

APPENDIX G

07/27/2009 12:05

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PAGE 03

RESOLUTION 1998- 3

A Resolution Providing a Policy Regarding the Use of All Terrain Recreational Vehicles Within City Limits

WHEREAS, the City has adopted the slogan "Base Camp to Adventure" to promote tourism and recreation in the City of Blanding; and

WHEREAS, the City desires to continue to promote tourism and recreation activities in the area because of the community benefit it provides as well as the positive economic impact it has in our community.

WHEREAS, one of the recreational activities enjoyed in the area is the use of All Terrain Recreational Vehicles (ATV's) for joy riding and site seeing on surrounding trails developed and undeveloped in the area; and

WHEREAS, the City has many residents that in addition to tourists and visitors own and use ATV's for recreation; and

WHEREAS, the City desires to increase the number of visitors to the area and the length of time that visitors stay in the area, and in addition encourage the use of City businesses; and

WHEREAS, the City desires to make the use of ATV's for recreation more convenient for city residents as well as visitors to the area; and

WHEREAS, Federal and State Law give the City the option to do the same; and

WHEREAS, other City's within the State of Utah have done the same and have had positive results.

NOW, THEREFORE, it is hereby resolved by the Blanding City Council as follows:

1) That an ATV is allowed to be driven on streets within City limits under the following conditions or restrictions:

- a) The ATV is legally licensed and registered.
- b) The driver of an ATV who is over sixteen must hold a legal drivers license.
- c) No driver under 16 may drive an ATV on streets within city limits without an adult, (holding a legal drivers license) on an ATV within 50 feet of said driver. Those drivers between 8 and 16 must be state certified to drive an ATV in order to drive on streets within city limits.
- d) The ATV Driver obeys all state and city traffic laws.
- e) The ATV is in a safe running condition.
- f) The ATV is being operated in a safe condition.
- g) The ATV is not driven down any street within city limits that borders school grounds while school is in session.
- h) The ATV is not driven down main street/highway 191 or center street, however may be driven directly across main street/highway 191 or center street.
- i) The ATV when driven at night must have working head and tail lights.
- j) The ATV driver when driving on streets within city limits must be going to or from city services, a local city business, or a legal riding area.

2) The City Police Department or other legal policing authority is given all rights to write citations to those individuals breaking laws or safety guidelines as outlined in this resolution. The Blanding Chief of Police will meet with the County Sheriff to educate their department regarding the ATV regulations outlined herein.

PASSED, ADOPTED and APPROVED this 25th day of February, 1998.

ATTEST:



Signed

Calvin Balch, Mayor

Appendix G: EXAMPLES OF ORDINANCES

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Sep. 21 2008 11:10 1876 BUNKER RD.

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ORDINANCE NO. 90- 89

AN ORDINANCE PROVIDING FOR THE REGULATION OF OFF-HIGHWAY VEHICLES AND OPERATORS

WHEREAS, pursuant to state statutes, Fillmore City is authorized to adopt local ordinances and laws relating to the operation and equipment of off-highway vehicles (as the same are defined in state statutes), including the designation of lands, streets, roadways, and so forth which are open to off-highway vehicle use; and,

WHEREAS, it is the desire and intent of the City Council to regulate such use within City boundaries and to designate roadways which are accessible for use by off-highway vehicles.

BE IT THEREFORE OREDAINED BY THE CITY COUNCIL OF FILLMORE CITY, UTAH:

SECTION 1. All operators of off-highway vehicles shall be duly licensed to operate such vehicles in accordance with state laws, rules and regulations, including the obtaining of a safety certificate issued by the Division of Parks and Recreation, as applicable.

SECTION 2. All operators of off-highway vehicles who are ages eight (8) through thirteen (13), inclusive, shall be accompanied while operating such vehicle within City limits by an adult on an accompanying licensed All-terrain Type I or II vehicle, motorcycle or snowmobile (as defined by state statute). All operators of off-highway vehicles who are fourteen (14) or fifteen (15) years of age do not need to be accompanied by an adult.

SECTION 3. Off-highway vehicles shall be used and operated only on or over such public lands, trails, streets, roads or highways within Fillmore City that are designated by this ordinance as open to such vehicle use, and all such designated accessways shall be posted by signs to evidence their use as off-highway vehicle roadways. Further, to the full extent possible, off-highway vehicles shall be operated only on the outer four feet (4') of the asphalt on oiled roadways or of unimproved gravel or dirt roads within Fillmore City limits.

SECTION 4. Off-highway vehicles shall be operated at all times in accordance with all applicable state, county and city laws and regulations, and shall not be operated at speeds in excess of fifteen (15) miles per hour on Fillmore City roadways, and, further, if equipped with a headlight, shall be operated only with the headlights functioning and turned on.

