

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF CAMERON, WEST VIRGINIA,
REPEALING AND REENACTING BILL NO. 05-001 RELATING TO ALL-TERRAIN
VEHICLES (ATV-UTV)**

BE IT ORDAINED, by the City Council of the City of Cameron, West Virginia:

The entirety of Bill No. 05-001 is hereby repealed in its entirety and reenacted as follows:

Section 100.01 Definitions

The following terms whenever used or referred to in this article have the following meanings, unless a different meaning clearly appears from the context:

- (a) "All-Terrain Vehicle" or "ATV" means any motor vehicle designed for off-highway use and designed to travel on not less than three low-pressure tires, having a seat or saddle designed to be straddled by the operator and handlebars for steering control and intended by the manufacturer to be used by a single operator or by an operator and no more than one passenger. An "All-Terrain Vehicle" or "ATV" shall not mean a "Utility-terrain vehicle," as defined by West Virginia Code Section 17F-1-9(a).
- (b) "Utility-terrain vehicle" or "UTV" means any motor vehicle with four or more low-pressure tires designed for off-highway use having bench or bucket seating for each occupant and a steering wheel for control. 17F-1-9(2).

Section 100.02 Adoption of West Virginia Code § 17F-1-1

The acts prohibited by West Virginia Code § 17F-1-1 are hereby incorporated by reference as if set forth herein verbatim.

Section 100.03 ATV Permit

It shall be unlawful to operate an ATV-UTV within the municipal corporate limits of the City of Cameron without first obtaining an ATV-UTV permit from the City of Cameron. Applications to obtain an ATV-UTV permit may be made at City Hall and shall cost **\$50.00** Dollars (**\$50.00**). Permits shall be valid for one (1) calendar year from the date of issuance. After the (1) year expiration, renewals shall cost **\$20.00 annually**. A replacement permit shall cost **\$30.00 per request**. The ATV-UTV permit shall be displayed in a conspicuous location on the rear of the ATV-UTV in such a manner so that it is readily always seen.

Section 100.04 Requirement of Valid Operator's License

The operator of said ATV-UTV must hold a valid general operator's license, pursuant To West Virginia Code 17B-2-1. Any person operating an ATV-UTV shall have his or her driver's license on their person. A learner's permit or substantial equivalent shall not suffice to satisfy the requirements of this section.

Section 100.05 Requirement of Liability Insurance

It shall be unlawful for any person to operate an ATV-UTV within the municipal corporate limits of the City of Cameron without liability insurance coverage written or otherwise issued to cover bodily/personal injury as well as property damage, arising out of the use and/or operation of the ATV-UTV being operated. Said liability insurance coverage shall be equal to or greater than Twenty Thousand Dollars (\$20,000.00) per person, Forty Thousand Dollars (\$40,000.00) per incident for bodily injury coverage and Ten Thousand Dollars (\$10,000.00) for property damage. Evidence of satisfactory liability insurance coverage shall be always kept with the ATV-UTV.

Section 100.06 Hours of Operation

It shall be unlawful for any person to operate an ATV-UTV within the municipal corporate limits of the City of Cameron between the hours of **10 PM** and **8 AM**.

Section 100.07 Helmets

It shall be unlawful for any person to operate an ATV-UTV or be a passenger of an ATV-UTV within the municipal corporate limits of the City of Cameron while not wearing a West Virginia Division of Transportation-approved helmet in a manner designed to be worn.

Section 100.8 Headlights and Taillights

It shall be unlawful for any person to operate an ATV-UTV within the municipal corporate limits of the City of Cameron if not equipped with Taillights and headlights in proper working order and the same are always illuminated while on public streets.

Section 100.09 Passengers

It shall be unlawful for any person to operate an ATV-UTV within the municipal corporate limits of the City of Cameron with a passenger unless the ATV-UTV is factory-designed to carry a passenger. Notwithstanding the foregoing, it shall be unlawful for any person to operate an ATV-UTV within the municipal corporate limits of the City of Cameron: (a) with a passenger that exceeds the manufacturer's weight limits; (b) or carry more than one (1) passenger. Passengers shall be liable for any violation of this section in addition to the operator.

Section 100.10 State Traffic Laws

It shall be unlawful for any person to operate an ATV-UTV within the municipal corporate limits of the City of Cameron in violation of any state traffic law, rule, or regulation, including, without limitation, exceeding posted speed limits.

Section 100.11 All Other "Off-Highway Vehicles" Prohibited

It shall be unlawful to operate an "Off-highway vehicle," as that term is defined by West Virginia Code Section 17F-1-9(2), other than an ATV-UTV within the municipal corporate limits of the City of Cameron.

