

**ARTICLE 349**  
**Miscellaneous Rules**

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| <p><b>349.01 Unattended motor vehicle.</b></p> <p><b>349.02 Backing a vehicle.</b></p> <p><b>349.03 Drivers' view and control to be unobstructed by load or persons.</b></p> <p><b>349.04 Passengers in seat with operator.</b></p> <p><b>349.05 Passengers on running board.</b></p> <p><b>349.06 Following authorized emergency vehicles.</b></p> <p><b>349.07 Driving over fire hose.</b></p> <p><b>349.08 Right of way of funeral or other procession.</b></p> <p><b>349.09 Opening door of vehicle on traffic side.</b></p> <p><b>349.10 Boarding or alighting from vehicle.</b></p> <p><b>349.11 Unauthorized riding or jumping onto vehicles.</b></p> | <p><b>349.12 Squealing tires, cracking exhaust noises; stereos.</b></p> <p><b>349.13 Injuring or tampering with vehicle.</b></p> <p><b>349.14 Driving upon sidewalk, street lawn or curb.</b></p> <p><b>349.15 Shortcutting; avoiding traffic control devices.</b></p> <p><b>349.16 Coasting prohibited.</b></p> <p><b>349.17 Driving through safety zone.</b></p> <p><b>349.18 Driving upon street posted as closed for repair.</b></p> <p><b>349.19 Obstruction of traffic.</b></p> <p><b>349.20 Vehicle security.</b></p> <p><b>349.99 Penalty.</b></p> |
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**CROSS REFERENCES**

See sectional histories for similar State law  
Obedience to traffic control devices – see TRAF. 313.01

**349.01 UNATTENDED MOTOR VEHICLE.**

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the street or highway.

(WVaC 17C-14-1)

**349.02 BACKING A VEHICLE.**

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

(WVaC 17C-14-2)

**349.03 DRIVERS' VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD OR PERSONS.**

(a) No person shall drive a vehicle when it is so loaded as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

(WVaC 17C-14-4)

**349.04 PASSENGERS IN SEAT WITH OPERATOR.**

No more than three persons including the operator shall ride or be permitted by such operator to ride in the seat with the operator of any motor vehicle while such motor vehicle is being operated on the streets or highways of this Municipality: provided, however, that the limitation of this section shall not apply to a truck cab or truck crew compartment properly designed for the occupancy of four persons including the operator, and so designated on the registration card by the Department of Motor Vehicles.

(WVaC 17C-14-5)

**349.05 PASSENGERS ON RUNNING BOARD.**

No passenger shall ride nor shall the operator permit any passenger to ride on the running boards of any motor vehicle while such vehicle is being operated on the streets or highways of this Municipality.

(WVaC 17C-14-6)

**349.06 FOLLOWING AUTHORIZED EMERGENCY VEHICLES.**

The driver of any vehicle other than one on official business may not follow any authorized emergency vehicle traveling in response to a fire alarm or other emergency closer than 500 feet or drive into or park such vehicle within the block where such authorized emergency vehicle has stopped in answer to a fire alarm or other emergency.

(WVaC 17C-14-9)

**349.07 DRIVING OVER FIRE HOSE.**

No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

(WVa C 17C-14-10)

**349.08 RIGHT OF WAY OF FUNERAL OR OTHER PROCESSION.**

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated by the display upon the outside of each vehicle of a pennant or other identifying insignia. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

**349.09 OPENING DOOR OF VEHICLE ON TRAFFIC SIDE.**

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than is necessary to load or unload passengers.

**349.10 BOARDING OR ALIGHTING FROM VEHICLE.**

No person shall board or alight from any vehicle while such vehicle is in motion.

**349.11 UNLAWFUL RIDING.**

No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

**349.12 SQUEALING TIRES, CRACKING EXHAUST NOISES; STEREOS.**

(a) No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling."

(b) No person shall operate a car radio, stereo, tape player or other device of that nature in such a manner that is clearly audible within seventy-five feet.  
(Passed 10-8-91)

**349.13 INJURING OR TAMPERING WITH VEHICLE.**

No person either individually or in association with one or more persons shall willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner. No person with intent to commit any malicious mischief, injury or other crime shall climb into or upon a vehicle whether it is in motion or at rest or with like intent attempt to manipulate any of the levers, starting mechanism, brakes or other mechanism or device of a vehicle while the same is at rest and unattended or with like intent set in motion any vehicle while the same is at rest and unattended.  
(WVaC 17A-8-6)

**349.14 DRIVING UPON SIDEWALK, STREET LAWN OR CURB.**

(a) No person shall drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

(b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

**349.15 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.**

- (a) No person shall operate a motor vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one roadway to another.
- (b) No person shall operate a motor vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.
- (c) It shall be prima-facie evidence of a violation of this section for the operator of a motor vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both.

**349.16 COASTING PROHIBITED.**

The operator of any motor vehicle when traveling on a downgrade on any street, alley or highway shall not coast with the gears of such vehicle in neutral.

**349.17 DRIVING THROUGH SAFETY ZONE.**

No operator of a vehicle shall drive the same over or through a safety zone.

**349.18 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.**

No person shall drive upon, along or across a street or highway, or any part thereof, which has been closed in the process of its construction, reconstruction or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway.

**349.19 OBSTRUCTION OF TRAFFIC.**

No person shall operate, stop, stand or park any motor vehicle on any street or alley within the Municipality so as to obstruct or hinder the free flow of motor vehicle traffic except in compliance with a lawful order of a police officer or in compliance with a traffic control sign, signal or marking.

**349.20 VEHICLE SECURITY.**

Every owner or registrant of a motor vehicle shall maintain security upon such vehicle as required by West Virginia Code Article 17D-2A, and no person shall knowingly drive or operate on any street within the Municipality any motor vehicle upon which security is required by such Article unless the security is provided, and violation of any of the provisions of West Virginia Code Article 17D-2A including failure to have a certificate of insurance, if required, shall constitute a violation under this section.

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