SECTION 5. The following-described roadways are hereby designated as open to off-vehicle use in conformance with all applicable laws, ordinances and regulations of Fillmore City and the State of Utah:

Appendix G: EXAMPLES OF ORDINANCES

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FROM : Fillmore City

TEL: 801 743 5195

SEP. 4. 1997 10:43 AM P 2

North/South Routes:

Beginning 100 East and Center Street through 500 South
Creek Trail beginning 400 North through 600 North
Beginning 100 West and 400 North through 400 South
Beginning 200 West and 400 South through 500 South

East/West Routes:

Beginning 500 North and Creek Trail east to City Limit
Beginning Creek Trail and 400 North through 100 West
Beginning 100 South and 100 East through 100 West
Beginning 400 South and 100 East to 200 West
Beginning 500 South and 100 East east to City Limit

Attached hereto and incorporated by reference is a map showing such designated roadways within Fillmore City.

SECTION 6. In addition to the above-designated roadways, operators of off-highway vehicles in order to gain access to the designated roadways may use such other roadways of Fillmore City as constitute the most direct route to and from the residence or commercial service location of the operator.

THIS ORDINANCE shall become effective upon passage and publication as provided by law.

PASSED this 25th day of September, 1990.



KEITH L. GILLENS, Mayor

ATTEST:



Marlene Cummings, City Recorder

Appendix G: EXAMPLES OF ORDINANCES

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KOOSHAREM TOWN ORDINANCE

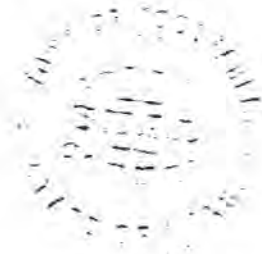
The Koosharem Town Board has designated routes through the Town of Koosharem to be used by OHVs (Off Highway Vehicles). This is in cooperation with other involved agencies through which the Piute ATV (All Terrain Vehicle) Trail is located. The routes designated are shown on the attached map. In addition, OHVs may be operated on the streets of Koosharem in the most direct route to and from any residence or commercial service location to access the designated routes.

All OHVs must be registered and operators must be licensed according to Utah State Law.

The maximum speed for OHVs within the Town of Koosharem shall be 15 m.p.h. The OHV, if equipped with head lights should have the head light turned on and shall be operated in accordance with all other applicable motor vehicle laws and regulations.

Lorna B. Stapley
KOOSHAREM TOWN BOARD
Mayor

6 Sept. 1990
Date



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SALINA CITY ORDINANCE

Be it ordained by the Salina City Council on this 4th day of September, 1990 as follows:

10-3-14. DESIGNATION OF ATV ROUTES.

(1) Salina City hereby designates the following street as ATV routes to be used exclusively for the purpose of access to and from state and federal lands wherein ATV operation is authorized. The streets designated are described as follows:

- a. 300 East from the North City boundary of Salina City to the South City boundary of Salina City.
- b. 300 North from 400 West to the Eastern Salina City limits.
- c. Sandy Lane from 500 West to State Street.
- d. State Street between Sandy Lane and 200 South.
- e. 200 South between State Street and 300 East.

In addition, ATVs may be operated on the street of Salina City in the most direct route from any residence in Salina to the heretofore designated routes.

(2) ATVs shall be defined as all unlicensed recreational vehicles having a seat design to be straddled by the operator and designed to be capable of travel over unimproved terrain, as defined in 42-22-2 U.C.A., excluding type II ATVs and snowmobiles.

(3) All operators of ATVs on the designated routes shall possess a valid Utah Drivers License except that persons between 8 and 15 years old, that hold an appropriate Safety certificate issued by the Division of Parks and Recreation, may operate ATVs on the designated routes when accompanied by an individual 18 years of age or older and when wearing a suitable protective helmet.

(4) The maximum speed for ATVs on the designated routes shall be 15 m.p.h. The ATV, if equipped with head lights, should have the head light turned on and shall be operated in accordance with all other applicable motor vehicle laws and regulations.

AROUND THE TOWN

A total Circulation Shopper that is printed in conjunction with the SALINA SUN and the GUNNISON VALLEY NEWS.

CAR-RT-SORT
BLANK RATE
US Postage PAID
The SALINA SUN
Salina, Utah 84501

8 The Sun/News, Wed, Sept. 12, 1990

(5) Violation of this Ordinance shall constitute a Class B Misdemeanor and shall have a mandatory minimum fine of \$100.00.

(6) This ordinance shall take effect one day after publication.

Dated this 5th day of September, 1990.
Nyals T. Andreason
Salina City Mayor
ATTEST:

Gayle Nielson
Salina City Recorder
Published in the SALINA
SUN September 12, 1990.