It shall be unlawful for any person to operate an ATV-UTV within the municipal corporate limits of the City of Cameron in violation of any state traffic law, rule, or regulation, including, without limitation, exceeding posted speed limits.

Section 100.12 Penalties

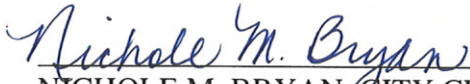
Any person found to be in violation of any section of this ordinance shall be guilty of a misdemeanor and shall be punished by the following fines:

- (a) First Offense: A fine not less \$50.00 Dollars (nor more \$100.00)
- (b) Second Offense: A fine not less \$100.00 Dollars (nor more \$200.00)
- (c) Each subsequent offense: A fine not less \$200.00 Dollars (nor more \$500.00)

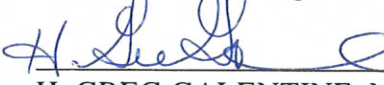
Notwithstanding the foregoing, the municipal judge may, but is not required to, revoke the ATV-UTV permit of any person found to be in violation of any section of this ordinance in addition to the fines stated above or in lieu thereof.

Subject: Approval of 1st Reading of an Ordinance repealing and reenacting the entirety of BILL NO. 05-100 Relating to All-Terrain Vehicles (ATV-UTV).


_____, 11-01-21
H. GREG GALENTINE, MAYOR, DATE

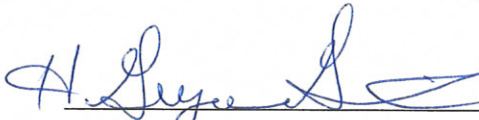

_____, 11-01-21
NICHOLE M. BRYAN, CITY CLERK, DATE

Subject: Approval of 2nd Reading of an Ordinance repealing and reenacting the entirety of BILL NO. 05-100 Relating to All-Terrain Vehicles (ATV-UTV).


_____, 11-15-21
H. GREG GALENTINE, MAYOR, DATE

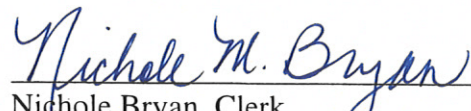

_____, 11-15-21
NICHOLE M. BRYAN, CITY CLERK, DATE

PASSED AND ADOPTED THIS 15TH DAY OF NOVEMBER, 2021 BY THE CITY COUNCIL OF THE CITY OF CAMERON, WEST VIRGINIA



H. Gregory Galentine, Mayor

Attest:



Nichole Bryan, Clerk

WEST VIRGINIA CODE: §17F-1-1

§17F-1-1. Acts prohibited by operator; penalties for violations.

(a) No all-terrain vehicle may be operated in this state:

(1) On any interstate highway except by public safety personnel responding to emergencies;

(2) On any road or highway with a center line or more than two lanes except for the purpose of crossing the road, street or highway, if:

(A) The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(B) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(C) The operator yields his or her right-of-way to all oncoming traffic that constitutes an immediate potential hazard; and

(D) Both the headlight and taillight are illuminated when the crossing is made if the vehicle is so equipped;

(3) With more than one passenger unless more passengers are allowed under manufacturers' recommendations;

(4) With a passenger under the age of eighteen, unless the operator has at a minimum a level two intermediate driver's license or its equivalent or is eighteen years of age or older;

(5) Unless riders under the age of eighteen are wearing size 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;

(6) Anytime from sunset to sunrise without an illuminated headlight or lights and taillights;

(7) Without a manufacturer-installed or equivalent spark arrester and a manufacturer-installed or equivalent muffler in proper working order and properly connected to the vehicle's exhaust system; or

(8) Unless operating in compliance with the provisions of section two of this article.

(b) An all-terrain vehicle may be operated upon the shoulder, or as far to the right on the pavement as possible when there is not enough shoulder to safely operate, on any road,

street or highway referred to in subdivision (2), subsection (a) of this section other than an interstate highway for a distance not to exceed ten miles to travel between a residence or lodging and off-road trails, fields and areas of operation, including stops for food, fuel, supplies and restrooms, if:

- (1) The vehicle is operated at speeds of twenty-five miles per hour or less; and
- (2) The vehicle is operated at any time from sunset to sunrise the all-terrain vehicle must be equipped with headlights and taillights which must be illuminated.
- (c) Operation of an all-terrain vehicle in accordance with subsection (b) shall not constitute operation of a motor vehicle on a road or highway of this state as contemplated by the provisions of section seven of this article.
- (d) Notwithstanding any provision of this chapter to the contrary, a municipality, county or other political subdivision of the state may authorize the operation of all-terrain vehicles on certain specified roads, streets or highways which are marked with centerline pavement markings, other than interstate highways, to allow participation in parades, exhibitions and other special events, in emergencies or for specified purposes.

