycles. a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

(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 article.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any road, street, or alley of the town or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.
(See West Virginia Code 17C-11-1)

10-702. Traffic laws apply to persons riding bicycles. 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 chapter, except as to special regulations in this article and except as to those revisions of this chapter which by their nature can have no application.
(See West Virginia Code 17C-11-2)

10-703. Riding on bicycle seats; carrying more than one person on bicycle. (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
(See West Virginia Code 17C-11-3)

10-704. Clinging to vehicles. No person riding upon any bicycle, coaster, skateboard, roller skates, sled, or toy vehicle shall attach the same or himself to any streetcar or vehicle upon a roadway.
(See West Virginia Code 17C-11-4)

10-705. Riding on roadways, sidewalks, and bicycle paths. (a) 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.

(b) 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.

(c) 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.

(d) No person riding upon any bicycle, coaster, skate board, roller skates, sled, or toy vehicle shall ride the same upon any sidewalk subject to maintenance by the town.

(1) In the event any official or officer authorized to enforce these ordinances observes a minor violating the provisions of this section, such officer is hereby authorized to seize and take possession of such bicycle, coaster, skate board, roller skates, sled, or toy vehicle until such time as the parent or guardian of the minor child from whom such item was seized has presented himself or herself to such officer and requests return of the item.

(2) Upon release of such seized item to the parent or guardian, any similar infraction of this article by the same child shall give rise to an evidentiary inference that such parent or guardian has authorized or knowingly permitted such violation by the child, and such shall be considered a violation of section 10-701 above and such parent or guardian shall be subject to prosecution for such violation as if he or she were an aider and abettor of such act.

(See West Virginia Code 17C-11-5; Section amended 1989)

10-706. 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.

(See West Virginia Code 17C-11-6)

10-707. Requirements for helmet use. 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 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.

(See West Virginia Code 17C-11A-4; added January 3, 2023)

ARTICLE EIGHT

PENALTIES

10-801. Violations of chapter; penalties for misdemeanor. (a)
It is a misdemeanor for any person to violate any of the provisions of this chapter.

(b) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not more than one hundred dollars or by imprisonment for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than twenty days or both such fine and imprisonment; upon a third or subsequent conviction such person shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than thirty days or both such fine and imprisonment.

ARTICLE NINE

STOPPING, STANDING, AND PARKING; PARKING METERS; PARKING ZONES; PENALTIES

10-901. General parking regulations violations and penalties.

(a) Except as otherwise provided by council, all vehicles not in motion shall be stopped or parked so that the right-hand wheels of such vehicle shall be parallel to and within fifteen inches of the right-hand curb or roadside.

(b) In those parts of the corporate limits of the town where the boundaries of the parking spaces are designated, whether by lines painted on the street or roadside or by signs erected by the roadside or by meter posts erected by the roadside, the operator of any vehicle shall park said vehicle so that the same shall be entirely within such designated parking space. If any vehicle parked in a parking space is of such size that it cannot be entirely contained within a single parking space, said vehicle shall be parked so that the front end is as close as practicable to the front boundary of the occupied space or spaces, and so that the vehicle occupies the smallest number of parking spaces required by the size of the vehicle. In no case shall more than one vehicle be parked within a single parking space.

(c) Any vehicle parked so as not to be consistent with the provisions of this section shall be in violation of this section, and the operator of said vehicle shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five dollars nor more than fifty dollars.

10-902. Loading zones, violations and penalties. (a) The council has the authority to declare by proper order certain parking spaces as loading zones and to designate the same by means of signs erected by the roadside or markings on the street or curb or both.

(b) A vehicle may be left standing or parked in a loading zone only for such time as the operator of said vehicle is actively engaged in loading or unloading, up to a maximum time period of thirty minutes. Any such vehicle parked in a loading zone for more than thirty minutes without police permission or any vehicle parked in a loading zone while not engaged in loading or unloading shall be in violation of this section and the operator of said vehicle shall be guilty of a misdemeanor

and, upon conviction, shall be fined not less than five dollars nor more than fifty dollars.

10-903. Reserved parking; violations and penalties. (a) The council has the authority to declare by proper order certain parking spaces as reserved parking zones, specifically for the use of certain authorized persons, and to designate the same by means of signs erected by the roadside, or markings on the street or curb, or both.

(b) Any unauthorized vehicle parked in a reserved parking zone shall be in violation of this section, and the operator of said vehicle shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five dollars nor more than fifty dollars.

(c) Any area under the control and jurisdiction of the Town of Sutton which is designated as a parking lot shall be considered a reserved parking zone. Any unauthorized vehicle parked in such a parking area shall be subject to any and all fines and penalties as those prescribed for the violation of this section. Where there are designated time limits for parking in such a parking area, any authorized vehicle which has remained parked in such area for longer than the designated time period shall be considered as parking over time, and shall be subject to the same fines and penalties for over-time parking as specified in Section 10-905(d) of this article. In any case, no vehicle shall be parked in any such area for more than twenty-four hours consecutively.

