

PROHIBITION OF OPERATION AND USE OF ALL-TERRAIN VEHICLES.

The riding, operation, or other use of all-terrain vehicles for transportation or recreational purposes, within or upon the street, alleys, sidewalks, parking lots, and other governmentally owned, leased or controlled property situated within the corporate limits of the Town of Ansted is prohibited.

Any violation of subsection (a) hereof, constitutes the commission of a misdemeanor criminal offense, and the police department of the Town of Ansted, or any other officer of any other police agency exercising proper jurisdiction within the corporate limits of the Town of Ansted, is hereby authorized and empowered to issue a citation and to charge any person who commits a violation of subsection (a) hereof, jurisdiction thereof being in the Municipal Court of the Town of Ansted.

EXCEPTIONS.

(a) Pursuant to the code of West Virginia 17F-1-3, the governing body of a municipality may regulate in any manner or prohibit by lawfully enacted ordinance, the operation of all-terrain vehicles upon any street, road or avenue within the municipal corporate limits.

(b) Notwithstanding any other provision of this article, it shall not be an offense for any person to lawfully ride, operate, or otherwise use an all-terrain vehicle;

1. Upon any private property located within the corporate limits of the Town of Ansted with the express permission of the property owner.

2. For governmental purposes upon any realty owned or controlled by the Town or any of its Boards, authorities, or commissions located within the corporate limits of the Town.

3. When operated for governmental purposes by or at the direction of any authorized employee, agent, or officer of the Federal Government, the State of West Virginia, or other political subdivisions.

4. Upon a designated parade route, when such person is duly registered and recognized participant in any such permitted parade, provided that such all-terrain vehicle riding or operation occurs in conjunction with the parade.

5. To travel on Town streets for purposes of removing snow from sidewalks, driveways and parking areas.

(c) Notwithstanding any other provisions of this article, it shall NOT be an offense for any person, who is eighteen (18) years of age or older and holds a valid driver's license to lawfully operate or ride such all-terrain vehicle upon any roadway within the corporate limits of the Town of Ansted;

ALL TERRAIN VEHICLE GUIDELINES AND REGULATIONS

An all-terrain vehicle operated pursuant to the exceptions set forth in section 116.02 (c) hereinabove shall be subject to the following;

(a) Every person operating an all-terrain vehicle upon a public road or highway within the corporate limits of the Town of Ansted shall be subject to all of the duties applicable to the driver of a vehicle by the provisions of chapter seventeen, article C of the WV code, except as to those provisions of chapter seventeen-c of this code which by their nature can have no application.

(b) All applicable speed limits – Operators are put on notice that they are responsible for abiding by all speed limits even if their vehicle is not equipped with an operable speedometer.

1. If no speed limit is posted the maximum allowable speed will be 15 miles per hour;

2. Maximum speed allowed by any ATV is 25mph, even when posted limits are greater.

(c) No person may operate with a passenger under the age of eighteen (18), unless the operator has minimum of a level two (2) intermediate driver's license or its equivalent or is at least eighteen years of age; and

(d) No person may operate any all-terrain vehicle with passengers under the age of (18) unless such passenger(s) are wearing appropriate protective helmets that meet the current performance specifications established by the American National Standards Institute standard, z 90.1, the United States Department of Transportation federal motor vehicle safety standard no. 218 or Snell safety standards for protective headgear for vehicle users; and

(e) Every operator who transports a child under the age of eight years, while such vehicle is in motion and operated on a street, road or highway of this municipality, 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 a child is under the age of eight years and at least four feet nine inches tall, a safety belt and helmet, as defined in section 4 above, shall be sufficient to meet the requirements of this section. (All child safety seat regulations, as per WV Code § 17C-15-46 are adopted into this ordinance and will be strictly enforced.)