WEST VIRGINIA CODE: §17F-1-3

§17F-1-3. Local government authority to regulate.

Notwithstanding any provision of this article to the contrary:

(1) 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.

(2) Homeowner associations may petition the county commission of the county in which the area regulated by the homeowner association is located for an ordinance to regulate or prohibit the operation of all-terrain vehicles upon any street, road or avenue within the area regulated by the homeowner association. County commissions are hereby authorized, upon receipt of a petition authorized by the provisions of this section, to enact an ordinance regulating or prohibiting the operation of all-terrain vehicles.

(3) The county commission of any county which has in effect and is operating under a countywide comprehensive plan may by lawfully enacted ordinance regulate or prohibit the operation of all-terrain vehicles on any road in the county, except interstate highways: Provided, That any county which enacts any such ordinance shall notify the West Virginia state police and all law-enforcement agencies in the county of its action in writing, together with a copy of the ordinance.

WEST VIRGINIA CODE: §17F-1-4

§17F-1-4. All-terrain vehicle rental dealers required to provide safety equipment.

Any person or entity renting or leasing all-terrain vehicles for recreational purposes must provide protective helmets as defined by the provisions of subdivision (5), subsection (a), section one of this article, to all persons using such vehicles who are under the age of eighteen and offer protective helmets to all persons eighteen and older using the rented or leased vehicles: Provided, That for the provisions of this section to be applicable, the age and identity of the users of the all-terrain vehicle must be disclosed to the person or entity providing the rented or leased vehicle.

WEST VIRGINIA CODE: §17F-1-7

§17F-1-7. Applicability of rules of operation.

(a) Every person operating an all-terrain vehicle upon a public road or highway of this state shall be subject to all of the duties applicable to the driver of a vehicle by the provisions of chapter seventeen-c of this code except where inconsistent with the provisions of this article and except as to those provisions of chapter seventeen-c of this code which by their nature can have no application.

(b) Notwithstanding the provisions of subsection (a) of this section, a motor vehicle operator's license is not required of an operator of an all-terrain vehicle when he or she is operating said vehicle in conformity with the provisions of subdivision (2), subsection (a) or subsection (b), section one of this chapter except when the operator is under the age of eighteen and is transporting a passenger under the age of eighteen.

WEST VIRGINIA CODE: §17F-1-8

§17F-1-8. Criminal penalties.

(a) Except as provided in the provisions of subsection (b) of this section and in addition to any other legal remedy for violation of civil or criminal provisions of this code, any person who violates the provisions of this article or municipal or county ordinance enacted pursuant to the provisions of section three of this article or who owns or has control over an all-terrain vehicle and knowingly permits it to be used in violation of the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100.

(b) Any parent, legal guardian or person who has actual responsibility for a child under eighteen years of age who knows or should have known the child is operating or is a passenger on an all-terrain vehicle without a helmet as required by the provisions of section one of this article is guilty of a misdemeanor and, shall, upon conviction, be subject to the following penalties:

(1) For a first offense, a fine of not less than \$50 nor more than \$100 or not more than ten hours of community service, or both;

(2) For a second offense, a fine of not less than \$100 nor more than \$200 or not more than twenty hours of community service, or both;

(3) For a third or subsequent offense, a fine of not less than \$200 nor more than \$500 or not more than one hundred hours of community service, or both.

WEST VIRGINIA CODE: §17F-1-9

§17F-1-9. Definition of all-terrain and utility terrain vehicle.

(a) As used in this chapter:

(1) "All-terrain vehicle" or "ATV" means any motor vehicle designed for off-highway use and designed to travel on not less than three low-pressure tires, having a seat or saddle designed to be straddled by the operator and handlebars for steering control and intended by the manufacturer to be used by a single operator or by an operator and no more than one passenger.

(2) "Utility-terrain vehicle" means any motor vehicle with four or more low-pressure tires designed for off-highway use having bench or bucket seating for each occupant and a steering wheel for control.

(3) "Motorcycle" means any motor vehicle manufactured with no more than two wheels and having a seat or a saddle for the use of the operator.

(4) "Off-highway vehicle" means a vehicle intended for off-highway use and includes all-terrain vehicles, utility-terrain vehicles, motorcycles and off-road vehicles;

(5) "Off-road vehicle" means a vehicle that is suitable for off-road use. It includes a four-wheel drive vehicle such as a Jeep, pickup or sport utility vehicle. It also includes a specially designed, modified or customized off-road vehicle that is of a similar size to a vehicle manufactured for highway use.

(b) As used in this article, "all-terrain vehicle" and "vehicle", or the plural, mean all-terrain vehicles, utility-terrain vehicles, motorcycles and off-highway vehicles.