10-904. No-Parking zones; violations and penalties. (a) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the follow places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty feet of a crosswalk at an intersection;
- (7) Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
- (8) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite

the ends of a safety zone, unless a different length is indicated by the signs or marking;

(9) Within fifty feet of the nearest rail of a railroad crossing;

(10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance (when property signposted);

(11) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or other elevated structure, upon a highway or within a highway tunnel;

(14) At any place where official signs prohibit stopping;

(15) Within twenty feet of any mail receptacle served regularly by a carrier using a motor vehicle for daily deliveries, if such parking interferes with or causes delay in the carrier's schedule.

(16) At any place on any highway where the safety and convenience of the traveling public is thereby endangered.

(b) The council has the authority to declare by proper order certain other areas as No-Parking zones and to designate the same by means of signs erected by the roadside, or markings on the street or curb by painting the said area or otherwise indicating that parking is not permitted in that area, or both, and no standing, stopping, or parking of a vehicle will be permitted in any area so designated.

(c) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(d) The operator of any vehicle in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than five dollars nor more than fifty dollars.

(See West Virginia Code 17C-13-3)

10-905. Parking meter zones, violations and penalties. (a) The council has the authority to erect and maintain parking meters for the regulation of parking and traffic control in any area where such is not prohibited by the West Virginia Motor Vehicle

Laws, and to designate the parking spaces governed by said parking meters as parking meter zones.

(b) Upon parking in a parking meter zone, the operator of the parked vehicle shall deposit a coin or coins of the United States so as to operate the parking meter mechanism according to the instructions thereon. After the deposit of such coin placing the meter in operation, the parking space may be lawfully occupied by said vehicle during the period of time indicated on the meter for the particular amount deposited. If any vehicle parked in a parking meter zone is of such size that it cannot be entirely contained within a single parking space, the operator of said vehicle shall deposit a coin or coins so as to operate each and every parking meter governing each and every parking space occupied by said vehicle or any portion thereof.

(c) Between the hours of 9:00 a.m. and 6:00 p.m. Mondays through Fridays and between the hours of 9:00 a.m. and 9:00 p.m. on Saturdays, it shall be unlawful for the operator of any vehicle to park said vehicle in a parking meter zone without placing the meter or meters in operation as specified in this section; provided, however, free parking in parking meter zones shall be permitted on Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day.

(d) If any vehicle shall remain parked in a parking space or spaces for such length of time that the meter or meters shall indicate by a proper signal that the lawful parking period has expired, said vehicle shall be considered as parking over time, and the parking of a vehicle over time shall be a violation of this section. The operator of any vehicle parked in violation of this section shall be guilty of a misdemeanor and shall, upon conviction, be required to pay a fine of not less than fifty cents nor more than fifty dollars.

10-906. Parking tickets and fines. (a) The operator of any vehicle parked in violation of any previous section or sections of this article shall be guilty of a misdemeanor and shall be liable for the fines or penalties stated in the applicable section or sections or as indicated on the parking ticket issued by a duly authorized police officer of this town. Payment of the fine indicated on the parking ticket must be made within ten days of the date shown on the ticket and shall be accepted as an implied plea of "guilty", in which case no further action shall be taken on the part of the town, with the exception of the following: if the original fine stated on the ticket for over-

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time parking is not paid within twenty-four hours of the time shown on the ticket, the amount of the fine shall be doubled for each ticket unpaid. There shall be a rebuttable presumption that the owner of any vehicle parked upon the alleys, roads, or streets of the town shall be in control thereof, and any such owner, if he be other than the operator thereof, shall subject to pay the same fine and penalties as is the operator thereof at the time such citation was issued, and such owner shall be held responsible to pay any tickets issued as a result of the operation of such vehicle.

(1) In the event the city attorney or another attorney acting on behalf of the city is called upon by the mayor or council to collect delinquent fines assessed pursuant to either paragraph (a) or (b) of this section, the registered owner of the vehicle ticketed shall hereby be deemed to have consented to a reasonable attorney fee being recovered from him as part of any civil action filed to recover such fines, provided that the delinquent owner has been first given ten days notice in writing prior to the filing of such civil action that an attorney fee will be sought to be recovered from him as a part of such action.

(b) A plea of "not guilty" of said parking violation and a request for a hearing must be entered within ten days of the date shown on the parking ticket in writing by filing a written notification thereof with the municipal judge or mayor at the office of either such official. If no response to the parking ticket, either by payment of fine or entry of a "not guilty" plea, is made within ten days of the date shown on the parking ticket, said operator and the owner of the vehicle, if he or she be other than the operator thereof shall be in violation of this section and shall be guilty of the misdemeanor of failure to acknowledge a parking ticket. Violation of this section may result in the initial fine or fines being increased at the rate of an additional one dollar for each day beyond the initial ten day period that the fine remains unpaid, not to exceed one hundred dollars for each parking ticket, in the discretion of the court.

(See West Virginia Code 17C-13-1)

10-907 Mechanical Seizure.

(Section deleted 2023)