- (f) When crossing any road or highway, the all-terrain vehicle shall cross at a place where there are no obstructions that prevent a quick and safe crossing, and the all-terrain vehicle is brought to a complete stop before crossing a shoulder or any road or highway.
- (g) The operator yields his or her right-of-way to all oncoming traffic.
- (h) No operation of an All-Terrain Vehicle shall be operated between the hours of 10:00 p.m. to 5:00 a.m.
- (i) Every all-terrain vehicle, while in motion, will have both the headlight(s) and taillight(s) illuminated.
- (j) Headlights are to be mounted at a height not to exceed 54 inches from the center of the light to the road surface.
- (k) Every all-terrain vehicle will have at least one (1) functioning brake light which emits red light and being visible during normal weather at a distance of one hundred (100) feet when brakes are applied.
- (l) If the ATV is not equipped with turn-signals, the operator will use hand signals as designated by DOT standards to warn of turn at least 100 feet prior to the intended turn.
 - 1. RIGHT TURN – left arm extended out, bent at elbow in 90-degree angle in the upward position.
 - 2. LEFT TURN – left arm straight out.
- (m) Roof-mounted off-road light bar lighting device. — Any ATV may be equipped with a roof-mounted off-road light bar lighting device comprised of multiple lamps: Provided, That whenever the vehicle is operated or driven upon any road or highway of this town, the roof-mounted off-road light bar lighting device shall be turned off while the vehicle is being operated on any road or highway within the corporate limits of this Town. This includes forward, rear and side facing lightbars.
- (n) Every ATV shall be equipped with a rearview mirror affixed to the handlebars, fairings or rollbar and adjusted so that the operator has a clear view of the road and condition of traffic behind him or her for a distance of at least two hundred feet.
- (o) Any person operating an all-terrain vehicle shall be covered by a policy of insurance with a minimum liability coverage limit of \$25,000.00 because of bodily injury to or death of one person in any accident, and subject to said limit for one person, in the amount of \$50,000.00 because of bodily injury to or death of two or more persons in any one accident and in the amount of \$25,000.00 because of injury to or destruction of property of others in any one accident.
- (p) All-terrain vehicles must have a manufacturer-installed or equivalent spark arrestor and a manufacturer-installed or equivalent muffler in proper working order and properly connected to the vehicle's exhaust system.
- (q) All-Terrain Vehicles must travel single file while upon roadways within the corporate limits of Ansted.

(r) Failure to abide by *any* of the above conditions when an All-Terrain Vehicle, Recreational Off-Road Vehicle, or Golf Cart is in use upon the roadways within the corporate limits of Ansted shall constitute a violation of this ordinance.

LIABILITY.

Nothing contained within this article is intended to create, nor shall be construed as to create or form the basis for, any civil or administrative liability whatsoever on the part of the Town of ANSTED, or any of its officers, employees or agents, for any injury or damage resulting to any person whomsoever as a consequence of any action or inaction on the part of the Town of Ansted, relating in any manner to the enforcement or non-enforcement of this ordinance by City officers, officials, employees, or agents.

DEFINITIONS.

For the purpose of this ordinance, the term “all-terrain vehicle” shall be defined as set forth in §17A-1-1(ii), (uu) & (v), and 17F-1-9(a)(1)(2) of the West Virginia Code and shall include Motorized carts which are defined as those electric and gasoline-powered carts, commonly referred as golf carts or utility vehicles that are designed for low speed operation.

SEVERABILITY.

- (a) The provisions of this article are severable and in the event that any provision, or part thereof, shall be held invalid for any reason by any court exercising competent jurisdiction, then such invalidity shall not be deemed to affect or impair any of the other provisions or parts of this article not specifically held to be invalid.
- (b) If any provision of this ordinance is found to conflict with West Virginia state law or with federal law, all other portions shall remain in full force and effect.

PENALTY

Fines and penalties for violations of this ordinance:

- (a) First violation - \$100.00 fine.
- (b) Second violation - \$200.00 fine, ATV towed and a minimum 60-day suspension from using any All-Terrain Vehicle, Recreational Off-Road Vehicle, and/or Golf Carts on corporate limit roadways; and to include continuous suspension until fines paid;
- (c) Third and Subsequent Violations – Upon conviction will be fined \$500.00, ATV towed and a lifetime suspension from using All-Terrain Vehicles, Recreational Off-Road Vehicles, and Golf Carts on corporate limit roadways; 10-day impoundment of ATV or until all fines paid.

- (d) The violation and conviction of a 60-day or lifetime suspension shall result in a fine of no less than \$500, and no more than \$1000 for each offense.
- (e) Fines may be paid through the Police Clerk or may be contested in court.
- (f) Court costs, as set by the state schedule, shall apply to all cases contested in court.
- (g) All fines of this Article shall be deposited into the Town of Ansted General Fund and marked as Police Department.

1st reading on the _____ day of _____, 20_____.

2nd reading on the _____ day of _____, 20_____.

This ordinance supersedes all other Ansted Town ordinances pertaining to ATVs/UTVs.
Ordinance effective the _____ day of _____, 20_____.

Stephen Pridemore, Mayor

Robert T. Wilson, Recorder