

Proposed ATV Ordinance

Town of Pineville

Ordinance No. 9-135

WHEREAS, the Town of Pineville in Wyoming County, West Virginia desires to promote industry, economic, business, tourism, recreation, and population development and perceives that the Hatfield-McCoy Trail System ("Trail System") is one method of doing so;

WHEREAS, the Town Council believes that an access to the Trail System from the Municipality ("municipality connector") would be a convenience to all persons who hold permits to use the Trail System for recreational purposes of operation and riding all terrain vehicles, motorcycles, horses and bicycles ("Users") and their respective conveyances, whether inert or alive ("Vehicles");

WHEREAS, Council has determined that Users who are in the Municipality and are traveling in their Vehicles to and from the municipality connector must utilize some of the streets and roads within the Municipality, and that it is therefore desirable that designated Municipality streets be approved for use by Users to travel to and from the municipality connector and any approved parking locations available or trailhead facility located in the Municipality ("trailhead facility"), as well as travel to and from the municipality connector and various businesses within the Municipality; and

WHEREAS, the Hatfield-McCoy Regional Recreation Authority, a public corporation ("Authority"), is considering the Municipality's application for approval of a trailhead facility in or municipality connector to, or both, the Municipality and requires as a condition precedent to such consideration, passage of this Ordinance.

NOW, THEREFORE, it is ordained by the Pineville Town Council:

SECTION 1. That it has been determined that such following roads have been designated by the Council for approved User and Vehicle use for access to and from the Trail System and/or the Municipality:

State Route 97 (Main Street), Route 16 from Pinnacle Bridge to East Pineville & Route 10 from City Limits to Pinnacle Trail Head.

SECTION 2. That the Council agrees to insure that any and all motorized Vehicle traffic by Users through the Municipality be properly licensed, if required, in accordance with all local, state and federal rules and regulations.

SECTION 3. That all rules and regulations of the Authority shall be adopted for all Vehicles used by Users within the Municipality. These include but are not limited to the Hatfield-McCoy Trails Rules and Regulations Manual. Specifically, the Municipality adopts and will strictly enforce the following rules and regulations of the Authority:

A. **Helmet Requirements.** Every person driving or riding upon any ATV or motorcycle, shall at all times wear, securely fastened on his or her head by either a neck or chin strap, a protective helmet designed to deflect blows, resist penetration, and spread impact forces. The helmet must be of a type approved for the use of persons riding on ATVs, motorcycles, or snowmobiles by a nationally recognized standard setting authority or it must meet the performance specifications for such a helmet established by such an authority.

1) For purposes of this subsection 1, the following are nationally recognized standard setting authorities with respect to helmets: the American National Standards Institute, the United States Department of Transportation, the Snell Memorial Foundation, the American Society

for Testing and Materials, and other similar entities that approve helmets or publish performance standards for helmets designed for the uses described in this subsection.

B. Eye protection requirements. Every person, driving or riding upon any ATV or motorcycle cycle, or other vehicle or portion of a vehicle that is open and not equipped with a shatter-resistant windshield in front of the vehicle occupants shall at all times wear eye goggles or a face shield that is designed to protect the eyes by deflecting blows, resisting shattering and penetration, and spreading impact forces.

C. Adult supervision required. Every person who is under 16 years of age shall at all times be under the immediate supervision of and within sight of a person who is at least 21 years of age and possesses a valid drivers license from their home state and in addition to the Hatfield and McCoy Trail permit. This person must be either a parent or guardian of the youth or has the express permission of a parent or guardian to supervise the youth.

D. Additional Riders Prohibited.

- 1) No person shall operate an ATV while carrying another person as a passenger unless such ATV is, in the opinion of the Authority, designed, properly equipped and approved by the manufacturer for such use, i.e. extra seat and foot pegs. Likewise, no person shall ride as a passenger on an ATV that is not, in the opinion of the Authority, designed, properly equipped and approved by the manufacturer for such use.
- 2) No person shall operate a motorcycle while carrying another person as a passenger unless such motorcycle is, in the opinion of the Authority, designed, properly equipped, and approved by the manufacturer for such use, i.e. extra seat and foot pegs. Likewise, no person shall ride as a passenger on a motorcycle that is not, in the opinion of the Authority, designed, properly equipped and approved by the manufacturer for such use.
- 3) No person shall operate a bicycle while carrying another person as a passenger or additional operator unless such bicycle is, in the opinion of the Authority, designed, properly equipped and approved by the manufacturer for such use, i.e. extra seat, handlebars or handgrips and pedals or foot pegs. Likewise, no person shall ride as a passenger or additional operator on a bicycle that is not, in the opinion of the Authority, designed, properly equipped and approved by the manufacturer for such use.

SECTION 4. That the Municipality adopts these additional rules concerning Vehicles being operated by Users:

- A. Use of the Vehicles being operated by Users on the Municipality's streets is limited to going to and coming from the municipal connector and various businesses and services on the designated streets.
- B. This ordinance prohibits joyriding or cruising on the Municipality's streets. Joy riding and cruising shall be defined as set forth in the WV Code and also consists of traveling back and forth through the Municipality or sections of the Municipality without any business-related purpose. In the event any User passes the same section of the Municipality more than five times within one hour, the Officer may deem this to be joyriding and cruising and cite the User for the same.
- C. The User shall obey all state and city traffic laws.
- D. It is the responsibility of the Users of motorized Vehicles to provide liability insurance and to have the their Vehicles in proper and safe operation condition including front and back lights, brakes, exhaust, etc.; also it is the responsibility of the Users of live Vehicles (horses, etc.) to make sure that their Vehicles are in good health.

E. Travel on any other street other than the designated streets is prohibited, except for traveling to and from the Hatfield and McCoy Trail.

F. The speed limit of any motorized Vehicle on the Municipality's streets is 10 mph.

G. Users of motorized Vehicles are to turn on headlights when riding on the Municipality's streets.

H. The Municipality has a noise pollution ordinance that must be honored by all Users of motorized Vehicles in all the designated areas and at the designated times.

H. Nighttime operation of the Vehicles in the Municipality is strictly prohibited unless specifically authorized by a resolution from the Council. Nighttime operation shall be deemed to be thirty minutes after sunset to thirty minutes before sunrise.

SECTION 5. That the police department of the Municipality is directed to assist any User and enforce all applicable traffic regulations and use of designated routes. The police may issue applicable traffic citations to and prosecute to the fullest extent of the law, violators of this ordinance. After a full hearing, the Police Department shall also have the full and complete authority to ban a scofflaw User from the use of the Municipality's streets.

SECTION 6. That exceptions to the restrictions of this Ordinance within the municipality include the use of Vehicles in approved parades, emergencies or disasters as designated by the Mayor or his/her authorized representative.

This ordinance shall take effect and be in force from and after its passage.

Dated: _____

Mayor

Clerk