Phone News Items
529-7839
528-3111

01/21/2009 12:00 3046643200 G PAGE 08
Nov 17 08 04:27p City of Williamson 304 235 1516 p.1

Ordinance No: 345.37

City of Williamson
Williamson, West Virginia
Mingo County

AN ORDINANCE OF COUNCIL CREATING AND ENACTING
ORDINANCE NUMBER 345.37 OF THE CODIFIED ORDINANCES
OF THE CITY OF WILLIAMSON, TO IMPOSE A CITY ORDINANCE
PERTAINING TO ALL-TERRAIN VEHICLES (ATV's), AND TO
PROVIDE FOR ADMINISTRATIVE AND ENFORCEMENT
PROVISION FOR THE IMPLEMENTATION AND ENFORCEMENT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
WILLIAMSON, MINGO COUNTY WEST VIRGINIA, THAT THE
COUNCIL DOES HEREBY CREATE AND ENACT ORDINANCE
NUMBER 345.37 OF THE CODIFIED ORDINANCES OF THE
CITY OF WILLIAMSON, WHICH SHALL READ AS FOLLOWS.

City Ordinance Pertaining to All-Terrain Vehicles
(ATV's)

Section 04-001. Definitions.

Except as otherwise provided in this ordinance the following words and phrases shall have the meaning set forth below:

1. "All-terrain Vehicle" (ATV) Shall mean any motor vehicle, fifty-two inches or less in width, having an unladen weight of eight hundred pounds or less, traveling on three or more low pressure tires with a seat designed to be straddled by the rider, designed for or capable of travel over unimproved terrain.

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2. "Motor Vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
3. "Minor" means any person under the age 18.

Section 04-002. Prohibition of operation and use of all-terrain vehicles.

The riding, operation, or other use of all-terrain vehicles for transportation or recreational purpose within or upon the streets, alleys, sidewalks, parking lots and other realty owned, leased, or controlled by the City of Williamson or any of its boards, authorities, or commissions is prohibited.

Section 04-003. Exceptions.

1. Notwithstanding any other provision of this code, it shall not be an offense for any person to lawfully ride or operate any such all-terrain vehicle upon any governmentally-owned realty not owned or controlled by the City of Williamson or any its boards, authorities, or commissions located within the city limits of the City of Williamson.
2. Notwithstanding any other provision of this ordinance, it shall not be an offense for any person holding a valid Hatfield-McCoy trail permit, to ride, operate, or otherwise use an all-terrain vehicle upon a designated Hatfield-McCoy trail access route to and from the trail system, when such person is a duly registered and recognized participant with the Hatfield-McCoy Regional Recreation Authority, provided that such all-terrain vehicles riding or operations occurs in conjunction with said Hatfield-McCoy all terrain vehicle ordinance.
3. Notwithstanding any other provision of this ordinance, it shall not be an offense for any person licensed to operate a motor vehicle within the State of West Virginia, to ride, operate, or otherwise use an all-terrain vehicle on the streets, alleys, sidewalks, parking lots, and other realty-owned, leased, or controlled property by the City of Williamson or any of its boards, authorities, or commission for the purpose of snow removal, if such vehicle is affixed or attached with implements or equipment specifically designed for that purpose, and to be used on such vehicles.
4. Notwithstanding any other provision of this ordinance, it shall not be an offense for any person licensed to operate a motor vehicle within the State of West Virginia, to ride, operate, or otherwise use all-terrain vehicles on the streets, alleys, sidewalks, parking lots, and other realty-owned, leased, or controlled by the City of Williamson or any of its boards, authorities, or commissions during a period of an emergency has

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been so declared by the Mayor, and such riding, operating or other use of any such ATV is in conjunction with response to such an emergency.

Section 04-004. Exemptions.

The Federal Government, the State of West Virginia, and its political subdivisions are exempt from the prohibitions contained herein, when any such all-terrain vehicle is used for government purposes.

Section 04-005. Authorizing or Permitting a minor to violate any provision of this ordinance.

No person shall authorize or knowingly permit a minor to violate any provision within this section. Any such violation or knowingly permitting any such minor to violate the provisions of this section shall constitute a criminal violation hereof and shall subject such person to the criminal penalties set forth in this section. The citing of any person pursuant to this paragraph shall not be reason to prohibit the police officer from also citing the driver of said all-terrain vehicle.

Section 04-006. Penalties.

Any person who violates section 04-002 and 04-005 of this ordinance shall constitute the commission of a misdemeanor criminal offense. Any person convicted shall be subject to penalties as set forth in section 303.99 related to general traffic offense. Whereas any *jailable* offense shall be subject to West Virginia State Code of the Motor Vehicles Laws as set forth in Chapter 17 of the West Virginia Code. Any officer of the Williamson City Police Department or any other police agency exercising proper jurisdiction within the corporate limits of Williamson is hereby authorized and empowered to issue a citation and to charge any person who commits a violation of this section.

