WEST VIRGINIA CODE: §17-16-1

§17-16-1. "Obstructions" defined; obstructions declared nuisance; nuisance exception; abatement of nuisance by injunction.

Obstructions, within the meaning of this chapter, shall include trees which have been cut or have fallen either on adjacent land or within the bounds of a public road in such a manner as to interfere with travel thereon; limbs of trees which have fallen within a public road or branches of trees overhanging the same so as to interfere with travel thereon; landslides; carcasses of dead animals, lumber, wood, or logs piled within the bounds of a public road; machines, vehicles, conveyances, and implements abandoned or habitually placed within the bounds of a public road; fences, buildings, or other obstructions within the bounds of a public road; ashes, cinders, earth, stone, or other material placed on a public road or in any ditch or waterway along such road; water diverted from its regular course or channel so as to injure or endanger a public road; any road connected without lawful authority with a public road in such manner as to obstruct or impede travel thereon or the flow of water in the gutters or drains along such road; pipelines, telegraph, telephone, trolley, or other poles and wires connected therewith, constructed or erected on a public road in such a way as to interfere with the use thereof; or any other thing which will prevent the easy, safe, and convenient use of such public road for public travel. Such obstructions shall be considered within the bounds of any state or county-district road whenever any part thereof shall occupy any part of the right-of-way provided by law or acquired for road purposes, not including the additional land acquired for slopes, cuts, or fills. Fundraising by a volunteer fire department including boot drives and bucket brigades, and similar fund raising activities by school-approved or -sponsored groups, bona fide charitable organizations and nonprofit service organizations within the boundaries of a municipality do not constitute an obstruction or nuisance under this chapter: Provided, That the fund raising activity is conducted during daylight hours at a signal controlled intersection, an intersection requiring all vehicles to stop, or at a location approved for such an activity by the municipal law-enforcement agency. Such obstructions so placed and left within the limits of such road are hereby declared to be public nuisances, and, in addition to other remedies provided in this chapter, the county court or the State Road Commission, as the case may be, may apply to the circuit court, or other court of competent jurisdiction of the county in which they may be, for an injunction to abate such nuisance.

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