

**ARTICLE 355**  
**All-Terrain Vehicle (ATV)/Dirt Bike**

<b>355.02</b>	<b>Defined</b>	<b>355.09</b>	<b>Speed Limit</b>
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**CROSS REFERENCES**

See sectional histories for similar State law  
Acts prohibited by operator; penalties for violations – see WV Code 17F-1-1  
Safety awareness courses – see WV Code 17F-1-2  
Local government authority to regulate – WV Code 17F-1-3  
Applicability of rules of operation – WV Code 17F-1-7  
Criminal penalties – WV Code 17F-1-8  
Definition of all-terrain and utility terrain vehicle – WV Code 17F-1-9

**355.02 DEFINITIONS**

Use of the ATV/DIRT BIKE on the city streets is limited to going to and from the Maple Road access point and various businesses and services in town.

**355.03 PARKING**

ATV/DIRT BIKE drivers may park their trucks, trailers or other ATV/DIRT BIKE haulage equipment, free of charge, in any public parking area and may commence and end their Maple Road access ride at that point.

**355.04 LICENSING**

The Town of Belle further intends that any and all ATV/DIRT BIKE traffic through the city, be properly licensed in accordance with all local, state and federal rules and regulations. Any user must be sixteen (16) years of age or older and possess a valid motor vehicle operator's license from his/her home state.

**355.05 JOYRIDING OR CRUISING**

This ordinance excludes joyriding or cruising on city streets. Joyriding and cruising shall be defined as traveling back and forth through the city or sections of the city without a business related purpose with the destination being the Maple Road access. In the event any ATV/DIRT BIKE rider passes the same section more than-two times within one hour, the officer may deem this to be joyriding and cruising and cite the operator for the same.

**355.06 NOISE**

ATV/DIRT BIKE operators must abide by the Unnecessary Noise ordinance (509.04), which prohibits unreasonably loud, disturbing, and unnecessary noise. This shall be honored by all riders in all of the designated areas and at the designated times. NOTE: All ATV/DIRT BIKES shall have a properly functioning muffler and USPS approved silencer, packing, or spark arrestor, as required by the manufacturer.

### **355.07 LIABILITY**

The ATV/DIRT BIKE rider must provide liability insurance. The Town of Belle will not be responsible for any traffic crash that may occur on city streets. 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 Town of Belle or any of its officers, officials, employees, or agents for any injury or damage to any person as a consequence of any action or inaction on the part of the Town of Belle related, in any manner, to the enforcement or non-enforcement of this ordinance by the city's officers, officials, employees or agents.

### **355.08 OPERATING CONDITION OF VEHICLE**

ATV/DIRT BIKE operators are required to have his/her machine in proper and safe operating condition, which shall include, but is not limited to, working front and rear backlights, brakes, exhausts, etc., and shall be in accordance with the traffic section of the Town ordinance and the West Virginia code.

### **355.09 SPEED LIMIT**

Each ATV/DIRT BIKE operator must observe a safe operating speed, which is no more the (15) miles per hour, for the area in which he/she is riding within the city limits.

### **355.10 LIGHTS**

Each ATV/DIRT BIKE must have its manufacturer's approved lights on when operated in town, for safety and high visibility to other motorist that are on the highways.

### **355.12 SAFETY EQUIPMENT**

All persons riding an ATV/DIRT BIKE must wear a (DOT, SNELL) helmet and protective eye gear, which is approved by the national safety code. At all times the Town of Belle will promote the use of safety equipment for all persons riding on city streets. In addition to the helmet rule, ATV/DIRT BIKE operators must adhere to the manufacturer's specifications for passengers.

### **355.20 LAW ENFORCEMENT**

The Town of Belle Police Department is to provide a reasonable assistance to any ATV/DIRT BIKE operator and enforce all applicable traffic regulations as well the use of designated streets and roads. Any police officer of the Town of Belle may issue traffic citations for any violation of any city ordinance. An ATV/DIRT BIKE operator found in violation of any rule or regulation as set forth herein may be prosecuted to the fullest extent of the law. Citations for violations will be heard in Mayor's Court. After such hearing concerning any violation of this ordinance, and upon being directed to do so by the Mayor, the Town of Belle Police shall have the full and complete authority to ban any ATV/DIRT BIKE operator who violates this ordinance from the use of any ATV/DIRT BIKE within the City Limits of the Town of Belle.

### **355.25 PERMITS**

Belle resident ATV/DIRT BIKE riders must apply for a yearly permit to ride from his/her residence to Maple Road through the Town Clerk. A permit shall be issued for a \$25.00 (twenty-five dollar) fee and must be displayed on the driver's helmet.

### **355.30 PENALTIES**

Any person who violates any section 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 Vehicle Laws as set form in Chapter 17 of the West Virginia Code. Any officer of the Belle Police Department or any other police agency is hereby authorized and empowered to issue a citation and to charge any person who is in violation of this ordinance.

First Reading: September 15, 2015

Second Reading: October, 2015