Section 04-007. Liability.

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

Appendix G: EXAMPLES OF ORDINANCES

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City of Williamson

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Section 04-008 Severability:

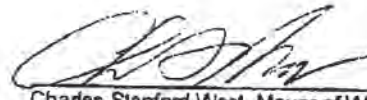
This ordinance is severable in that, if any part herein should later be declared to be null and void, the remaining parts of this ordinance shall survive. This ordinance is subject to amendment without full publication when, the Mayor and City Council deems that modifications are necessary for the safety of all ATV operators or in the best interest of the city.

The effective date of this Ordinance shall be the date the ordinance is passed at its second reading.

First Reading: November 9, 2004

Second Reading: February 10, 2005

Duly enacted this 10th day of February 2005.



Charles Stanford West, Mayor of Williamson

ATTEST:



Francis Frye, City Clerk

Appendix G: EXAMPLES OF ORDINANCES

87/2//2009 12:05 3046643206 to 304-235-1518 PAGE 12
Apr 08 01 10:10a City of Williamson P. 1

**AN ORDINANCE
PROVIDING A POLICY REGARDING THE USE OF ALL TERRAIN
RECREATIONAL VEHICLES WITHIN THE CITY LIMITS**

WHEREAS, the City resolved to promote tourism and recreation in the City of Williamson, and

WHEREAS, the City desires to continue to promote tourism and recreation activities in the area because of the community benefit it provides as well as the positive economic impact it has in our community; and

WHEREAS, one of the recreational activities enjoyed in the area is the use of All Terrain Vehicles (ATV's) for joy riding and sight seeing on surrounding trails developed and undeveloped in the area; and

WHEREAS, the City has many residents that, in addition to tourists and visitors, own and use ATV's for recreation; and

WHEREAS, the City desires to increase the number of visitors to the area and the length of time that visitors stay in the area, and in addition, encourage the use of City businesses; and

WHEREAS, the City desires to make the use of ATV's for recreation more convenient for city residents as well as visitors to the area; and

WHEREAS, Federal and State law gives the City the option to do the same; and

WHEREAS, other City's within the State have done the same and have had positive results.

**NOW, THEREFORE, IT IS HEREBY RESOLVED AND ADOPTED
BY THE WILLIAMSON CITY COUNCIL AS FOLLOWS:**

1. That an ATV is allowed to be driven on streets within City Limits under the following conditions or restrictions:
 - a) The ATV is legally licensed and registered with the Hatfield-McCoy Trail System

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- b) The driver of an ATV who is over sixteen must hold a legal driver's license.
- c) The ATV driver obeys all state and city traffic laws and local City ordinances.
- d) The ATV is in a safe running condition.
- e) The ATV is being operated in a safe condition.
- f) The ATV is not driven down any street within city limits that borders school grounds while school is in session.
- g) The ATV, when driven at night, must have working head and tail lights.
- h) The ATV driver, when driving on streets within city limits, must be going to or from city services, a local city business, or a legal riding area.
- i) All riders must comply with rules and regulations promulgated by Hatfield-McCoy Regional Recreational Authority.

2. The streets within the City Limits upon which all ATV drivers shall use are as follows:

Weekdays, Monday thru Friday at 7:00 p.m., drivers will follow the ATV signs which direct traffic down Ben Street to cross at the Armour (Railroad) Crossing and continuing to First Avenue; thence turning left on First Avenue to the Marathon Station and Convenience Store; upon exiting the City, the reverse hereof shall be used except that Ben Street is a one-way street into the City, and drivers will proceed across the railroad tracks to Fourth Avenue, turning left on Fourth (U.S. Rt. 52 North) to the point of returning to the Hatfield-McCoy Trails, all marked with the ATV signs.

On weekends, which will include from 7:00 p.m. Friday until 7:00 p.m. Sunday, ATV drivers may use all of First, Second and Third Avenues within the City Limits.

3. The City Police Department or other legal policing authority is given all rights to write citations to those individuals breaking laws or safety guidelines as outlined in this Ordinance. The Williamson Chief of Police will meet with the County Sheriff to educate his department regarding the ATV regulations outlined herein.

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304-235-1516

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This Ordinance shall become effective upon final passage.

PASSED ON FIRST READING the 8th day of March, 2001.

PASSED ON SECOND READING the 22nd day of March, 2001.


MAYOR

ATTEST:


CITY CLERK

Appendix G: EXAMPLES OF ORDINANCES

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~~§~~ 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, for the sole purpose of getting from one trail, field or area of operation to another, be operated upon the shoulder of 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, 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.

<http://www.legis.state.wv.us/WVCODE/17F/WVC%2017%20F-%20%201%20%20-%20...> 6/10/2005